REQUEST OF SENATE GRANTED

On motion of Mr. Thurmond the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 126.

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 126

The Speaker announced the appointment of the following Conference Committee on the part of the House on S. B. No. 126:

Messrs. Thurmond, Laurel, Shaw, Welch and Schwartz of Washington.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 5

The Speaker said before the House, as postponed business on its passage,

H. J. R. NO. 5. A joint resolution

"Proposing an amendment to the Constitution of Texas by amending Section 18 of Article V, changing the provisions relative to division of counties into commissioners precincts, and by adding a new section to Article V, to be numbered Section 18a, providing for an election to require division of a county into commissioners precincts on the basis of population, providing for a board to make such a division in the event the commissioners court fails to do so, and making other provisions relative thereto."

The resolution having heretofore been read third time, considered by the House on April 23, and further consideration of the resolution having been postponed until today.

Mr. Anderson offered the following amendment to the resolution:

House Amendment No. 1 to Engrossed House Joint Resolution No. 5

Amend House Joint Resolution No. 6 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 18 of Article V of the Constitution of the State of Texas be amended so as to read as follows:

"Section 18. Each organized county in the State now or hereafter
existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Division shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace.

“Each county shall in like manner be divided into four commissioners precincts, in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. If a county is so divided that more than sixty per cent of the population of the county, as shown by the preceding United States decennial census, resides in one precinct, upon petition of qualified voters of the county equal in number to twenty per cent of the total number of votes cast for Governor in such county at the preceding general election, requesting the Commissioners Court to redivide the county into commissioners precincts, it shall be the duty of the Commissioners Court to make a division in such a manner that not more than fifty per cent of the population resides in any one precinct. If the Commissioners Court fails to make the division as herein provided within one year after being petitioned to do so, the Legislature shall by local law establish the boundaries of the commissioners precincts of the county in accordance with the provisions hereof applicable to said county, until such time as a division in accordance with the provisions hereof applicable to said county is made by the Commissioners Court.

“The County Commissioners, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.”

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1957, at which election all ballots shall have printed thereon the following:

“For the Constitutional Amendment making it the duty of the Commissioners Court to redivide the county into commissioners precincts under certain circumstances, upon petition of qualified voters, and authorizing the Legislature to make the division if the Commissioners Court fails to do so.”

“Against the Constitutional Amendment making it the duty of the Commissioners Court to redivide the county into commissioners precincts under certain circumstances, upon petition of qualified voters, and authorizing the Legislature to make the division if the Commissioners Court fails to do so.”

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

The amendment was lost not receiving the necessary two-thirds vote.

H. J. No. 5 failed to pass by the following vote (not receiving the necessary 100 ‘yes’ votes):

Yeas—73

Anderson
Armor
Baker
Bartram
Blalock
Blanchard
Brinton
Chapman
Clise
Cole
Cowen
Crockett
de la Garza
Dewey
Duggs
Ferrwell
Ford
Forstner
Forster
Gladney
Green
Hale

Nays—27

Healcy
Hedley
Hendley
Holman
Hosey
Iseakks, Miss
Jackson
Joseph
Kennard
Kilkpatrick
Koliha
Latimer
Lee
McDonald
McGregor
McGregor
McIntyre
McElvany
Mann
Mann
Martin
MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and read the following Message from the Governor:

April 20, 1967

To the Members of the Fifty-fifth Legislature:

The present flood disaster in many parts of Texas and recent storms and tornadoes have made it necessary to activate units of the National Guard in the stricken areas to assist in relief and evacuation work and to help maintain order.

As a result, the Adjutant General's Department has exhausted the $2,000 appropriation for this purpose for Fiscal Year 1967.

The necessity for calling out troops in areas of flood and other disaster may arise at any time, and it is of utmost importance that funds be available to permit the use of the National Guard whenever necessary.

I, therefore, submit as an emergency matter and urge the earliest possible consideration of legislation appropriating the sum of $2,000 for the remainder of the fiscal year ending August 31, 1967, supplementing the appropriation for Martial Law and Emergency Use of Troops in Item 85 of the appropriations to the Adjutant General's Department in Chapter 619, Acts of the 54th Legislature.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON S. B. NO. 164

Mr. Lee submitted the following Conference Committee Report on S. B. No. 164:

Austin, Texas, April 20, 1967

Hon. Ben Ramsey, President of the Senate.

Hon. Wade G. Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjudge the differences between the Senate and the House of Representatives on S. B.

The Speaker laid before the House and read the following Message from the Governor:

April 20, 1967

To the Members of the Fifty-fifth Legislature:

The present flood disaster in many parts of Texas and recent storms and tornadoes have made it necessary to activate units of the National Guard in the stricken areas to assist in relief and evacuation work and to help maintain order.

As a result, the Adjutant General's Department has exhausted the $2,000 appropriation for this purpose for Fiscal Year 1967.

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Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON S. B. NO. 164

Mr. Lee submitted the following Conference Committee Report on S. B. No. 164:

Austin, Texas, April 20, 1967

Hon. Ben Ramsey, President of the Senate.

Hon. Wade G. Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjudge the differences between the Senate and the House of Representatives on S. B.
No. 154, have met and had same under consideration, and beg to re­port it back with the recommendation that it do pass in the form attached.

MARTIN, MOFFETT, LANE, HARDEMAN, ASHLEY, On the part of the Senate.

LEE, de la GARZA, BULLOCK, EHRLE, MOORE of Tarrant, On the part of the House.

(Conference Committee Report)

By: Martin:

S. B. No. 154

"A BILL
To Be Entitled
An Act relating to adult probation and parole; authorizing courts with original jurisdiction of felony criminal actions to suspend the imposition or the execution of sentence in certain cases and to place the defendant on probation, setting up a system of probation and the means of financing supervisory probation officers who shall be responsible to the direction of the appropriate courts; designating the Board of Pardons and Paroles created by the constitution to determine which prisoners may be paroled from the Prison System of this state with the Governor’s approval, the conditions of such paroles, and to recommend revocation of paroles and pardons and restoration of citizenship of parolees by the Governor, and establishing administrative procedures for such parole supervision; repealing the Adult Probator and Parole Law of 1947 and certain other laws; and declaring an emer­gency."

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

Article I. Purpose of Act and Definitions.

Section 1. It is the purpose of this Act to place wholly within the state courts of appropriate jurisdiction, the responsibility for determining when the imposition or execution of sentence in certain cases shall be sus­pended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Act to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of state government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the final purpose of this Act to remove from existing statutes the limitations, and questions of constitutionality, that have acted as barriers to effective systems of proba­tions and paroles in the public interest.

Sec. 2. This Act may be cited as the Adult Probation and Parole Law of 1957. Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Act.

a. "Courts" shall mean the courts of record having original criminal jurisdiction of felony actions.

b. "Probation" shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition or execution of sentence is suspended.

c. "Parole" shall mean the release of a prisoner from imprisonment but not from the legal custody of the state, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. "Parole" shall not be construed to mean a commutation of sentence or any other form of executive clemency.

d. "Probation officer" shall mean either a person duly appointed by
one or more courts of record having original jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis.

e. "Parole officer" shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising parolees to see that the conditions of parole are complied with.

f. "Board" shall mean the Board of Pardons and Paroles.

g. "Division" shall mean the Division of Parole Supervision of the Board of Pardons and Paroles.

h. "Director" shall mean the Director of the Division of Parole Supervision.

Article II. Probations

Section 2. The courts of the State of Texas having original jurisdiction of felony criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interest of the public as well as the defendant will be served thereby, shall have the power, after a plea of guilty, to suspend the imposition or the execution of sentence and may place the defendant on probation for the maximum punishment assessed the defendant does not exceed ten years imprisonment, and where the defendant has not been previously convicted of a felony, to suspend the imposition or the execution of sentence and may place the defendant on probation for the maximum period of the sentence imposed or, if no sentence has been imposed, for the maximum period for which the defendant might have been sentenced, or impose a fine applicable to the offense committed and also place the defendant on probation as hereafter provided. Any such person placed on probation shall be under the supervision of such court.

Sec. 3. No female person whose probation shall not be revoked, unless she shall violate the conditions of probation.

Sec. 4. When directed by the court a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical

and mental examination of the defendant. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 5. Only the court in which the defendant was tried may grant probation, fix or alter the conditions, revoke the probation, or discharge the defendant, unless the court has transferred jurisdiction of the case to another court with the latter's consent. After a defendant has been placed on probation, jurisdiction of the case may be transferred to a court of the same rank in this state having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs. Upon transfer, the clerk of the court of original jurisdiction shall forward a transcript of such portions of the record as the transferring judge shall direct to the court accepting jurisdiction, which latter court shall thereafter proceed as if the trial and conviction had occurred in that court. Any court having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs and may at any time during the period of probation alter or modify the conditions and may include, but shall not be limited to, the conditions that the probationer shall:

a. Commit no offenses against the laws of this or any other state or the United States;

b. Avoid injurious or vicious habits;

c. Avoid persons or places of dishonorable or hazardous character;

d. Report to the probation officer as directed;

e. Permit the probation officer to visit him at his home or elsewhere;

f. Work faithfully at suitable employment as far as possible;

g. Remain within a specified place;

h. Pay his fine, if one be assessed, in one or several sums, and make
restoration or reparation in any sum that the court shall determine; and
1. Support his dependents.

