May 20, 1957

HOUSE JOURNAL

SIXTY-FIFTH DAY
(Continued)
(Monday, May 20, 1957)
The House met at 10:30 o'clock a.m. and was called to order by the Speaker.
The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"O God our Father, history and experience have given so many evidences of Thy guidance to nations and individuals, that we should not doubt Thy power or willingness to direct us. Give us the faith to believe that what God wants us to do or not to do any particular thing, God finds a way of letting us know it. May we not make more difficult for Him to guide us, but be willing to be led of Thee, that Thy will may be done in us and through us, for the good of America and all mankind. This we ask for Jesus sake and in His name—Amen."

LEAVES OF ABSENCE GRANTED
The following Members were granted leaves of absence on account of important business:
Mr. Chapman for today on motion of Mr. Hale.
Mr. Slack for today on motion of Mr. Brashier.
Mr. Lee for today and remainder of week on motion of Mr. Ehle.
The following Members were granted leaves of absence on account of illness:
Mr. Bristow for today on motion of Mr. Stroman.
Mr. Heflin, on account of illness in family, for last Friday on motion of Mr. Mann.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 103
Mr. Dugas submitted the following Conference Committee Report on H. B. No. 103:

Austin, Texas, May 17, 1957

Hon. Ben Ramsey, President of the Senate.
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 103, have met and had some under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

AIKIN, COLSON, SMITH, ROBERTS, LANE,
On the part of the Senate.

DUGAS, SMITH of Hays, WOOLSEY, MARTIN, LATIMER,
On the part of the House.

By Mr. Dugas:
H. B. No. 103

"A BILL
To Be Entitled
An Act providing for the transfer of one per cent (1%) of the total Permanent School Fund to the Available School Fund each year for a period of three years, subject to a stated limitation on the total amount transferred; and declaring an emergency."

Be It Enacted By The Legislature Of The State Of Texas:

Section 1. The State Comptroller of Public Accounts is hereby directed to transfer One Per Cent (1%) of the total value of the Permanent School Fund to the Available School Fund for the support of public schools. Such transfer shall be made between August 15 and August 31 of the fiscal years ending August 31, 1957, August 31, 1958, and August 31, 1959, respectively, provided that the total amount transferred for the three years shall not exceed the income from annual delay rentals on oil, gas and other mineral leases accruing to the Permanent School Fund from September 1, 1955, to August 31, 1959.

Sec. 2. The importance of this legislation to the people of the State of Texas, and the crowded condition of the calendar in both Houses of the Legislature, create an emergency and an imperative public necessity that the
Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1957.

Mr. Dugas moved that all necessary Rules be suspended for the purpose of adopting the Conference Committee Report on H. B. No. 103.

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

Yea—96

Nay—32


Absent

Atwell    Kilpatrick    Cola    Korbeth    Dungan    Mullin    Elliott    Pitkin    Ford    Pool    Geitz    Roberts    Harrington    Sudderth    Healy    Talsek    Jambon

Absent—Excused

Bristow    Lee    Chapman    Black

HOUSE BILL NO. 808 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 808, A bill to be entitled "An Act amending Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, (codified in Vernon's as Article 4477.1, Vernon's Civil Statutes), so as to require the construction and operation of swimming pools and bath houses, authorizing the Texas State Board of Health to adopt rules and regulations covering public health engineering aspects of swimming pool design, water treatment, recirculation, distribution and safety features; defining terms; providing minimum standards of sanitation and health protection relating to swimming pools and bath houses; making other previous
necessary to public health in regard to the design, construction, maintenance and operation of swimming pools and bath houses; defining swimming pool, providing a severability clause and declaring an emergency.

The bill having been read second time on April 24 and further consideration of same postponed until April 26.

Mr. Witting offered the following amendment to the bill:

Amend House Bill No. 808 by striking out all below the enacting clause of House Bill 808 and substituting in lieu thereof the following:

"Section 1. Subdivision (m) of Section 1 of Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, (codified in Vernon's as Subdivision (m) of Section 1 of Article 4477-1, Vernon's Civil Statutes), is hereby amended so as to read as follows:

"(m) Swimming Pool: The term 'swimming pool' shall mean any body of water kept or maintained in any pool which is entirely artificial in construction where the public is invited to use the same for swimming and bathing purposes; and shall include all public bathing suit change rooms and appurtenances including commercial pools, real estate and community pools, pools in hotels, resorts, auto camps, motels, apartments, clubs and in private and public schools. Pools constructed upon privately owned property maintained by individuals for their own use and for the use of their families and guests, where no fee is charged for use shall not be construed to be swimming pools within the meaning of this Act.

"Section 2. Sec. 15 of Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, (codified in Vernon's as Section 15 of Article 4477-1, Vernon's Civil Statutes), is hereby amended so as to read hereinafter as follows:

"Section 15 (a). It shall be unlawful for any person, firm, partnership, corporation, public or private, or other business entity or political subdivision of the State to operate a swimming pool, as defined, without first securing a license to operate such swimming pool, as issued, from the Texas State Department of Health. Such license shall be valid for one year from the date of issuance. Application for license shall be made to the Texas State Department of Health on forms furnished by that Department, giving the name of the applicant, whether a person, firm partnership, public or private, or other business entity, or political subdivision of the State; the address of the applicant, the location of the swimming pool, as defined, for which the license is sought; and such other relevant information as the Department may require. An application for a license, or for the renewal of a license, shall be accompanied by a license fee of Twenty-five Dollars ($25.00).

"Section 15 (b) All swimming pools shall be maintained in a sanitary condition. Not more than 15% of the samples covering any considerable period of time when incubated for 24 hours at 37° C on standard nutrient agar, shall contain more than 200 bacteria per ml. nor shall show positive (confirmed) test for coliform organisms in any of five 10 ml. portions of water at times when pool is in use. All primary fermentation tubes showing gas shall be confirmed. Visible floating matter, sediment and algal growths shall be controlled as required to make the water sufficient clear to permit observation of the pool bottom at all times that the pool is in use.

"Section 15 (c) No water in any swimming pool open for the public shall over be permitted to show an acid reaction to a standard pH test.

"Section 15 (d) Any and all parts of any public bath house and the surroundings thereof shall at all times be kept in sanitary condition.

"Section 15 (e) No comb or hairbrush used by two or more persons shall be permitted or distributed on any bath house of a public swimming pool.