Sec. 7. At any time, after defendant has satisfactorily completed one-third of the original probationary period or two years of probation, whichever is the lesser, the period of probation may be reduced or terminated by the court. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, the court, by order duly entered, shall amend or modify the original sentence imposed, if necessary, to conform to the probation period and shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty, and the court has discharged the defendant hereunder, such court may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or plea of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 8. At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or other officer with power of arrest, may arrest such defendant without a warrant upon the request of the judge of such court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. Thereupon, the court shall cause the defendant to be brought before it and, after a hearing without a jury, may continue or revoke the probation and shall in such case proceed to deal with the case as if there had been no probation.

Any probationer who removes himself from the State of Texas without permission of the court having jurisdiction of the case, shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law.

No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction, as provided by law, shall be accorded the probationer at the time he is placed on probation. When he is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a jail or penitentiary sentence he may appeal the revocation.

Sec. 9. If, for good and sufficient reasons, probationers desire to change their residence within the state, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which the probationer is transferred.

Sec. 10. For the purpose of providing adequate probation services, the judge or judges having original jurisdiction of criminal actions in the county or counties, if applicable, are authorized with the advice and consent of the Commissioners' Court, as hereinafter provided to employ and designate, the titles and fix the salaries of probation officers, and such administrative, stenographic, clerical, and other personnel as may be necessary to conduct pre-sentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of probation. Only those persons who have successfully completed education in an accredited college or university and two years full time paid employment in responsible probation or correctional work with juveniles or adults, social welfare work, teaching or personnel work; or persons who are licensed attorneys with experience in criminal law; or persons who are serving in such capacities at the time of the passage of this act and who are not otherwise disqualified by Section 31 of this Act shall be eligible for ap-
point out as probation officers; provided that additional experience in any of the above work categories may be substituted year for year for the required college education, with a maximum substitution of two years.

It is the further intent of this Act that the caseload of each probation officer not substantially exceed 75 probationers.

Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

Provided that the judge or judges, with the approval of the juvenile board of the county, may authorize the chief probation or chief juvenile officer to establish a separate division of adult probation and appoint adult probation officers and such other personnel as required. It is the further intent of this Act that the same person serving as a probation officer for juveniles shall not be required to serve as a probation officer for adults, and vice versa.

The judge or judges may, with the approval of the director of parole supervision, designate a parole officer or supervisor employed by the Division of Parole Supervision as a probation officer for the county of district.

Probation officers shall be furnished transportation, or alternatively, shall be entitled to an automobile allowance for use of personal automobile on official business, under the same terms and conditions as is provided for sheriffs.

The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the county or counties comprising the judicial district or geographic area served by such probation officers. In instances where a district consists of jurisdictions in two or more counties, the total expense of such probation services shall be distributed approximately to the same proportion as the population in each county bears to the total population of all of the counties, according to the last preceding or any future federal census. In all the instances of the employment of probation officers, the responsible judges and county commissioners are authorized to accept grants or gifts from other political subdivisions of the state or associations and foundations, for the sole purpose of financing adequate and effective probationary programs in the various parts of the state. For the purpose of this Act, the municipalities of this state are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective probationary programs. All grants, gifts, and allocations of the character or purpose described in this section shall be handled and accounted for separately from other public funds of the county.

Sec. 11. For the purpose of determining when fees are to be paid to any officer or office, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

Article III. Paroles

Sec. 12. The Board of Paroles and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from the Prison System of this state, the conditions of such paroles, and may recommend the revocation of paroles by the Governor.

Sec. 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified. The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.
The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are to have been confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

All minutes of the Board and decisions relating to parole, pardon and clemency shall be matters of public record and subject to public inspection at all reasonable times.

Sec. 14. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissions, bureaus and offices of the state.

Section 15. The Board is hereby authorized to release on parole with the approval of the Governor any person confined in any penal or correctional institution of this state, except persons under sentence of death, who has served one-third (1/3) of the maximum sentence imposed, provided that in any case he may be paroled after serving fifteen years, provided further that where the maximum sentence is not four times as great as the minimum sentence, and the convict has served the minimum sentence, and where the maximum sentence is greater than four times the minimum sentence, the convict has served one-fourth (1/4) of the maximum sentence, such convict may be paroled during good behavior for the balance of the term imposed upon him. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

Within one year after a prisoner's admission to the penal or correctional institution and at such intervals thereafter as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made.

Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

The Board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct of parole hearings, or conditions to be imposed upon parolees. Whenever an order for parole is issued it shall recite the conditions thereof.

It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the Sheriff, the District Attorney and the Board of Parole that parole will be granted to such person, and the Board of Parole shall keep a record of such parolees, their parole numbers, and the dates of their parole terms. Every person granted parole shall be furnished a copy of such parole order.

The Board shall keep a record of all paroles granted by it, and shall notify each institution in which the prisoner was confined of such parole. The Board shall also notify each person who is either a parent, child, or relative of such parolee, of the parole granted and the terms thereof.

If no parole officer has been assigned to the locality where a person is confined to be released on parole or executive clemency the Board shall notify the chairman of the Board of Parole, or any other parole officer, of the person's name, address, and the circumstances of his case, and the Board shall make all proper arrangements for such parolee's release. If such parolee has not been released within ten days after the Board has notified the Board of Parole, the Governor may order the parole officer to proceed with the release of such parolee.

Sec. 16. It shall be the duty of any judge, district attorney, county attorney, parole officer or other public officer of the state, having information with reference to any prisoner eligible for parole, to send in writing to the Board such information as may be in his possession or under his control to the
Board, upon request of any member or employee thereof.

Sec. 17. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 18. The Board shall formulate rules as to the submission and presentation of information and/or arguments to the Board for and in behalf of any parolee under the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit their statements in writing and not otherwise, and shall submit there with an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 19. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any prisoner before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by a sheriff, constable, police, parole, or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole by the Board.

Sec. 21. Upon order by the Governor, the Board is authorized to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled. Such warrant shall authorize all officers named therein to return such paroled prisoner to actual custody in the penal institution from which he was paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the prisoner shall remain incarcerated in such institution.

Any peace officer, and any parole officer when so authorized by the stipulated conditions of parole, may arrest a parolee without a warrant when the parolee has, in the judgment of such officer, violated the conditions of his parole. The arresting officer shall present to the detaining authorities a statement in writing of the circumstances of violation. The arresting officer shall at once notify the Board of the arrest and detention of the parolee and shall submit in writing a report showing in what manner the parolee has violated the conditions of the parole.

A parolee for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the provisions of his parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, from other states to this state, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 22. Any prisoner who commits a felony while at large upon parole and who is convicted and sentenced therefor, may be required by the Board to serve such sentence after the original sentence has been completed unless the court in imposing sentence shall have otherwise directed.

Whenever a paroled prisoner is accused of a violation of his parole on
information and complaint by a law enforcement officer or parole officer, be shall be entitled to be heard on such charges before the Board under such rules and regulations as the Board may adopt; providing, however, said hearing shall be held within forty-five days from the date of arrest and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole be continued, or revoked or modified in any manner the evidence may warrant. When the Governor revokes a prisoner's parole, he may be required to serve the portion remaining of the sentence on which he was released on parole, such portion remaining to be calculated without audit for the time from the date of his release on parole to the date of his arrest or charge of parole violation.

Sec. 23. A parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole and to any diminution of sentence earned for good behavior while imprisoned. This provision, however, shall not be construed so as to interfere with the Constitutional power conferred upon the Governor to grant pardons and to commute sentences.

When any paroled prisoner has fulfilled his obligations of his parole and has served out his term as conditioned in the preceding paragraph, the Board shall make a final order of discharge and issue to the parolee a certificate of such discharge.

Sec. 24. Whenever any prisoner serving an indeterminate sentence, as provided by law, shall have served for twelve months on parole in a manner acceptable to the Board, it shall review the prisoner's record and make a determination whether the prisoner should be pardoned and finally discharged from the sentence under which he is serving.

Sec. 25. On request of the Governor the Board shall investigate and report to the Governor with respect to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture, and make recommendations thereon.

Article IV. Supervision of Parolees

Sec. 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles a Division of Parole Supervision subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, and for investigating and supervising paroled prisoners to see that the conditions of parole are complied with, and for making such periodic reports on the progress of parolees as the Board may desire.

Sec. 27. All information obtained in connection with prison inmates applying for parole or individuals who may be on parole and under the supervision of the Division, or persons directly identified in any proposed plan of release for a parolee, shall be privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided that statistical and general information respecting the parole program and system, including the names of parole prisoners and data recorded in connection with parole services, shall be subject to public inspection at any reasonable time.

Sec. 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.
It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations, surveillance, or supervision of persons on parole, unless he meets the following qualifications together with any other qualifications that may be specified by the Director of the Division with the approval of the Board of Parole and Paroles; 26 to 55 years of age, with four years of successfully completed education in an accredited college or university, and two years of full-time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution of two years.

Sec. 29. Any parole officer or supervisor employed by the Division of Parole Supervision, may, with the approval of the Director, be designated as a probation officer by the judge of a court of the state having original jurisdiction of criminal actions. Any proportional part of the salary paid to a parole officer or supervisor so designated, however, in compensation for his service as a probation officer, shall be only with prior written approval of the Director; and all such proportional salary payments shall be periodically reported to the Governor and the Legislature by the Director.