"Section 15 (f) Facilities shall be provided in all swimming pools for adequate protection of bathers against respiratory contamination.

"Section 15 (g) All persons known or suspected of being infected with any transmissible condition of a communicable disease shall be excluded from the pools.

"Section 15 (h) All bathing suits and towels furnished to bathers by any person or persons shall be thoroughly washed with soap and hot water and thoroughly rinsed and dried after each use.
"Section 15 (I) All dressing rooms of any swimming pool shall contain shower bath facilities.

"Section 15 (f) The operator or manager of any public swimming pool shall provide adequate and proper approved facilities for the disposal of human excreta by the bathers thereof.

"Section 15 (b) Any person, firm, partnership, corporation, public or private, or other business entity or political subdivision of the State operating a swimming pool, as defined, shall provide for one or more lifeguards to be on duty at the pool side at all times when the public is invited to use the pool. Any hotel, motel, apartment house, auto camp, or tourist court operating a swimming pool, as defined, for the individual use of registered guests and tenants, without the payment of a fee, shall not be required to provide a lifeguard while the pool is in use, but shall provide adequate life saving equipment readily accessible at the pool site. Lifeguards employed at public swimming pools in Texas must have completed a standard course of instruction in life saving and water safety, equivalent to that offered by the American Red Cross or the Y. M. C. A. They must hold a current certificate of such compliance. Lifeguards shall wear distinguishing suits or emblems so that they may be easily identified by persons using the swimming facilities.

"Section 15 (e) All operators of all swimming pools shall adopt reasonable safety regulations and warnings and shall comply with the same in appropriate places at said pool and no swimming pool operator shall be liable for any injury or its consequences, resulting from the violation of any such safety regulation or warning so posted as said pool.

"Section 15 (m) It shall be unlawful for any parent or guardian of any child below the age of 8 years who is not able to swim to go in or about any swimming pool unaccompanied by the parent or guardian of said child or by an adult designated by said parent or guardian to take custody of and be responsible for the safety of said child.

"Section 15 (a) The Texas State Board of Health is authorized and directed to adopt reasonable rules, regulations and administrative procedures covering water recirculation, treatment and water distribution. The State Department of Health is to examine plans and specifications in regard to the structural features of design, such as strength of concrete or adequacy of reinforcing, but plans are to be examined as to the features of the proposal which concern principal of operation, water treatment and other public health engineering aspects. Plans and specifications covering such facilities for new swimming pools or the rehabilitation of existing swimming pools shall be submitted to the Texas State Department of Health for review and approval prior to the initiation of construction. The Commissioner of Health may delegate authority to local health departments of counties or municipalities where qualified engineers are located to review and approve plans and specifications for certain pool installations and to make necessary inspections for licensing of swimming pools, as covered by this legislation. If the plans and specifications comply with the sanitary, safety and general provisions of this Act, said plans and specifications are to be approved by said Texas State Department of Health or local health department, if designated by the State Commissioner of Health to carry out this activity.

"Section 15 (e) The Texas State Board of Health may revoke the license of any person, firm, partnership, corporation, public or private, or other business entity or political subdivision of the State operating a swimming pool, as defined, in this State, after public hearing if it finds that such swimming pool has not been maintained, constructed, or operated in compliance with the provisions of this Act. Within thirty (30) days after the decision of the Texas State Board of Health revoking a license to operate a swimming pool, the affected licensee may appeal such decision or order to the district court of the county in which his swimming pool is operated, or is proposed to be operated, or to the district court in Travis County. Such action shall have precedence over all causes on the docket of a different nature and shall be tried and determined as other civil causes in such court, and the trial in said court shall be de novo. Either party to said action may appeal to the appellate court having jurisdiction over said causes and said action so appealed shall have proce-
Oomptroller for the State Treasury every thirty days in each biennium beginning September 1, 1957, the State Board of Health shall have power and authority to expend such moneys on order from the State Board of Health or warrants issued by the State Controller for the purposes and in the amounts set by the Legislature in appropriation bills. Provided, however, that during the biennium beginning September 1, 1957, the State Board of Health shall have power and authority to expend such moneys as may accrue to the Swimming Pool Inspection Fund for the administration and enforcement of this Act.

"Sec. 3. 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 the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable.

"Sec. 4. The fact that the present laws are inadequate to protect the public health and safety 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 is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

House Bill No. 888 was then passed to engrossment.

HOUSE BILL NO. 888 ON THIRD READING

Mr. Walling moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 888 be placed on the third reading and final passage.

The motion prevailed by the following vote:

Year—116

Anderson        Huffor
Armor           Hughes of Dallas
Ballman         Hughes of Grayson
Bass            Hutchins
Bell            Izard, Miss
Bishop          Jackson
Blaine          Johnson
Blanchard       Jones
Boyd            Joseph
Bryan           Kelly
Bullock         Kennedy
Byrd            Kilpatrick
Cline           Korotkin
Cloud           Kohmann
Cole            Laure
Coley           McCoppin
Conley          McDonald
Cory            McGregor
Cotton          of McLennan
Cowen           of El Paso
Cow             Mclhany
Croschwalt      Mann
de la Garza     Martin
Dewey           Moore of Harris
Duff, Miss      Mullen
Dugan           Murray
Dungan           Myatt
Elliot          Oliver
Eills           Parish
Fenogilo        Parsons
Ford            Pate
Foreman         Pressler
Foyert          Puckett
Glass           Ramsey
Gluek           Richardson
Godet           Roberts
Green           Russell
Hale            Sadler
Harrington      Sanders
Healy           Saul
Helio           Schram
Hollowell       Schwartz
Holman          of Galveston
Holstein        Schwartz
Hooks           of Washington
Horsey          Seeligson
Huslander        Shackelford
Huffman         Shanton of Erath
Mr. Walling moved to reconsider the vote by which H. B. No. 808 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Walling and by unanimous consent of the House, the Caption of House Bill No. 808 was ordered amended to conform with the body of the bill.

BILLS ORDERED NOT PRINTED

Mr. Kennedy moved to suspend all necessary rules for the purpose of not printing H. B. No. 84.

There was no objection offered and it was so ordered.

Mr. Zbranek moved to suspend all necessary rules for the purpose of not printing H. B. No. 61.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1961
Hon. Waggoner Carr, Speaker of the House of Representatives.

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

S. C. R. No. 96, Authorizing the correction of S. B. No. 145.

H. B. No. 371, Creating the State Tax Study Commission; providing for the appointment of the members of said Commission; authorizing the making of a comprehensive tax study by the State Tax Study Commission; and declaring an emergency. (With Amendments)

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1961
Hon. Waggoner Carr, Speaker of the House of Representatives.

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

S. C. R. No. 39, Requesting the Texas Legislative Council to make a study of the physically and mentally retarded youth in the State.

H. C. R. No. 106, Authorizing the appointment of a Study Commission to consider the problems confronting public school education.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.
MESSAGE FROM THE SENATE
Austin, Texas, May 20, 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. 380, Making an emergency appropriation for the payment of salaries of the citizen board members of the Veterans' Land Board; and declaring an emergency.

S. J. R. No. 19, Proposing an amendment to the Constitution of the State of Texas to provide that the Legislature may delegate authority to zones public highways, roads, streets and alleys or portions thereof; relating to and regulating the speed at which any motor vehicle may be operated thereon; and providing certain exceptions.

S. B. No. 397, Permitting the State Building Commission to acquire the Knights of Columbus Hall; making an appropriation; and declaring an emergency.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on Senate Bill No. 226 by the following vote: Yeas 28, Nays 6.

The Senate has adopted the Conference Committee report on House Bill No. 244 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 238 ON SECOND READING

The Speaker laid before the House, as postponed business, on its second reading and passage to engrossment, H. B. No. 238. A bill to be entitled "An Act creating a Joint Legislative Committee on School Assignments, regulating membership; specifying duties, authorizing employment of psychologist, sociologist and other employees, purchase of supplies, payment of expenses; appropriating funds and declaring an emergency."

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

MOTION TO PLACE HOUSE BILL NO. 238 ON THIRD READING

Mr. Huffman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 238 be placed on its third reading and final passage.

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

Yeas-93
Nays-3
Coley  Cotton  Cox  Crockett  Day  Dewey  Duff, Miss  Duncan  Ehrle  Elliott  Ferrell  Glass  Goetz  Green

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MESSAGE FROM THE SENATE
Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on Senate Bill No. 226 by the following vote: Yeas 28, Nays 6.

The Senate has adopted the Conference Committee report on House Bill No. 244 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on Senate Bill No. 226 by the following vote: Yeas 28, Nays 6.

The Senate has adopted the Conference Committee report on House Bill No. 244 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on Senate Bill No. 226 by the following vote: Yeas 28, Nays 6.

The Senate has adopted the Conference Committee report on House Bill No. 244 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on Senate Bill No. 226 by the following vote: Yeas 28, Nays 6.

The Senate has adopted the Conference Committee report on House Bill No. 244 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.
Mr. Huffman moved to reconsider the vote by which H. B. No. 238 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

Mr. Sanders moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 217.

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

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The Speaker laid before the House, on its third reading and final passage, H. B. No. 217, A bill to be entitled “An Act amending Subdivision (2), Acts 1954, Fifty-third Legislature, First Called Session, Page 3, Chapter 2, Article III, Section 1; providing for an effective date; and declaring an emergency.”

The bill was read third time and was passed.

Mr. Sanders moved to reconsider the vote by which H. B. No. 217 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 237 ON THIRD READING

Mr. Huffman moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 237.

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

Yeas—94
Anderson Jackson
Armstrong Johnson
Atwell Joseph
Baker Kilpatrick
Baliman Keilba
Bartram Latimer
Bishop McDonald
Blanchard McGar
Boyson of McLennan
Brashear McNair
Bryan Mann
Buckett Martin
Byrd Mayo
Cline Moore of Harris
Cloud Moore of Tarrant
Coley Myatt
Cotter Oliver
Cox Parham
Crosstown Pool
Day Preeler
Dewey Puckett
Duff, Miss Ramsey
Dunne Roberts
Dungan Sadler
Elise Sanders
Ferrell Shewarts
Glass of Washington
Goetz Shackleford
Green Shannon of Erath
Harrington Shannon of Tarrant
Heflin Shaw
Hollowell Sherrill
Holman Smith of Hays
Hooks South of Jefferson
Hosey Storey
Huebner Stroman
Huffman Suderth
Hufnagel Sutton
Hughs of Dallas Terrell
Hutchins Thurmond

Nays—35
Artman Matthew
Baker Myatt
Bass Ramsey
Blanchard Richardson
Bullock Roberts
Conley Sadler
Cotten Sandahl
Dewey Schwartz
Eberle of Washington
Ehland
Hofmeier
Holbom
Holtsclaw
Hooks Sudderth
Jackson Tarman
Joseph Watson
Keilba Welch
Latimer Wilson of Young
McGregor Yeak

Absent
Bartram Harrison
Bowers Hughes of Dallas
Boyson of McLennan
Bryan of El Paso
Glass Sherrill
Gluska Strickland

Absent—Excused
Blau Lee
Chapman Slack

The Speaker laid before the House, on its third reading and final passage, H. B. No. 217, A bill to be entitled “An Act amending Subdivision (2), Acts 1954, Fifty-third Legislature, First Called Session, Page 3, Chapter 2, Article III, Section 1; providing for an effective date; and declaring an emergency.”

The bill was read third time and was passed.

Mr. Sanders moved to reconsider the vote by which H. B. No. 217 was passed and to table the motion to reconsider.

The motion to table prevailed.
The Speaker laid before the House, on its third reading and final passage, H. B. No. 237, A bill to be entitled "An Act providing transfer and appeal procedure for public schools in cases involving constitutional questions or a petition for transfer from schools of pupil's race into school designated for the other race, and declaring an emergency.

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

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Nays—44

May 20, 1957  

**HOUSE JOURNAL**  

May 20, 1957  

**HOUSE JOURNAL**  

Sandahl  
Sanders  
Schwartz  
of Galveston  
Seeligson  
Sheridan  
Ellis  
Ford  
Roberts  

**Absent**  

Ellis  
Ford  
Roberts  

**Absent—Excused**  

Britton  
Chapman  

**PAIRED**  

Mr. Hale (present), who would vote "nay", with Mr. Chapman (absent) who would vote "yea".

Mr. Huffman moved to reconsider the vote by which H. B. No. 237 was passed and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO CONSIDER HOUSE BILL NO. 316 ON THIRD READING**

Mr. Cowen moved that all necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 316.