Sec. 30. In order to provide supervision of parolees or of persons granted executive clemency who reside in sparsely settled areas of the state and in localities not served by regularly employed parole officers, the Governor of this state is authorized to appoint members of Voluntary Parole Boards for such areas or localities. The appointed members may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Voluntary Parole Boards. The term of service by such appointed members of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of all members of such Voluntary Parole Boards shall not exceed the terms of office of the Director. However, it is expressly provided that the terms of service by such chairman and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairman of the Voluntary Parole Board shall be responsible for assigning supervision of parolees to the members of such Board.

Sec. 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city police man, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, assistant prosecuting attorney, or investigator for a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole.

Sec. 32. Any parole officer or supervisor employed by the Division of Parole Supervision may, upon request of the Governor or the Board of Paroles and Paroles and by direction of the Director, be responsible for supervising persons placed on conditional parole or furlough.

Article V. General Provisions

Sec. 33. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency vested in him by the constitution of this state.

Sec. 34. The provisions of this Act shall not apply to parole from institutions for juveniles.

Sec. 35. The following statutes are hereby repealed: Chapter 462, Acts 50th Legislature, Regular Session, 1947, (Adult Probation and Parole Law of 1947, codified as Article 761b of Vernon's Texas Code of Criminal Procedure); Article 775 e, Code of Criminal Procedure; Articles 969 through 986, Code of Criminal Procedure; all statutes authorizing appointment of parole officers; all statutes authorizing appointment of parole officers where a probation and parole officer had not been assigned in accordance with the provisions of Chapter 462, Acts of the 50th Legislature. All other laws or parts of laws in conflict herewith are hereby repealed in so far only as they conflict with the provisions of this Act. However, nothing in this Act shall be construed as repealing Articles 776 through 781 of the Texas Code of Criminal Procedure, 1935.
as heretofore amended, or Section 4 of Chapter 43, General Laws 42d Legislature, 1931 (Article 776a of Vernon's Texas Code of Criminal Procedure), which statutes are commonly known as the Suspended Sentence Law; or as repealing Chapter 460, Acts of the 52d Legislature, 1951, (Uniform Act for Out-of-State Parole Supervision).

Sec. 36. This Act shall not be deemed to alter or invalidate any probationary period fixed under statutes in force prior to the effective date of this Act or to limit the jurisdiction or power of a court to modify or terminate such probationary period. In other respects, persons placed on probation or parole prior to the effective date of this Act shall be amenable to the provisions of this Act in so far as it may be made applicable to them. All other sections pertaining to probation and paroles granted prior to the effective date of this Act shall be regulated according to the law in force at the time the probation or parole was granted.

Sec. 37. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 38. The fact that this state lacks effective probation and parole systems for the rehabilitation of convicted defendants and prisoners; the fact that the prison population of this state is growing three times faster than the general population due to the lack of an effective system of parole supervision; and the further fact that various Attorneys General opinions have raised fundamental questions of constitutionality in the present statute which this Act seeks to resolve, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days, in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Lee moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 154.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on S. B. No. 154 prevailed by the following vote (having received the necessary two-thirds vote):

Sec. 38. The fact that this state lacks effective probation and parole systems for the rehabilitation of convicted defendants and prisoners; the fact that the prison population of this state is growing three times faster than the general population due to the lack of an effective system of parole supervision; and the further fact that various Attorneys General opinions have raised fundamental questions of constitutionality in the present statute which this Act seeks to resolve, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

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Mr. Lee moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 154.
(4) In Section 3, at the end of the first sentence which reads in the word "attack" delete the period and add the following: "if such administrative procedure or litigation is ultimately determined against the validity of the district."

The resolution was read and was adopted.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 38

The Speaker said before the House, as postponed business, on its passage, H. J. R. No. 38, A Joint Resolution "Proposing an amendment to Article VIII of the Constitution of the State of Texas so as to exempt motor vehicles from ad valorem taxes; providing for a necessary election and form of ballot and providing for the necessary proclamation and publication."

The resolution having heretofore been read third time considered by the House on April 23 and further consideration of same postponed until today, with motion by Mr. Bass to reconsider and spread on the Journal the vote by which the Amendment by Mr. Watson was, on April 23, adopted.

Mr. Bass called from the Journal the motion to reconsider the vote by which the Amendment offered by Mr. Watson on April 23, to H. J. R. No. 38 was adopted.

The motion to reconsider the vote prevailed unanimously.

Mr. Watson withdrew the amendment offered by himself on last April 23, to H. J. R. No. 38.

Mr. Watson offered the following amendment to the resolution:

Amend H. J. R. 38, by adding the following section after Section 2a-1 to read as follows:
"Section 2a-5. The Legislature shall otherwise provide, the collecting agency for the annual registration fee shall be the County Assessor and Collector. The form and manner of collecting the registration fee shall be prescribed by the State Highway Department so as to set forth on the registration certificate the registration fee, effective on January 1, 1967, and the one-third increase herein provided so as to stipulate on the certificates

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AUTHORIZING CORRECTIONS IN H. B. NO. 507

Mr. Bartram offered the following resolution:

H. C. R. No. 99

Whereas, H. B. No. 507 has passed the House and Senate and is now in the House Enrolling Room; and

Whereas, A correction needs to be made in said Bill before it goes to the Governor; now, therefore, be it

Resolved, By the House and Senate concurring, That the Enrolling Clerk of the House be and is hereby directed to correct said Bill in the following manner:

(1) In the caption, next to the last clause after the word "states" add the following: "unless the validity of the district is upheld by such proceeding."

(2) In Section 1 add "school district" to the districts therein enumerated.

(3) Add after the words "such districts" in the middle of Section 1 the following: "or proposed districts."
who is to receive the increase. Then
from such certificates the County Aud­
tor shall have the duty of disbursing
the
fee between the state, county, city,
and school districts.'

(Mr. Baker in the Chair.)
The amendment was lost not re­
ceiving the necessary two-thirds vote.

H. J. R. No. 38 failed to pass by the
following vote (not receiving the
necessary 100 "yea" votes):

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<tr>
<th>Yeas</th>
<th>87</th>
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<td>Nays</td>
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April 30, 1957 HOUSE JOURNAL 2351

MESSAGE FROM THE SENATE
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the
House of Representativcs.

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

S. C. R. No. 75. Designating the
official dates for Public Schools Week

The Senate has adopted the Con­
ference Committee report on S. B. 134
by a voice vote.

The Senate concurs in House
Amendments to S. B. 134 by a voice
vote.
The Senate concurs in House Amendments to S. B. 204 by a voice vote.

The Senate has killed in Committee the following bill: H. B. No. 93, Relating to the construction, acquisition, and operation of automotive parking stations by certain cities and towns.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

VOTES RECORDED
By unanimous consent of the House, Mr. Sudderth was granted permission to be recorded as voting "yea" on the motion to suspend the Constitutional Rule to place H. B. No. 60 on Third Reading and final passage, on April 25, 1957.

By unanimous consent of the House, Mr. Oliver was granted permission to be recorded as voting "yea" on the bills passed on the Local and Uncontested Bill Calendar on Friday, April 26, 1957.

By unanimous consent of the House, Mr. Chapman was granted permission to be recorded as voting "yea" on the bills passed on the Local and Uncontested Bill Calendar on Friday, April 26, 1957.

RECESS
On motion of Mr. Day the House at 11:55 o'clock a.m., took recess until 2:30 o'clock p.m. today.

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

MESSAGE FROM THE SENATE
Austin, Texas, April 30, 1957
H. B. No. 300
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. B. 237 by a voice vote.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 25
ON SECOND READING
The Speaker laid before the House, on its second reading and passage to engrossment:
H. J. R. No. 25, A Joint Resolution "Proposing an Amendment to the Constitution of the State of Texas by amending Section 15 of Article V so as to provide that the County Judge of each county shall possess such additional qualifications as may be prescribed by the Legislature; providing for the necessary election and form of ballot and providing for the necessary proclamation and publication."

The resolution was read second time.

Mr. Slack offered the following amendment to the resolution:
Amend H. J. R. 25 by adding after the word place, the following: "and only in counties if 20,000 population or more."

The amendment was adopted.

Mr. Crosthwait offered the following amendment to the resolution:
Amend H. J. R. 25 by providing the following:
"Provided that this amendment shall not apply to counties having a population of 600,000 or over. Also counties under 40,000 shall be exempt under this amendment."

CROSTHWAIT,
TURMAN.

The amendment was lost.

H. J. R. No. 25 failed to pass to engrossment by the following vote:

YEAS—53
Atwell
Baker
Bell
Blanchard
Bullock
Chapman
Cline
Cox
Dewey
Elliot
Ferrell
Glass
Hale
Hedin
Hensley
Hollowell
Holman

NOES—1
Huebner
Mr. Bryan moved to reconsider the vote by which H. J. R. No. 25 failed to pass to engrossment and to table the motion to reconsider. The motion to table prevailed.

**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:

**S. B. No. 106**

An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, in consideration of certain benefits accruing and to accrue to the State, to convey to the United States of America certain land in Hidalgo County, Texas for the construction thereon of a federal horticultural and soils laboratory building at no expense to the State of Texas; providing for reservation of all minerals to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, and declaring an emergency.