The motion was lost (not receiving the necessary two-thirds vote).

**MOTION TO CONSIDER HOUSE BILL NO. 367 ON THIRD READING**

Mr. Hutchins moved that all necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 367.

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

**MOTION TO CONSIDER HOUSE BILL NO. 386 ON THIRD READING**

Mr. Forsyth moved that all necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 386.

(Mr. Welch in the Chair.)

A record vote was requested.

The motion was lost, not receiving the necessary two-thirds vote, by the following vote:

**Year—81**

<table>
<thead>
<tr>
<th>Yeas</th>
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<tr>
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The votes were as follows:

**Yeas**:
- Anderson
- Armor
- Atwell
- Ball
- Bishop
- Blaine
- Blanchard
- Bowers
- Brashear
- Bryan
- Bullock
- Burkett
- Byrd
- Coley
- Conley
- Cowen
- Day
- de la Garza
- Duff, Miss
- Dungan
- Dungan
- Ford
- Foreman
- Forsyth
- Glass
- Giusung
- Gootz
- Green
- Hale
- Heart
- Henley
- Holley
- Holman
- Hooks
- House
- Huffman
- Huff
- Hughes of Dallas
- Jassack, Miss
- Jackson
- Janjason
- Johnson
- Jones
- Kelly

**Nays**: 46

The votes were as follows:

**Nays—81**

- Baker
- Bainman
- Bartram
- Bass
- Boyden
- Cline
- Cloud
- Cole
- Corby
- Cotten
- Cox

The votes were as follows:

- Anderson
- Kennedy
- Atwell
- Cook
- Bishop
- Blaine
- Blaine
- Bowes
- Brashear
- Bryan
- Bullock
- Burkett
- Byrd
- Coley
- Conley
- Cowen
- Day
- de la Garza
- Duff, Miss
- Dungan
- Dungan
- Ford
- Foreman
- Forsyth
- Glass
- Giusung
- Gootz
- Green
- Hale
- Heart
- Henley
- Holley
- Holman
- Hooks
- House
- Huffman
- Huff
- Hughes of Dallas
- Jassack, Miss
- Jackson
- Janjason
- Johnson
- Jones
- Kelly

**Year—46**

The votes were as follows:

- Baker
- Bainman
- Bartram
- Bass
- Boyden
- Cline
- Cloud
- Cole
- Corby
- Cotten
- Cox

The votes were as follows:

- Anderson
- Kennedy
- Atwell
- Cook
- Bishop
- Blaine
- Blaine
- Bowes
- Brashear
- Bryan
- Bullock
- Burkett
- Byrd
- Coley
- Conley
- Cowen
- Day
- de la Garza
- Duff, Miss
- Dungan
- Dungan
- Ford
- Foreman
- Forsyth
- Glass
- Giusung
- Gootz
- Green
- Hale
- Heart
- Henley
- Holley
- Holman
- Hooks
- House
- Huffman
- Huff
- Hughes of Dallas
- Jassack, Miss
- Jackson
- Janjason
- Johnson
- Jones
- Kelly

**Year—46**

The votes were as follows:

- Baker
- Bainman
- Bartram
- Bass
- Boyden
- Cline
- Cloud
- Cole
- Corby
- Cotten
- Cox

The votes were as follows:
In The Chair

Present—Not Voting

White

Absent

Dewey
Ells
Ferrell
Hutchins
Kennard
Laurel
Lee
Moore of Washington
Osborn
Patterson
Pink
Richardson
Sandahl
Shaw
Sherrill
Shubert
Smith of Washington
Speelman
Speelman
Springer
Stewart
Stroman
Swedberg
Talasek
Watson
Wohlford
Yezak
Zbranek

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 Senate Bill No. 519 by the following vote: Yeas 30, Nays 0.

Respectfully submitted,

CHARLES SCHNABEL,
Secretary of the Senate.

MOTION TO CONSIDER HOUSE BILL NO. 413 ON THIRD READING

Mr. Parsons moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 413.

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

Mr. Terrell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 619.

The motion prevailed by the necessary two-thirds vote.

Mr. Terrell moved to reconsider the vote by which H. B. No. 519 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

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

The motion prevailed by the necessary two-thirds vote.

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

The motion prevailed by the necessary two-thirds vote.

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

The motion prevailed by the necessary two-thirds vote.

Mr. Terrell moved to reconsider the vote by which H. B. No. 519 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed and to table the motion to reconsider.

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May 20, 1957

The bill was read third time and was passed.

Mr. Moore of Harris moved to reconsider the vote by which H. B. No. 608 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 655 ON THIRD READING

Mr. Yeak moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 655.

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

Yeas—86
Anderson
Atwell of McLennan
Ballman
Baylor
Boyd
Brown
Bryant
Burtett
Byrd
Calder
Callow
Carter
Chambers
Chapman
Clements
Conley
Cowie
Day
de la Garza
Dewey
Duff, Miss
Dudley
Duncan
Ellis
Ellison
Ferrell
Ferrell
Foreman
Ford
Glass
Goetz
Green
Hale
Harrington
Hartwell
Holtzclaw
Hooks
Hosay
Huffman
Hufham
Hughes of Grayson
Hughes of Dallas
Hunter
Isaacks, Miss
Jackson
Jamsion
Jefferson
Johnson
Jones
Kelly
Kilpatrick
Koroth
McCoppin
Watson
Welch
Wheeler
White
Winfree
Woolsey
Yeak
Zbranek

Nays—59
Armor
Baker
Bell
Blaine
Boyer
Broshauer
Bullock
Cline
Cloud
Comley
Crosthwaite
Dugan
Elliott
Heflin
Holman
Hueteen
Johnson
Johnson
Joseph
Kelly
Kilpatrick
Koroth
McCoppin

The Speaker laid before the House, on its third reading and final passage, H. B. No. 655, A bill to be entitled “An Act to amend Section 2 of Article 2700, Revised Civil Statutes, 1925, as last amended by Chapter 412, Acts of the 51st Legislature, 1949, to raise the amount allowed for aggregate salaries of all assistants to the County Superintendents of Public Instruction in certain counties; providing a severability clause; and declaring an emergency.”

The bill was read third time and was passed.
The following Senate Bills and Resolution 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. 387 to the Committee on Appropriations.
- S. B. No. 390 to the Committee on Military and Veteran's Affairs.
- S. B. No. 398 to the Committee on State Affairs.
- S. J. R. No. 19 to the Committee on Constitutional Amendments.

SENATE JOINT RESOLUTION NO. 1
SET AS SPECIAL ORDER

Mr. Parish moved to suspend all necessary rules for the purpose of setting S. J. R. No. 1 as a special order for 2:00 p.m. today.

A record vote was requested on the motion to suspend the rules to set S. J. R. No. 1 as a special order.

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

Yeas—121

Jackson Roberts
Jamison Russell
Johnson Sadler
Jones Sandahl
Kelly Sanders
Kernard Sobran
Klipper Schwaarts
Kothof
Koehlman
Lawler Shannon of Erath
Lea Shannon
McConlin of Tarrant
McDonald Sheridan
McGregor Sherrill
McGregor Smith of Hays
McGregor Smith of Jefferson
McLeenon
McPherson Smith of El Paso
McMillany Stewart
Mann Storey
Martin Sutter
Matthew
Mays Terrell
Moore of Harris Thurmond
Moore of Tarrant Tunnell
Mullen Turman
Murray Wailing
Myatt Watson
Oliver Welch
Parish Wheeler
Parsons White
Patterson Wilson of Young
Phipps Wintree
Preaster Woody
Puckett Yeak
Ramsey
Richardson Zronek

Nays—12

Blanchard Schwartz
Cotten of Washington
Healy Shaw
Joseph Springer
Kennedy Stroman
Koliha Talasek
Osborn Wilson of Potter

Absent—Bartram

Bartram Pool
Cloud Saul
Deutsch Shankes Ford
Flinn
Ford Wohlford
Hooks

Absent—Excused

Bristow Lee
Chapman Slack

Mr. Mays moved that all the necessary rules be suspended for the
purpose of taking up and considering at this time, House Bill No. 851.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House, on its third reading and final passage, H. B. No 851, A bill to be entitled "An Act amending Section 69, as amended, Section 125, and Section 131, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, by providing more definitely the motor vehicles required to be equipped with, and to use, stop and turn signal lamps; by authorizing the use of lighting equipment of motor vehicles to warn of the presence of a vehicular traffic hazard; and by authorizing the use of flashing lights to indicate the presence of traffic hazard; and declaring an emergency."

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

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<tr>
<th>Yeas-83</th>
<th>Nays-51</th>
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<td>Worley</td>
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<td>Smith of Jefferson</td>
<td>Bishop</td>
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Mr. Mays moved to reconsider the vote by which H. B. No. 851 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Brashear asked unanimous consent of the House that the Com-
mittee on Military and Veteran's Affairs be permitted to meet at this time.

There was no objection offered.

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 several the following enrolled bills and resolutions:

S. B. No. 45, An Act making it a misdemeanor, punishable by fine, for any male minor between 14 and 17 years of age or any female minor between 14 and 16 years of age to drive or operate a motor vehicle while under the influence of intoxicating liquor or in such a way as to violate any traffic law of this State; defining the term 'any traffic law of this State'; prohibiting commitment of any such minor to jail in default of payment of fine, but authorizing suspension of his or her driver's license until the fine is paid; making it a misdemeanor for any such minor to operate a motor vehicle without a valid driver's license and providing the penalty therefor; fixing jurisdiction of the offense created hereunder and stating the effect of this Act on other laws; repealing Chapter 500, Acts of the 62nd Legislature, R. S. 1961, but providing for prosecution and punishment of offenses committed prior to repeal; providing a severability clause; and declaring an emergency.

S. B. No. 251, An Act amending Article 2922f, Chapter 19-a of the Revised Civil Statutes of Texas by providing for the discontinuance and abolition of an elementary school district and the annexation of the same with another elementary school district within a Rural High School District, under certain conditions, and the moving or other disposition of the buildings and other property of the district; providing for the consolidation of any elementary district with any other elementary district within a Rural High School District by following the procedure of Article 2806 and further providing that when all elementary districts within a Rural High School District shall cease to maintain elementary schools for a period of one year and shall transfer all pupils to one central elementary and high school maintained by the Board of Trustees of said Rural High School District, all such elementary school districts and may consolidate by following the procedure of Article 2806 and thereupon continue to function as a consolidated Rural High School District or change to an Independent School District; validating all annexations and consolidations under the previous Act; authorizing the Board of Trustees of any consolidated district to dispose of all buildings and other property of any district thus consolidated; when such is not necessary for the efficient administration of the schools of said district; stipulating the method of operating schools in said district; and declaring an emergency.

S. B. No. 76, An Act increasing the salaries of the Justices of the Supreme Court, the Judges and Commissioners of the Courts of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and Criminal District Courts of this State, etc.; and declaring an emergency.

S. B. No. 424, An Act creating a permanent historical committee to be known as the Texas State Historical Survey Committee; providing powers, duties and organization, and terms of office of the Texas State Historical Survey Committee; providing that the present members of the Texas State Historical Survey Committee shall continue to serve as members of the committee; providing method of filling vacancies; making other provisions relating to the Texas State Historical Survey Committee; providing a severability clause and declaring an emergency.

S. B. No. 444, An Act requiring every report, annual report, return, declaration, statement, or other document required to be made by any person, firm, association, company, corporation or other insurance organization under any provision of the Insurance Code (Acts 1961, 62d Leg., Ch. 491, p. 826, as amended) to be verified by written declaration under penalties of perjury, prescribing the form of verification;
providing penalties as against any person who wilfully makes such verifica-
tion as to matters which are not true in every material matter, or who
wilfully aids or assists in, or procures, or consents, or advises the
preparation thereof as to matters which are fraudulent, false or incor-
crect in any material way, or who sim-
ulates or falsely or fraudulently exe-
cutes or signs any such report, annual
report, return, declaration, statement
or document, or who aids, in or con-
vives in the execution thereof; de-
claring that a violation thereof shall
be a felony and upon a conviction
thereof, punished by fine and im-
prisonment in the penitentiary; pro-
viding a savings clause; and declaring
an emergency.

S. C. R. No. 60, Creating a special
Committee of fifteen members to
study the problems and needs of the
State's older citizens, and to make
specific legislative recommendations
on same to the next Legislature.