**S. B. No. 156**

An Act amending Article 768, Code of Criminal Procedure, 1925, relating to credit for time spent in jail between arrest and sentence or pending appeal, so as to make its provisions applicable to misdemeanor cases; and declaring an emergency.

**S. B. No. 285**

An Act relating to ex officio road commissioners; amending Article 6762, which is House Bill 250, Chapter CXIV, General and Special Laws, 27th Legislature, 1901, p. 277, so as to...
cover ex officio commissioners in counties of 25,000 inhabitants or more.

S. B. No. 316, An Act authorizing the State Building Commission to lease existing buildings situated on property acquired prior to the effective date of this Act by the State Building Commission; making other provisions relating thereto and declaring an emergency.

S. J. R. No. 4, Proposing an Amendment to Section 56 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 paid into the State Treasury from any other sources before any of said money may be expended.

S. C. R. No. 47, To grant the Board of Directors of A & M College of Texas permission to accept certain land and buildings from the U. S. Department of Health, Education and Welfare.

S. C. R. No. 48, To grant A. Vincent permission to use the State.

S. C. R. No. 72, Authorizing corrections in Senate Bill No. 94.

HOUSE JOINT RESOLUTION NO. 37 ON SECOND READING

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

H. J. R. No. 37, A Joint Resolution "proposing an amendment to Subsection (a) of Section 62, Article XVI of the Constitution of Texas, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State."

The resolution was read second time.

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

Committee Amendment No. 1

Amend H. J. R. No. 37 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Subsection (a) of Section 62, Article XVI of the Constitution of the State of Texas be amended so as to read hereafter as follows:

"(Section 62.) (a) The Legislature shall have the authority to levy taxes to provide a State Retirement, Disability and Death Compensation Fund for the officers and employees of the State, and may make such reasonable inclusions, exclusions, or classifications of officers and employees of this State as it deems advisable. The Legislature may also include officers and employees of judicial districts of the State who are or have been compensated in whole or in part directly or indirectly by the State, and may make such other reasonable inclusions, exclusions, or classification of officers and employees of judicial districts of this State as it deems advisable. Persons participating in a retirement system created pursuant to Section 1-4 of Article V of this Constitution shall not be eligible to participate in the Fund authorized in this subsection; and persons participating in a retirement system created pursuant to Section 48-4 of Article III of this Constitution shall not be eligible to participate in the Fund authorized in this subsection except as permitted by Section 63 of Article XVI of this Constitution. Provided, however, any officer or employee of a county as provided for in Article XVI, Section 63, Subsection (b) of this Constitution, shall not be eligible to participate in the Fund authorized in this subsection, except as otherwise provided herein. The amount contributed by the State to such fund shall equal the amount paid for the same per-
pose from the income of each such person, and shall not exceed at any time five per centum (5%) of the compensation paid to each such person by the State.

"All funds provided from the compensation of such person or by the State of Texas for such Retirement, Disability and Death Compensation Fund, as are received by the Treasury of the State of Texas, shall be invested in bonds of the United States, or in bonds issued by any agency of the United States Government, the payment of the principal and interest on which is guaranteed by the United States; or in such other securities as are now or hereafter may be permitted by law as investments for the Permanent University Fund or for the Permanent School Fund of this State, under the same limitations and restrictions imposed by the Constitution for investment of those funds and subject to such regulations as the Legislature may provide. However, a sufficient amount of said Funds shall be kept on hand to meet the immediate payment of the amount likely to become due each year out of said Fund, such amount of funds to be kept on hand to be determined by the agency which may be provided by law to administer said Fund.

"Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such legislation shall not be invalid by reason of its anticipatory character."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held at which election all ballots shall have printed thereon the following: "For the Constitutional Amendment amending Subsection (a) of Section 62, Article XVI of the State Constitution, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State."

"Against the Constitutional Amendment amending Subsection (a) of Section 62, Article XVI of the State Constitution, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State."

Sec. 3 The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said special election and this Amendment shall be published and the election held as required by the Constitution and laws of this State.

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

Amend Amendment to H. J. R. No. 31 by adding the following in Section 2 immediately following the word "held," and before the word "it": "throughout the state on the first Tuesday after the first Monday in November, 1957,"

The amendment to the Committee Amendment was adopted.

Committee Amendment No. 1, as amended, was adopted.

H. J. R. No. 37 was passed by the following vote:

\[\begin{array}{ll}
\text{Yeas} & \text{Nays} \\
132 & 0 \\
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Mr. Pressler offered the following amendment to the resolution:

Amend Section 1, House Joint Resolution No. 44, Line 3 by inserting after the words "Section 6" and before the words "No person" the following phrase: "After January 1, 1961."

The amendment was adopted.

Mr. Kennard offered the following amendment to the resolution:

Amend H. J. R. No. 44 by adding the following words and by changing the period to a comma after the words "thirty years", to-wit: 

"and shall not be above the age of fifty-five years."

Mr. Myatt in the Chair

Mr. Ehrle moved that further consideration of H. J. R. No. 44 be postponed until next Tuesday, at 3:00 o'clock p.m.

(ASpeaker in the Chair)

A record vote was requested on the motion to postpone H. J. R. No. 44.

The motion to postpone H. J. R. No. 44 was lost by the following vote:

Yea—51

Aye—

Mr. Baker moved to suspend all necessary rules for the purpose of setting a Local and Uncontested Bill Calendar for next Monday at 7:30 o'clock p.m.

There was no objection offered and it was so ordered.

HOUSE JOINT RESOLUTION NO. 44
ON SECOND READING

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

A. J. R. No. 44. A joint resolution "Proposing an Amendment to Section 6 of Article III of the Constitution of the State of Texas to change the required age of Senators from twenty-six years to thirty years; providing for an election on the question of adoption or rejection of such amendment, providing for the proclamation thereof and prescribing the form of ballot."

The resolution was read second time.

Mr. Pressler offered the following amendment to the resolution:

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(ASpeaker in the Chair)

A record vote was requested on the motion to postpone H. J. R. No. 44.

The motion to postpone H. J. R. No. 44 was lost by the following vote:

Yea—51

Aye—

Mr. Baker moved to suspend all necessary rules for the purpose of setting a Local and Uncontested Bill Calendar for next Monday at 7:30 o'clock p.m.

There was no objection offered and it was so ordered.
Mr. Shackelford moved the previous question on the pending amendment and the passage of H. J. R. No. 44 to engrossment and the main question was ordered.

The amendment by Mr. Kennard was lost.

H. J. R. No. 44 was passed to engrossment by the following vote:

**Yeas—82**

Anderson
Atwell
Armor
Ballman
Ball
Barker
Bass
Bishop
Blanchard
Bowers
Brashear
Byrd
Chapman
Cloud
Cole
Conley
Cory
Cotton
Cowan
Crosthwaite
Daly
de la Garza
Dugas
Dungan
Elliot
Ferrell
Forryth
Green
Gulf
Harrington
Heflin
Hensley
Hollstein
Rouse
Stewart
Steyer
Strickland
Strrom
Talasek
Terrell

**Nays—81**

Anderson
Atwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Blanchard
Bowers
Brashear
Byrd
Chapman
Cloud
Cole
Conley
Cory
Cotton
Cowan
Cowan
Crosthwaite
Daly
de la Garza
Dugas
Dungan
Elliot
Ferrell
Forryth
Green
Hale
Harrington
Heflin
Hensley
Hollstein
Rouse

H. J. R. No. 44 was passed to engrossment by the following vote:

**Yeas—82**

Anderson
Atwell
Armor
Ballman
Ball
Barker
Bass
Bishop
Blanchard
Bowers
Brashear
Byrd
Chapman
Cloud
Cole
Conley
Cory
Cotton
Cowan
Crosthwaite
Daly
de la Garza
Dugas
Dungan
Elliot
Ferrell
Forryth
Green
Gulf
Harrington
Heflin
Hensley
Hollstein
Rouse
Stewart
Steyer
Strickland
Strrom
Talasek
Terrell

**Nays—81**

Anderson
Atwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Blanchard
Bowers
Brashear
Byrd
Chapman
Cloud
Cole
Conley
Cory
Cotton
Cowan
Cowan
Crosthwaite
Daly
de la Garza
Dugas
Dungan
Elliot
Ferrell
Forryth
Green
Hale
Harrington
Heflin
Hensley
Hollstein
Rouse

Mr. Shackelford moved the previous question on the pending amendment and the passage of H. J. R. No. 44 to engrossment and the main question was ordered.

The amendment by Mr. Kennard was lost.
Mr. Day moved to reconsider the vote by which H. J. R. No. 44 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1967

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. 89 by a voice vote.

The Senate has substituted the Minority report for the Majority report on H. B. No. 157 by a vote of (16-14).

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 45 ON SECOND READING

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

H. J. R. No. 45. A joint resolution "Proposing an Amendment to Section 7 of Article III of the Constitution of the State of Texas to change the required age of Representatives from twenty-one years to twenty-five years; providing for an election on the question of adoption or rejection of such amendment; providing for the proclamation thereof and prescribing the form of ballot."

The resolution was read second time.

Mr. Schwartz of Washington moved that further consideration of H. J. R. No. 45 be postponed until next Tuesday at 10:00 o'clock a.m.