S. C. R. No. 68, To grant Houston
Turner permission to use the State
of Texas.

S. C. R. No. 73, To grant Perrin
Cotter permission to use the State
of Texas.

S. C. R. No. 74, To grant John E.
Cannon and wife, Nancy Ellen Can-
non, permission to use the State of
Texas and the Battleship "Texas" Com-
mission.

H. B. No. 330, An Act making an
appropriation of Eight Hundred and
Forty-two Thousand, Six Hundred
and Thirty-three Dollars and Nineti-
four Cents ($842,633.94) due on cer-
tain judgments obtained against the
State of Texas, and directing the Com-
ptroller of Public Accounts to recog-
nize and allow same as offsets against
such tax liabilities; etc.; and de-
claring an emergency.

H. B. No. 790, An Act amend-
ing Section 412, Acts of the Regular
Session of the Sixty-Second Legis-
lature, (as hereinafter amended), to
provide for recovery of Gas
Gathering Taxes paid under Section
XXXII of House Bill No. 346, Chapter
402, Acts of the Fifty-second Legis-
lature, according to the tenor, effect
and meaning of such judgments; di-
recting the Comptroller of Public
Accounts to cause the necessary wa-
rants to be drawn on the State Trea-
urer and issued to the persons, firms
and corporations, or their attorneys,
entitled to same; providing that cer-
tain persons, firms or corporations,
or their assigns, in lieu of obtaining
refunds, may use their judgment, ex-
clusive of any interest thereon accrued
either prior or subsequent to the dates
of the respective judgments, as offsets
against future tax liabilities to the
State of Texas, and directing the Com-
ptroller of Public Accounts to recog-
nize and allow same as offsets against
such tax liabilities; etc., and de-
claring an emergency.

H. B. No. 799, An Act amend-
ing Section 234 of Chapter 65, Acts of
the Forty-first Legislature, First Called
Session, 1929, as added by Chapter 15,
Acts of the Forty-first Legislature,
Fifth Called Session, 1929, so as to
change jurisdiction and venue on
such appeals and making other pro-
visions relating thereto; and de-
claring an emergency.

H. B. No. 79, An Act rela-
ting to violations of the Uniform
Motorists Liabilities Act of 1955,
providing penalties as against an
\y person who either prior or subse-
cquent to the dates of the respective
judgments, as offsets against future
tax liabilities to the State of Texas,
directing the Comptroller of Public
Accounts to recognize and allow same
as offsets against such tax liabilities;
etc., and declaring an emergency.
H. B. No. 851, An Act relating to the official shorthand reporter of the Sixteenth Judicial District of Texas; reenacting and amending Acts of the Fifty-First Legislature, Regular Session, 1949, Chapter 248, by fixing the maximum and minimum salary and by fixing the fee for transcripts; and declaring an emergency.

H. B. No. 891, An Act declaring an emergency.

H. B. No. 892, An Act creating a conservation and reclamation district under the provisions of Section 53, Article 16 of the Constitution of Texas, to be known as "Lakeview Water District of Tarrant County," prescribing its powers and duties and providing for a governing body thereof; making the District subject to the Statutes relating to water control and improvement districts except as otherwise provided; enacting other provisions relating to the subject; and declaring an emergency.

H. C. R. No. 88, To grant C. B. McGee permission to sne the State.

H. C. R. No. 38, Authorizing the Board of Directors of A & M College of Texas to transfer certain appropriated funds of Arlington State College.

H. C. R. No. 52, Requesting the Texas Legislative Council to make a study concerning all physically handicapped persons in Texas.

H. C. R. No. 40, To grant Hale Center Cooperative Gin of Hale County, Texas, permission to sue the State.

H. C. R. No. 73, Requesting the Texas Legislative Council to undertake management studies of the Comptroller's Department and the Treasurer's Department to the end that they may function more efficiently.

H. C. R. No. 78, To grant Albert C. Mueller and wife, Valia Mueller, permission to sue the State.

H. C. R. No. 96, To grant Zebek G. Chaplin permission to sue the State.

H. C. R. No. 110, Suspending the rules to allow either House to consider H. R. No. 907 at any time.

H. C. R. No. 88, To grant C. B. McGee and wife, Ethel Dee McGee, permission to sue the State.

H. B. No. 654, An Act establishing a juvenile board in each of the Counties of Hardin and Tyler; prescribing the membership and powers of each board and providing for compensation of its members; authorizing each board to appoint a juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; providing for severability; and declaring an emergency.

H. B. No. 749, An Act setting the deer season in Jasper, Newton, and Tyler Counties and closing the season for hunting deer in County Commissioners' Precinct No. 4 of Tyler County until January 1, 1948; repealing all laws in conflict; providing a severability clause; and declaring an emergency.

H. B. No. 751, An Act setting the dove and quail season in Jasper, Newton and Tyler Counties, repealing all laws in conflict; providing a severability clause; and declaring an emergency.

H. B. No. 879, An Act authorizing and directing the Board of Regents of the North Texas State College of Denton, Texas, acting by the president of said college, to execute and deliver to the City of Denton, Texas, an easement across certain land in the City and County of Denton, Texas, for a public street; providing for approval of the form of the conveyance; and declaring an emergency.

H. B. No. 655, An Act authorizing Junior College Districts to issue refunding bonds; prescribing the method of issuing such bonds and prescribing certain limitations upon the right to issue them; requiring examination thereof by the Attorney General and permitting registration by the Comptroller of Public Accounts and prescribing the effect of such approval and registration; providing the law shall be cumulative of other laws; providing for refunding; and declaring an emergency.

H. B. No. 496, An Act relating to the jurisdiction of Probate Courts; and declaring an emergency.
RECESS
On motion of Mr. Dewey the House at 12:04 o'clock p. m. took recess until 2:00 o'clock p. m. today.

AFTERNOON SESSION

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

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Heath for remainder of the day and tomorrow on motion of Mr. Corry.

RELATIVE TO HOUSE BILL NO. 808

Mr. Walling asked unanimous consent of the House that S. B. No. 808 be not printed.

There was no objection offered and it was so ordered.

BILLS ORDERED NOT PRINTED

Mr. Atwell offered the following amendment to the Senate Joint Resolution No. 1:

Whereas, Senate Bill No. 155 has been returned from the House with amendments and is now in the Enrolling and Enrolling Room of the Senate for enrolling; and

Whereas, it has been discovered that Section 1 was amended in the House and the Senate has concurred in the House amendments; and

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Enrolling Clerk of the Senate be authorized to make said corrections in said Senate Bill No. 155.

The resolution was read and was adopted.
The Texas Water Development Board shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed $100,000,000.00. The bonds herein authorized shall be called "Texas Water Conservation Bonds." The bonds shall be executed by the Board in such form, denominations and upon such terms as may be prescribed by law, provided, however, that the bonds shall not bear more than four per cent (4%) interest per annum; they may be issued in such installments as the Board finds feasible and practical in accomplishing the purpose of this Amendment.

"All moneys received from the sale of state bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Water Conservation Fund to be administered (without further appropriation) by the Texas Water Development Board in such manner as prescribed by law. Such fund shall be used for the purpose of acquiring and maintaining, in the name of the State of Texas, conservation storage in reservoirs created by dams or structures hereafter constructed by the government of the United States, any political subdivision of the State or any agency or instrumentality of either of them. Upon approval and granting of a water permit by the Board of Water Engineers or its successor, the Board may deliver its bonds in payment for such storage.

"The Legislature of Texas shall provide terms and conditions for the Texas Water Development Board to sell and not otherwise dispose of the water impounded or water storage space or both at prices representing the direct cost incurred by the Board in acquiring same as may be defined by law. The river authority, conservation or reclamation district, or district created or organized or authorized to be created, or organized under Article XVI, Section 69, or Article III, Section 52 of this Constitution, or municipal corporation in which the storage site is located shall have the first option to purchase water. The Board of Water Engineers, or its successor, shall certify that the applicant has the right to impound, take or store water or acquire water storage space in accordance with the laws of the State of Texas then in existence, and such certification shall be a condition precedent to the sale of such facilities or water by the Board. The Legislature shall provide for the establishment of the Texas Water Conservation Bonds Interest and Sinking Fund and the Texas Water Conservation Bonds Redemption Fund within the State Treasury and reserve funds may be established by the Legislature. The proceeds from the sale of water shall be deposited in the Interest and Sinking Fund and the proceeds from the sale of water storage space shall be deposited in the Redemption Fund to be used to retire bonds prior to their maturity. The acquisition of storage space and the sale of facilities by the Texas Water Development Board shall be subject to the approval of the river authority, conservation or reclamation district, or district created or organized or authorized to be created or organized under Article XVI, Section 52, or Article III, Section 52 of this Constitution, or municipal corporation in which the storage site is located.

"While any of the bonds authorized by this Constitution, or any interest on any such bonds is outstanding and unpaid, the Legislature shall appropriate an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year less the amount in the Interest and Sinking Fund on August 31st of the prior fiscal year.

"The Legislature by law shall provide for the investment of all funds administered by the Board. The amount of funds to be invested in any single project from funds provided herein shall not exceed $7,500,000.00. All bonds issued hereunder shall, after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be indorsable and

error with the advice and consent of the Senate in the manner and form such terms as may be prescribed by law; provided, however, that the Board herein created shall be the same as the Board created by H. J. R. No. 3 should both amendments become effective.
shall constitute general obligations of the state under the Constitution of Texas.

"Should the Legislature enact enacting laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character."

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:

"For the Amendment of Article III of the Constitution of Texas by adding a new section to be known as Section 52-c, providing for a state program for acquiring conservation storage facilities and authorizing the issuance of state bonds in an amount not to exceed One Hundred Million Dollars; and

"Against the Amendment to Article III of the Constitution of Texas by adding a new section to be known as Section 52-c, providing for a state program for acquiring conservation storage facilities and authorizing the issuance of state bonds in an amount not to exceed One Hundred Million Dollars.""

Sec. 3. The Governor shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and laws of this state.

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

Amend Committee Amendment No. 1 to S. J. R. 1 by striking the period after the word located at the end of fourth paragraph of Section I and inserting the following:

"if such authority, district or municipal corporation is authorized to construct or purchase such facilities itself."

The amendment was adopted.

Mr. McGregor of McLennan offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. J. R. No. 1 by striking therefrom the sentence beginning "The acquisition of storage space" on line 52 of page 3 thereof and inserting in lieu thereof the following:

"The acquisition of storage space and the sale of storage space by the Texas Water Development Board shall be subject to the prior right of the river authority, conservation or reclamation district, or district created or organized under Article XVI, Section 19, or Article III, Section 52 of this Constitution, or municipal corporations in which the storage site is located to acquire such storage space or any part thereof."

Mr. Parish moved to table the amendment by Mr. McGregor of McLennan.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. McGregor of McLennan prevailed by the following vote:

_Yeas_—76

Anderson
Atwell
Baker
Bass
Bell
Bishop
Blaine
Cline
Conley
Cory
Cove
Crostwalt
Day
de la Garza
Dugas
Dungan
Ferrell
Ferren
Forrest
Hale
Harrington
Heflin
Hensley
Holman
Hose
Huebner
Huffman
Hughes of Dallas
Isacks, Miss
Jamison
Johnson
Jones
Kennon
Kenedy
Kliparek
Kothmann

_Against_—43

Anderson
Laurel
Atwell
McCoplin
Baker
Mass
Bass
Martin
Bell
Matthew
Bishop
Moore of Harris
Blaine
Mullen
Cline
Myatt
Conley
Oliver
Cory
Parish
Cove
Patterson
Crostwalt
Pepin
Day
Pesler
Dugas
Funkett
Dungan
Richardson
Ferrell
Hansell
Ferren
Sandahl
Forrest
Santers
Hale
Shibran
Harrington
Schwartz
Heflin
of Galveston
Hensley
Shannon of Erath
Holman
Smith
Hose
Smith of Jefferson
Huebner
Stewart
Huffman
Hughes of Dallas
Isacks, Miss
Jamison
Johnson
Jones
Kennon
Kenedy
Kliparek
Kothmann
Amend Committee Amendment No. 1 to S. J. R. No. 1 by adding the following to the end of Section 1 thereof:

"No sale of water shall be made which prevents the river bank land owner from withdrawing from the river sufficient water for his agrarian needs; provided, however, that such land owner shall pay for storm and flood waters which he withdraws at a rate which shall be established by law."

Mr. Parish moved to table the amendment by Mr. Kennedy.

The motion to table was lost.

A record vote was requested on the amendment by Mr. Kennedy to the Committee Amendment.