Question recurring on the motion to postpone H. J. R. No. 45, yeas and nays were requested.

The motion to postpone H. J. R. No. 45 prevailed by the following vote:

Yeas—109
Anderson
Blaine
Armbrister
Alwell
Avery
Baker
Baldwin
Barrow
Barnett
Baylor
Baxley
Bennett
Bishop
Bivins

Nays—46
Blanchard
Bowers of El Paso
Bullock
Bunkert
Burkett
de la Garza
Dugas
Ehrle
Fennel
Ford
Foreman
Forsyth
Hale
Helin
Holmes
Hughes of Grayson
Jameson
Kennard
Korioth
McDonald
McMurry
Martin
Merritt
Miller
Mitchell
Moore of Tarrant
Mullen
Parish
Roberta
Russell
Sanders
Schwartz of El Paso
Smith of Hays
Stewart
Wilson of Potter

Present—Not Voting
Puckett
Schram

Absent
Bristow
Bryan
Eula
Fenoglio
Gleason
Goolsby
Latimer
Lee
Martin

Absent—Excused
Huffman
Smith of Jefferson
Smith of Jefferson Zbranek

Mr. Day moved to reconsider the vote by which H. J. R. No. 44 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.
Mr. McDonald asked unanimous consent of the House that the Committee on Labor be permitted to meet at this time.

There was no objection offered.

HOUSE JOINT RESOLUTION NO. 48 ON SECOND READING

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

H. J. R. No. 48, A joint resolution "Proposing an amendment to the Constitution of the State of Texas providing that a home rule city may provide by Charter Provision and a general law city operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, both elective and appointive, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; providing for an election, a form of ballot and the issuance of a proclamation therefor."

The resolution was read second time.

Mr. Hale offered the following amendment to the resolution:

Amend H. J. R. No. 48 by adding a new paragraph following the quoted paragraph in Section 1 of H. J. R. No. 48, said new paragraph to read as follows:

"Provided, however, if any of such officers, elected or appointed, shall
announce their candidacy, or shall in fact become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of office then held shall exceed one year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled."

The amendment was adopted.

H. J. R. No. 48 was then passed to engrossment by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>95</th>
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<tbody>
<tr>
<td>Armor</td>
<td>Jones</td>
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<tr>
<td>Atwell</td>
<td>Kelly</td>
</tr>
<tr>
<td>Bartram</td>
<td>Kilpatrick</td>
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<td>Bea</td>
<td>Kerbooth</td>
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<td>Bell</td>
<td>Kethmann</td>
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<td>Bishop</td>
<td>Lattimer</td>
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<td>Blaine</td>
<td>Laurel</td>
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<td>Bowers</td>
<td>Leo</td>
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<td>Boyers</td>
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<td>Brooks</td>
<td>McDonald</td>
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<td>Byrd</td>
<td>McGregor</td>
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<td>Chapman</td>
<td>of McLennan</td>
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<td>Clough</td>
<td>of McLennan</td>
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<td>Cloud</td>
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<td>Coyle</td>
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<td>Conway</td>
<td>Days</td>
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<td>Cory</td>
<td>Moore of Harris</td>
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<tr>
<td>Cox</td>
<td>Moore of Tarrant</td>
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<tr>
<td>Crosthwaite</td>
<td>Mathews</td>
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<td>Day</td>
<td>Malcon</td>
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<td>de la Garza</td>
<td>Murray</td>
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<td>Dewey</td>
<td>Myatt</td>
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<td>Duff, Miss</td>
<td>Oliver</td>
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<td>Dugas</td>
<td>Osborne</td>
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<td>Dungan</td>
<td>Parsons</td>
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<td>Ellott</td>
<td>Pickett</td>
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<tr>
<td>Ellis</td>
<td>Richardson</td>
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<td>Foreman</td>
<td>Roberts</td>
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<td>Glass</td>
<td>Russell</td>
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<td>Gingles</td>
<td>Sandeir</td>
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<td>Hale</td>
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<td>Haefley</td>
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<td>Hanley</td>
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<td>Herrman</td>
<td>of Galveston</td>
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<td>Hooper</td>
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<td>Hefner</td>
<td>of Washington</td>
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<td>Hutchinson</td>
<td>Jarnagin</td>
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<td>Jarnagin</td>
<td>Shackelford</td>
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<td>Shannon of Brith</td>
<td>Sudderth</td>
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<td>Shannon of Tarrant</td>
<td>Terrell</td>
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<td>Shaw</td>
<td>Tunnell</td>
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<td>Sheridan</td>
<td>Walling</td>
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<td>Sherrill</td>
<td>Watson</td>
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<tr>
<td>Smith of Hays</td>
<td>Welch</td>
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<tr>
<td>Spillman</td>
<td>Wheeler</td>
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<tr>
<td>Springer</td>
<td>Wilson of Potter</td>
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<tr>
<td>Stewart</td>
<td>Winfrey</td>
</tr>
<tr>
<td>Strickland</td>
<td>Yancey</td>
</tr>
</tbody>
</table>

Nays—38

Baker | Joseph |
| Ballman | Kennedy |
| Bryan | Koliba |
| Bullock | Koppen |
| Cotton | Matthew |
| Owen | Parish |
| Ferrell | Patterson |
| Ford | Pool |
| Forrity | Ramsey |
| Green | Slack |
| Harrington | Storey |
| Heed | Stroman |
| Hollowell | Sutton |
| Holstein | Thurmond |
| Hooks | Turman |
| Honey | White |
|  | of Grayson |
|  | of Hallford |
|  | of Harris |
|  | of Howard |
|  | of JeffersoYn |
|  | of Jefferson |
|  | of Johnson |
|  | of Lufkin |
|  | of Madison |
|  | of Panola |
|  | of Polk |
|  | of. Smith |
|  | of Tarrant |

The motion to table prevailed.

MOTIONS TO ADJOURN AND RECESS

At 10:00 o'clock a. m. to-morrow.

Mr. Lee moved that the House adjourn until 10:00 o'clock a. m. to-morrow.

Mr. Moore of Tarrant moved that the House recess until 10:00 o'clock a. m. to-morrow.
April 30, 1957

HOUSE JOURNAL 2361

Mr. Koliba moved that the House recess until 7:30 o’clock p. m. today.

The motions to recess and adjourn were severally lost.

SUSPENDING THE JOINT RULES
IN ORDER TO SET A
SUSPENSION CALENDAR

Mr. Winfree offered the following resolution:

H. C. R. No. 100

Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules be and they are hereby suspended so as to permit the House to set and consider a Suspension Calendar for 7:30 p. m., or thereabouts, on Wednesday, May 1, 1957.

The resolution was read and was adopted.

LEAVE OF ABSENCE GRANTED

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

Mr. Huffman for remainder of today on motion of Mr. Storey.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 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. 160, Relating to passenger service on railroads by prescribing conditions under which the requirement of one train a day may be excepted; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 547 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 547. A bill to be entitled "An Act amending Acts 1937, 46th Legislature, Page 161, Chapter 86, (codified as Article 1528b, Vernon’s Annotated Civil Statutes) to authorize electric cooperatives to serve any rural area, any area which was a rural area, when service was undertaken and any area now served by such corporation; authorizing such corporations to admit to membership any person desiring service in the area served by the corporation; providing a severability clause; repealing all laws and parts of law in conflict herewith; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 547 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 3 of Acts 1937, 46th Legislature, page 161, Chapter 86 (codified as Article 1528b, Vernon’s Annotated Civil Statutes) known as the Electric Cooperative Corporation Act, be amended so as to hereafter read as follows:

"Purpose

"Section 3. Cooperative, non-profit, membership corporations heretofore or hereafter organized under this Act are authorized to engage in rural electrification by any one or more of the following methods:

"(1) The furnishing of electric energy to any person, for delivery to any dwelling, structure, apparatus or point of delivery which is located in a rural area, and which is not receiving central station service, notwithstanding the fact that such person may be receiving central station service at other points of delivery in a rural or non-rural area.

"(2) If any area in which such corporation in furnishing electric service to its members is annexed by an incorporated city or town (whether rural or non-rural as defined in this Act) in which central station service is supplied by such city or town or by a public utility corporation, the cooperative corporation is authorized to continue to furnish electric energy to any dwelling, structure, apparatus or point of delivery to which
the cooperative corporation was delivering electric energy on the date of such annexation and if any person desires electric service in such annexed area for any dwelling, structure, apparatus or point of delivery which was not being served by the cooperative corporation on the date the area became annexed and to which central station service is not available from the city or town or a public utility corporation, the cooperative corporation may thereafter furnish electric energy to such dwelling, structure, apparatus or point of delivery.

(3) The furnishing of electric energy to persons desiring such service in any incorporated or unincorporated city or town (rural or non-rural) served by such corporation, and in which no central station service was available at the time such corporation began furnishing electric energy to the citizens thereof.

(4) The furnishing of electric energy to persons in rural areas who are not receiving central station service.

(5) The words "central station service" as used in this Act refer to electric service provided by a municipally owned electric system or by a public utility corporation, as described in Article 1435, Vernon's Revised Statutes of Texas.

(6) Assisting in the wiring of the premises of persons in rural areas or the acquisition, supply or installation of electrical or plumbing equipment.

(7) The furnishing of electric energy, wiring facilities, electrical or plumbing equipment or service to any other corporation organized under this Act or to the members thereof.

Section 2. That Section 12 of Act 1937, 46th Legislature, page 161, Chapter 88 (codified as Article 1528, Vernon's Annotated Civil Statutes) be amended so as to hereafter read as follows:

"Qualification of Members"

Section 12. All persons having any dwelling, structure, apparatus or point of delivery in rural areas (or in areas provided for in subdivisions (1) to (4) of Section 3 of this Act) proposed to be served by a corporation who are not receiving central station service at such dwelling, structure, apparatus or point of delivery, shall be eligible to membership in a corporation with respect to such dwelling, structure, apparatus or point of delivery. No person other than the incorporators shall be, become, or remain a member of a corporation unless such person shall proffer or agree to use electric energy or, at the option of the utility corporation, furnish electric energy to the corporation as the dwelling, structure, apparatus or point of delivery on which the membership is based. A corporation organized under this Act may become a member of another such corporation and may avail itself fully of the facilities and services thereof.

Section 3. Repealing Clause. All statutes or parts of statutes in conflict with the provisions of this Act are hereby expressly repealed; provided, that nothing herein shall be construed as affecting the provisions of Article 1436A which applies only to unincorporated towns, which may thereafter become incorporated, and provided further, that nothing in this Act shall be construed to affect the exclusive dominion and control every city, town and village, however created, has or may have over its public streets, sidewalks, alleys, parks, public squares and public ways within its corporate limits; and all electric cooperative corporations shall comply with all charter or ordinance provisions applicable to electric public utilities.

Section 4. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

Section 5. Emergency Clause. The facts that a number of rural communities in which electricity is served to persons by electric cooperatives have become non-rural by growth of population and have no central station service available other than that furnished by electric cooperatives; that under the decision of the Supreme Court of Texas in the case of the State of Texas, ex rel. Southwe-
Amend House Bill 547 by striking everything below the enacting clause and substituting therefor the following:

Section 1. That Section 2 of Acts 1937, 45th Legislature, Page 161, Chapter 86 (appearing as Article 1528b, Vernon's Annotated Civil Statutes) known as the Electric Cooperative Corporation Act, be amended so as to hereafter read as follows:

"Purpose

"Section 3. Cooperative, non-profit, membership corporations hereafter or hereinafter organized under this Act are authorized to engage in rural electrification by any one or more of the following methods:

1. The furnishing of electric energy to any structure, apparatus, or point of delivery which is located in a rural area.

2. The furnishing of electric energy to any structure, apparatus, or point of delivery which is located in an area which was a rural area when service was undertaken by said corporation, though such area subsequently, either by growth or annexation, becomes non-rural.

3. If such structure, apparatus, or point of delivery was being served with electric energy by said corporation at any time prior to the date the area became non-rural, or

4. If such structure, apparatus, or point of delivery is within 1,000 feet of such corporation's existing distribution line.

A corporation may furnish electric energy under the terms of Section 3, shall be eligible to membership in a corporation. No person
other than the incorporators shall be, become or remain a member of a corporation unless such person shall use or agree to use electric energy, or, as the case may be, the facilities, supplies, equipment and services furnished by a corporation. A corporation organized under this Act may become a member of another such corporation and may avail itself fully of the facilities and services thereof.

Section 3. Repealing Clause. All statutes or parts of statutes in conflict with the provisions of this Act are hereby expressly repealed, provided, however, that nothing in this Act shall be construed to repeal, amend, enlarge or diminish any of the powers and authority of cities, towns and villages with respect to: Control of the use of any street, alley, highway or public property; The granting or denial of franchises; The regulation of rates and services; The collection of taxes or other charges; or other regulation and control of electric cooperative corporations.

Section 4. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 5. Emergency Clause. The facts that the growth and development of the rural areas of this state have changed the status of many areas from rural to non-rural; that a recent decision of the Supreme Court construing this Act requires these clarifications; that the financing of additional lines and facilities by electric cooperatives may be rendered difficult or impossible for further expansion of electric service in the rural areas without such clarification; creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule be hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(During the discussion of the amendment by Mr. Schwartz of Washington, Mr. McMillan occupied the Chair)

(Speaker in the Chair)

Mr. Schwartz of Washington offered the following amendment to the substitute amendment for Committee Amendment No. 1:

Amend substitute for Committee Amendment No. 1 by changing Sec. 1 to read as follows:

"Section 2. Repealing Clause. All statutes or parts of statutes in conflict with the provisions of this Act are hereby expressly repealed; provided, that nothing herein shall be construed as affecting the provisions of Article 148a, and provided further, that nothing in this Act shall be construed to affect the exclusive dominion and control of every city, town and village, however created, has or may have over its public streets, sidewalks, alleys, parks, public squares and public ways within its corporate limits; and all electric cooperative corporations shall comply with all charter or ordinance provisions applicable to electric public utilities."

The amendment was adopted.

Mr. Forsyth offered the following amendment to the Substitute Amendment by Mr. Schwartz of Washington:

Amend the W. C. Schwartz Substitute for House Bill No. 547 by deleting the period after the words "rural area" and adding "and which is not now receiving Central Station Service."

Mr. Janssen moved to table the amendment by Mr. Forsyth. The motion to table was lost.

A record vote was requested on the amendment by Mr. Forsyth. The amendment by Mr. Forsyth was adopted by the following vote:

Yea—40
Anderson, Aten, Baker, Bartram, Bess, Bell, Blaine, Bowers, Byrd, Cole
Coley, Cowley, Cory, Cowman, Cox, Cruickshank, de la Garza, Duff, Millar

Nay—20
Anderson, Atwell, Baker, Bartram, Bess, Bell, Blaine, Bowers, Byrd, Cole
<table>
<thead>
<tr>
<th>Present—Not Voting</th>
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</thead>
<tbody>
<tr>
<td>Schwartz of Galveston</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Absent</th>
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</thead>
<tbody>
<tr>
<td>Bratton of McLean</td>
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<tr>
<th>Absent—Excused</th>
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<tr>
<td>Huffman of Young Smith of Jefferson Zbranek</td>
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</tbody>
</table>

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<tr>
<th>PAIRED</th>
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</thead>
<tbody>
<tr>
<td>Mr. Schwartz of Galveston (present) who would vote &quot;yea&quot;, with Mr. Wilson of Young (absent) who would vote &quot;nay&quot;.</td>
</tr>
</tbody>
</table>

Mr. Forsyth moved to reconsider the vote by which the amendment offered by himself was adopted and to table the motion to reconsider. The motion to table prevailed.

**MOTIONS TO RECESS AND ADJOURN**

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

Mr. Hosey moved that the House adjourn until 10:30 o'clock a.m. tomorrow.

Mr. Koliba moved that the House recess until 7:30 o'clock p.m. today.

The motions to adjourn and recess were severally lost.

Mr. Bass moved the previous question on the pending amendments and the passage of H. B. No. 547 to engrossment.

The motion was not seconded.

Mr. Ehrl offered the following amendment to the substitute amendment by Mr. Schwartz of Washington for the Committee Amendment:

"Amend the amendment by Schwartz of Washington to Committee Substitute for House Bill No. 547, Section 3, paragraph (2), sub-paragraph (B), by striking all of sub-paragraph (B) and inserting in lieu thereof the following:
“(b) If such structure, apparatus, or point of delivery is within 1,000 feet of such corporation’s existing distribution line and is not receiving, and at any time prior to application to such corporation for service has not been receiving central station service from some other supplier of electric energy, and if other energy is unavail-
able or is not supplied within a reason-
able time after application to some other supplier of electric energy, and can be and is served by means of a sec-
ondary line and/or service drop and necessary appurtenances, including any pole or other support necessary for said service lead, from and off of a distribution line of such corporation installed before the area became non-
rural, or provided that a corporation may serve any structure, apparatus or point of delivery located in a service area defined in a franchise granted by the governing body of the city, town, or village, or

Mr. Jamison offered the following substitute amendment for the amend-
ment by Mr. Ehrle:

Floor Amendment to the Schwartz Substitute

Amend the Schwartz Substitute, Section 1, by striking out all of the language of paragraph 2(b), and substi-
tuting in lieu the following:

“(b) If such structure, apparatus, or point of delivery is not actually receiv-
ing electric service from another supplier of electric energy which initially serves such structure, appa-
ratus or point of delivery; provided that such corporation may serve any structure, apparatus or point of de-

delivery located in a service area de-

The amendment by Mr. Ehrle, as

of a service area defined in a franchise granted by the governing body of the city, town, or village, or

Mr. Jamison offered the following substitute amendment for the amend-
ment by Mr. Ehrle:

Floor Amendment to the Schwartz Substitute

Amend the Schwartz Substitute, Section 1, by striking out all of the language of paragraph 2(b), and substi-
tuting in lieu the following:

“The amendment by Mr. Ehrle, as

substituted, was adopted.

Mr. Slack moved to table the sub-

stitute amendment by Mr. Schwartz of Washington, for the Committee Amendment No. 1.

A record vote was requested on the motion to table.

The motion to table the substitute amendment by Mr. Schwartz of Wash-
immon No. 1, prevailed by the following vote:

Yeas-80

Anderson

Armour

Atwell

Baker

Bartram

Bass

Bell

Blaine

Brasher

Bullock

Byrd

Clay

Cole

Coley

Conley

Cory

Cowen

Cox

Croswell de la Garza

Duff, Miss

Dugas

Elliot

Ellis

Ererell

Ford

Foreman

Forsyth

Green

Hale

Hamity

Heffin

Henry

Hollman

Hosay

Hutchinson

Sanacha, Miss

Johnson

Jones

Kennard

Latimer

Nays-57

Ballman

Bishop

Blanchard
MOtion TO RECESS

Mr. Schwartz of Washington moved that the House recess until 10:00 o’clock a.m. tomorrow.

The motion to recess was lost.

Mr. Black moved the previous question on the pending amendments and the passage of H. B. No. 547 to engrossment and the main question was ordered.

The Committee Amendment No. 1 to H. B. No. 547 was adopted.

House Bill No. 547 was then passed to engrossment.
The amendment was adopted by the necessary two-thirds vote.

H. B. No. 547 was then passed.

Mr. Schwartz of Washington moved to reconsider the vote by which H. B. No. 547 was passed and to table the motion to reconsider.

The motion to table prevailed.

SPECIAL ORDER BILL

Mr. Cory moved to set S. B. No. 233 as a special order for tomorrow at 10:30 o'clock a.m.

A record vote was requested on the motion to set S. B. No. 233 as a special order.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>36</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>0</td>
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</tbody>
</table>

An Act amending Acts 1987, 46th Legislature, page 181, Chapter 88, Sections 3 and 12 (codified as Article 15.4b, Sections 3 and 12, Vernon's Annotated Civil Statutes) to authorize electric cooperatives, under certain conditions, to serve persons, dwellings, structures, apparatus and points of delivery not receiving central station service located in rural areas or in an area which was a rural area when service was undertaken; prescribing the qualifications of members; repealing all laws and parts of laws in conflict herewith, containing a severability clause; and declaring an emergency.

H. B. No. 547 was then passed.

Mr. Schwartz of Washington moved to reconsider the vote by which H. B. No. 547 was passed and to table the motion to reconsider.

The motion to table prevailed.

SPECIAL ORDER BILL

Mr. Cory moved to set S. B. No. 233 as a special order for tomorrow at 10:30 o'clock a.m.

A record vote was requested on the motion to set S. B. No. 233 as a special order.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>36</th>
</tr>
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<tbody>
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<td>No</td>
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Laurel            Schwartz          Schwartz
Lee               of Galveston     of McLennan
McCoppin          McGregor         McGregor
of McLennan       of Washington  of El Paso
McGill            Slack            Mollhany
Mann              Smith of Hays   Mann
Matthew           Spilman          Mullen
Mullen            Springer         Murray
Murray            Stewart         Myers
Oliver            Strickland     Oliver
Parsons           Sudderth        Patterson
Patterson          Saltos          Pipkin
Pipkin            Talamak         Pool
Pooey             Thurmond        Ramsey
Ramsey            Turman          Richard
Richardson        Waller          Russell
Russell           Wagner          Sanders
Sanders           White           Schram
Schram            Wisfree

Nays—34
Blanchard
Brashear
Brinnow
Bullock
Burkett
Cown
Crutchwait
Dugas
Ford
Healy
Hodin
Johnson
Jones
Kennedy
Kothmann
McDonald
Mays

Present—Not Voting
Puckett
Shannon of Erath

Absent
Atwell
Clon
Elliott
Ellis
Fenoglio
Hughes of Dallas

Absent—Excused
Huffman
Wilson of Young
Smith of Jefferson
Zbranek

INTRODUCTION OF HOUSE BILL
Mr. Schwartz of Galveston asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 939.

There was no objection offered and it was so ordered.

HOUSE BILL ON FIRST READING

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

By Mr. Huebner:
H. B. No. 938, A bill to be entitled "An Act making an emergency appropriation to the Adjutant General's Department, supplementing the current appropriation for Martial Law and Emergency Use of Troops, for the remainder of the fiscal year ending August 31, 1957; and declaring an emergency."

Referred to the Committee on Appropriations.

SENATE BILLS ON FIRST READING

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

S. B. No. 196 to the Committee on Conservation and Reclamation.
S. B. No. 441 to the Committee on School Districts.
S. B. No. 177 to the Committee on State Affairs.
S. B. No. 100 to the Committee on Common Carriers.

H. B. No. 937 ORDERED NOT PRINTED

On motion of Mr. Huebner, by unanimous consent, House Bill No. 937 was ordered not printed.

COMMITTEE MEETING

Mr. White asked unanimous consent of the House that the Committee on Judicial Districts be permitted to meet at this time.

There was no objection offered.
Mr. Baker moved that the House recess until 9:00 o'clock a. m. tomorrow.

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

The motion to recess until 9:00 o'clock a. m. tomorrow was lost.

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

"Father we know that Thou art the author of love; that the love we bear to each other is Thy gift to us, precious in Thy sight. Help us in the days ahead never lightly to regard that gift. May Thy grace and power sustain us in our work together for our beloved people of Texas. May God give us direction and clearness of mind, that we may make no mistakes in law making which shall govern and make happy and prosperous our constituency. When the last word has been said and the last prayer prayed, may we bear that welcome applause "Well done good and faithful servants. Thou hast been faithful over a few things I will make thee ruler over many. In His blessed Name—Amen."

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

The House accordingly, at 6:34 p. m., took recess until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Claims and Accounts: H. B. No. 320.


Military and Veteran's Affairs: H. E. No. 918.

Privileges, Suffrage and Elections: S. B. No. 319 and S. B. No. 447.


Municipal and Private Corporations: S. B. No. 245.

Labor: S. B. No. 467.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

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. 278, A bill to 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 the 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 certificates of solvency and good management issued by this State to a similar domestic insurance company; providing an effective date; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman,

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 433, A bill to be entitled "An Act revising the employers' liability and workers' compensation insurance laws of this State by amending and adding to certain Sections of Articles 8206, 8207, and 8309, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7c, 7d, 8, 10, 11, 12, 13a-2, and 24d of Article 8306, Revised Civil Statutes of 1925; removing present limitations of medical service benefits and providing that such services shall include treatments necessary to permit rehabilitation and providing for referral of an injured employee by the Board of the Vocational Rehabilitation Division of the Texas Education Agency in co-operation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, and before the courts; fixing the benefits payable in cases of death, 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 for a second injury fund and for the financing thereof; fixing the liability for medical treatment in cases of silicosis and asbestosis, with limitations; amending Section 5 of Article 8307, Revised Civil Statutes of 1925, by adding a new paragraph providing for continuing jurisdiction of Board in some cases; amending Article 8309, Revised Civil Statutes of 1925, by adding a new Section 1b providing definitions of a certain term and adding definitions in connection with the term "injury sustained in the course of employment"; providing for effective dates of various provisions of this Act; providing a savings clause; repealing all laws in conflict; 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. 555, A bill to be entitled "An Act amending Chapter 21 of the Insurance Code, Acts, 1951, Fifty-second Legislature, by adding there to a new article to be numbered Article 21.45, providing that minors not less than ten (10) years of age and without guardians of their estates may contract for and otherwise acquire policies of life, term or endowment insurance, or annuity contracts, and exercise all rights and powers and give valid acquittance thereunder notwithstanding their minority and as though of full legal age; providing for conditions and limitations with respect to the operation of the Act; repealing all laws and parts of laws in conflict and to the extent of such conflict; 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. 900, A bill to be entitled "An Act amending Article 33, Revised Civil Statutes, 1925; 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.
Has carefully compared same and finds it correctly enrolled.

Herman Yeak, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 30, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 284, An Act amending Chapter 383, 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 cost of operating said District and maintaining its properties; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

OBIE JONES, Acting Chairman.

Austin, Texas, April 30, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 436, An Act relating to the hunting of deer in Sabine and Nacogdoches Counties; amending Section 1 of Chapter 409, Acts of the Fifty-third Legislature, Regular Session, as amended, by changing the open season for hunting deer in Sabine County and by adding and re-enacting a provision permitting the use of dogs for hunting deer in Sabine County; re-enacting Section 1 of Chapter 84, Acts of the Fifty-first Legislature, Regular Session, 1949, permitting the use of dogs for hunting deer in Nacogdoches County; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. Schwartz, Chairman.

Austin, Texas, April 30, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.
April 30, 1957

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Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 431. An Act closing the season for hunting wild turkeys in Colorado, Cherokee, and Navo­
doches Counties for a period of two (2) years; providing a penalty for violation of this Act; suspending con­
Parting; and declaring an emer­
gency.
Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

Hon. Wagg oner Carr, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred
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
the subdivision to be known as 4a and 4b, providing for its examina­tion;
providing fees for the payment of expenses of the
Board; providing for cancellation or suspend­
ion of the Board; providing for the renewal of
licenses annually, providing for licenses to attend educational courses or
post graduate courses as a prerequisite for 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
or suspend licenses or refuse to
admit persons to be examined; pro­
viding for repeal of all laws and parts
of laws in conflict herewith, providing
for severality; and declaring an
emergency.

Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

Hon. Wagg oner Carr, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred
H. B. No. 416, An Act amending
Section 1, Chapter 184, Acts of the
Forty-fourth Legislature, Regular Ses­
tion, 1935, as amended, (codified in Vernon’s as Article 5890b,
Vernon’s Civil Statutes) providing for
the creation of the Texas National
Guard Armory Board so as to change the
membership of the Board; provid­ing
prose of the Board shall
continue to serve as members for the
remainder of their terms of office, pro­
certifying certain powers and duties of
the members of the Board; providing
for severability clauses; and declaring an
emergency.

Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

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

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 342, An Act amending Article 6554 of the Revised Civil Statutes of Texas, 1925, as amended, so as to make its provisions applicable to McMullen and Comal Counties; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 329, 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 325, 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 a 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 270, An Act amending Article 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, Regular Session, 1955, relating to corporations exempt from payment of the franchise tax; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 378, An Act re-enacting and amending Chapter 125, Acts of the Fifty-third Legislature, Regular Session, as amended by Chapter 206, Acts of the Fifty-first Legislature, Regular Session, as amended by Chapter 328, 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 herebefore 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
April 30, 1957

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Caution: To the extent of such conflict or inconsistency, providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. Schwartz, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 246, an Act to amend Article 597, Code of Criminal Procedure, 1955, so as to provide that the summons provided therein may be served by first class United States mail, certified 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.

Has carefully compared same and finds it correctly enrolled.

W. C. Schwartz, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 132, an Act amending Section 1d of Article 952L-11, Penal Code of Texas, the same being House Bill No. 825, Acts of the Forty-seventh Legislature, 1941, Chapter 322, page 125; as amended by House Bill No. 880, Acts of the Fiftieth Legislature, 1947, Chapter 87, page 149, as amended by House Bill No. 245, 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 taking shrimp for bait; providing a repealing clause; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. Schwartz, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

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; providing that said compensation shall be paid by the Commissioners Court of Hutchinson County out of the General Fund of
the Officers' Salary Fund of the County; providing for a repealing clause; providing for a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1967

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

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 155, An Act prohibiting
the making or filing of false, misleading
or unfounded reports to any govern­
tmental agency in this State and for
the purpose of interfering with the
operation of such governmental agency
or with the intent to mislead or malign
any officer of such agency; defining the
term "governmental agency," and pro­
viding a penalty for violation of this
Act; and declaring an emergency.

Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1967

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

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 108, 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 4933
of the Revised Civil Statutes of Texas;
and declaring an emergency.

Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1967

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

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 106, An Act amending
Article 4931, Revised Civil Statutes of
Texas, 1955, as amended, so as to pro­
vide for the payment of an increased
pension to Confederate Veterans and
declaring an emergency.

Has carefully compared same and
finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1967

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

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 88, An Act providing for
voluntary treatment and commitment of
narcotic drug addicts in state hos­

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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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 846, An Act limiting the provisions of this Act to Dimmit 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 in 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 874, An Act constituting a local law for the acquisition of right of way for designated State or Federal Highways or 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 875, An Act restoring criminal jurisdiction in the County Court of Glasscock County; and making other provisions relating thereto; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 832, An Act amending Article 494 of the Code of Criminal Procedure of the State of Texas so as to provide for the appointment of coun-
nel 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 in writing by said attorney; providing a repealing clause; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 820, An Act authorizing the appointment of an assistant district attorney for the district attorneys of the 42nd Judicial District, and the 184th 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 781, An Act prohibiting the taking of minnows from the public water 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 control in event of conflict: repealing Acts, 1951, Fifty-second Legislature, Chapter 376, page 641; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 770, 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 748, An Act closing wild turkey hunting season in Lamar County until November 16, 1959; providing a penalty; repealing all laws in conflict and declaring an emergency.

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

April 30, 1957

H. B. No. 769, An Act closing wild turkey hunting season in Lamar County until November 16, 1959; providing a penalty; repealing all laws in conflict and declaring an emergency.

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

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

Sirs: Your Committee on Enrolled Bills to whom was referred

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

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

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

Sirs: Your Committee on Enrolled Bills to whom was referred

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 2, Acts of the Forty-sixth Legislature, 1939, Regular Session, Special Laws, as amended by Senate Bill No. 28, Acts of the Forty-eighth Legislature, Regular Session, 1943, Chapter 55, as amended by Section 1 of House Bill No. 392, Acts of the Fifty-fourth Legislature, Regular Session, 1955, Chapter 107, 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, intrigue 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 of any such pamphlet, magazine or printed matter, or the showing of lewd, lascivious, obscene, indecent immoral pictures, or of pictures of acts showing violent brutality, on the cover, jacket, or frontispiece 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, assignation, intrigue 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 con-
H. B. No. 649, An Act amending Article 1188 and Article 1191 of the Revised Civil Statutes of Texas, 1917, to permit consolidation of adjoining and contiguous cities and towns; defining the term "Consolidation"; providing for the qualification of Electors; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 623, An Act amending Section 7 of Chapter 22, Acts of the Forty-third Legislature, Third Called Session, 1934, as added by Chapter 324, Acts of the Fifty-first Legislature, Regular Session, 1949, codified in Vernon's as Section 7 of Article 1187e Vernon's Civil Statutes so as to authorize cities to sell facilities of municipal fish markets and properties appurtenant thereto acquired pursuant to the provisions of Article 1187c; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
April 30, 1957 HOUSE JOURNAL 2381

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 618, An Act constituting a local law for the maintenance of the public roads 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 the issuance of such certificates of indebtedness: requiring the levy of a tax to pay the principal and interest of such certificates: providing for severability; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 616, An Act closing the season for hunting alligators in Chambers and Galveston Counties, Texas; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 618, An Act constituting a local law for the maintenance of the public roads 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 the issuance of such certificates of indebtedness: requiring the levy of a tax to pay the principal and interest of such certificates: providing for severability; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 616, An Act closing the season for hunting alligators in Chambers and Galveston Counties, Texas; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
W. C. SCHWARTZ, Chairman.
Austin, Texas, April 30, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 616, An Act closing the season for hunting alligators in Chambers and Galveston Counties, Texas; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.
Law of 1947 (Chapter 178, 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 581, 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 purpose; 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.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 52, An Act relating to aid to voters; amending Section 95 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 79 of the Texas Election Code so as to provide for assistance to physically incapacitated voters where voting machines are used; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.
State of Texas (Article 12.02 of Vernon's Texas Election Code): providing the manner of filling vacancies in the offices of United States Senator and Congressman-at-Large; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, April 30, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 66. Granting permission to L. S. Howard of Nolan County, Texas, to bring suit against the State of Texas and/or the Texas Highway Commission.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

SENT TO THE GOVERNOR

April 30, 1957

H. B. No. 245.
H. B. No. 449.
H. B. No. 392.
H. B. No. 467.
H. B. No. 738.
H. B. No. 52.
H. B. No. 581.
H. B. No. 284.
H. B. No. 192.
H. B. No. 781.
H. B. No. 716.
H. B. No. 295.
H. B. No. 270.
H. B. No. 618.
H. B. No. 893.
H. B. No. 381.
H. B. No. 623.
H. B. No. 820.
H. B. No. 369.
In Memory of

W. R. "Bill" Olinger, Jr.

Mr. Crosthwait offered the following resolution:

H. S. R. No. 430, In Memory of W. R. "Bill" Olinger, Jr.

Whereas, In the untimely passing of W. R. "Bill" Olinger, Jr., from this earthly life on the 25th day of April, 1967, the State of Texas, and in particular the people of Garland and Weslaco, have suffered an irreparable loss; and

Whereas, The people of Garland and Weslaco mourn the passing of this good and unselfish business and civic leader, whose civic work has left an impress on the life of our State; and

Whereas, "Bill" Olinger, as he was affectionately known by his host of friends, devoted much of his time and energy to the promotion of the public welfare and was a beloved figure in every worthy endeavor for his native and adopted cities; and

Whereas, "Bill" was educated in the public schools of Garland and was a graduate of Texas Technological College at Lubbock, and was at the time of his death District Manager for the General Telephone Company of the Southwest, stationed at Weslaco, Texas. He was a member of the First Baptist Church of Garland, which he regularly attended when at home. He was a member of the Weslaco Lions' Club and was active in many civic affairs in that city. Mr. Olinger served for three and one-half years in the armed forces during World War II. He is survived by his parents, Mr. and Mrs. Ray Olinger; two sisters, Mrs. G. W. Range and Mrs. A. R. Davis, Jr., and his Grandmother, Mrs. W. V. Olinger, all of Garland; and

Whereas, This noble Texan was not only a leader in many worthy projects for the advancement of his City, State and Nation, he also proved his value as a worker in the ranks of such enterprises; and

Whereas, As the Psalmist said in the One Hundred and Sixteenth Psalm, "Precious in the sight of the Lord is the death of his Saints," is most applicable to this good Christian man; Now, therefore, be it

Resolved, That the passing of this outstanding citizen of Texas be fittingly recognized by his fellow Texans, and that a page in today's Journal be devoted to his memory, and that the House of Representatives of the Fifty-fifth Texas Legislature do adjourn on this day and date in memory of W. R. "Bill" Olinger, Jr. and that we here and now extend our deepest sympathy to the bereaved family, and ask that God give them succor from the sorrow of the passing of this good man; And, be it further
Resolved, That a copy of this Resolution be transmitted to his family as a token of our sympathy.

The resolution was read.

CROSTHWAIT, ATWELL, SUTTON, SANDERS, POOL, JOHNSON, HUGHES of Dallas.


On motion of Mr. Pool 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.