The amendment by Mr. Kennedy was adopted by the following vote:

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Absent

| Bartram |    |
| Bowers |    |
| Brashear |    |
| Bullock |    |
| Burkett |    |
| Cole |    |
| Ehre |    |
| Elliott |    |
| Ellis |    |
| Ford |    |
| Glueing |    |

| Nay—67 |
| Anderson |    |
| Atwell |    |
| Baker |    |
Amend Committee Amendment No. 1 by adding the following between the words "law" and the period on line 37 of page 1 thereof:

"and subject to the priorities hereinafter provided, no application to purchase storage space by an eligible applicant at such price shall be refused."

Mr. Parish moved to table the amendment by Mr. Watson.

The motion to table the amendment prevailed.

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

S. J. R. No. 1 was passed by the following vote:

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Present—Not Voting

Huebner

Absent

Bowers

Green

Bryan

Murray

Burkett

McKee

Absent—Excused

Chapman

Lee

Heflin

Stark

Mr. Kennedy 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 the amendment prevailed.

LEAVES OF ABSENCE GRANTED

Leaves of absence were granted as follows:

Messrs. Pipkin and Murray for remainder of day on motion of Mr. Pipkin on account of important business.

Mr. Kothmann for remainder of day on motion of Mr. Hughes of Grayson on account of illness.

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Burkett

McKee

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Chapman

Lee

Heflin

Stark

Mr. Kennedy moved to reconsider the vote by which the amendment offered by himself was adopted and to table the motion to reconsider.
### PAIRED

Mr. Farrell (present), who would vote "nay", with Mr. Murray (absent), who would vote "yea".

### REASON FOR VOTE

May 30, 1957

Request permission to be shown voting "no" on S. J. R. No. 1 (will not change results). My reason for voting "no" is because the Kennedy amendment, which I voted against but which nevertheless was adopted, changes the entire purpose and nature of S. J. R. No. 1 so that land owners adjoining the water can take unlimited amounts of water for general agricultural purpose. This is in the face of the fact that the cities of Texas will bear by far the greater burden of the cost of interest on the $100,000,000 of bonds authorised for issue and sale by the State of Texas.

### SUTTON.

SENATE BILL NO. 70 SET AS SPECIAL ORDER

Mr. Sandahl moved to suspend all necessary rules for the purpose of setting S. B. No. 70 as a special order at 3:00 o'clock p.m. tomorrow.

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

### MOTION TO CONSIDER SENATE BILL NO. 497 ON SECOND READING

(Mr. Jamieson in the Chair.)

Mr. Blanchard moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, Senate Bill No. 497.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

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MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1957

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

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

H. B. No. 78, Amending Art. 695c, Vernon's Texas Civil Statutes, providing for financial assistance to needy individuals who are at least 18 years of age and not more than 65 years of age who are permanently and totally disabled, making an appropriation, and declaring an emergency.

H. C. R. No. 107, Granting permission to the North Plains Telephone Company, Inc., to bring suit against the State of Texas.

Respectfully,
CHARLES SCHNABEL
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1957

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on House Bill No. 620 by the following vote: Viva Voce.

The Senate has concurred in House Amendments to Senate Concurrent Resolution 38 by Voice Vote.

Respectfully submitted,
CHARLES SCHNABEL
Secretary of the Senate.

SENATE BILL NO. 165 ON SECOND READING

May 20, 1957 HOUSE JOURNAL 3043

Shaw of Hays Talasek
Spilman Thurmond
Stewart Watson
Storey Welch
Sutton Wilson of Potter

Nays—66

Anderson Kilpatrick
Ballman Kohmann
Bass McCoppin
Brashear Mcilhany
Byrd Martin
Cole McCollin
Colby Myatt
Cory Oliver
Cowen Ramsey
Cox Myatt
Dugas of Galveston Schwartz
Dugger Shackelford
Elliott Shannon or Jefferson
Felgro Smith
Franklin Shirrell
Glass Smith of Jefferson
Goets Springer
Harrington Suekehr
Hollowell Sudderth
Hooks Terrell
Hosey Turnip
Hughman Turman
Huff Wheeler
Hughes of Grayson Wilson of Young
Jackson Winfrey
Jones Wohlford
Kelly Woolley
Kennard Yezak
Kennedy Zbranek

In the Chair
Jamison

Absent

Bullock Roberts
Boliba Sadler
McGregor Saal
of El Paso Strickland

Absent—Excused

Chapman Murray
Heady Pipkin
Korloch Slack
Lee

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1957

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

The bill was read second time.
Mr. Spilman offered the following amendment to the bill:

Amendment To S. B. No. 165

Amend S. B. No. 165 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Amendment to S. B. No. 166 by striking amendment Act 1 of Chapter 7 of the Insurance Code is amended to read as follows:

"Art. 7.01. To Act as Surety.

Private corporations may be created to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians, or other appointed to, or assuming the performance of any trust, public or private, under appointment of any court or tribunal, or under contract between private individuals or corporations; also upon any bond or bonds that may be required to be filed in any judicial proceeding; also to guarantee any contract or undertaking between individuals, or between private corporations, or between individuals or private corporations and the State and municipal corporations or counties or between corporations and individuals; also by any bond or bonds that may be required by any State official, district officer, county official or official of any school district or of any municipality, provided that the commissioners court of each county shall have the right to reject any or all official bonds made by surety companies and in their discretion may require any or all official bonds to be their official bonds by personal sureties. Any such bond may be accepted and approved by the officer charged by law with the duty of accepting and approving the same without being signed by other sureties than such company. When any such bond shall be made, Fifty Thousand ($50,000.00) Dollars in penal sum, the officer charged shall have the duty of approving and accepting such bond may require that such bond be signed by two or more surety companies or by one surety company and two or more sureties and sufficient personal sureties, in the discretion of the principal or official of whom the bond is required, and any statute or law to the contrary, or requiring any such bond to be signed by two or more good and sufficient sureties, shall be governed and controlled by the provisions of this article.

"Each company, making or offering to make any bond under this article, shall publish in some newspaper of general circulation in the county where such company is organized or has its principal office on the first day of February of each year, a statement of its condition on the previous thirty-first day of December, showing under oath its assets and liabilities. A copy of said statement shall be filed with the Board before the first day of March of the year following, and a fee of Twenty ($20.00) Dollars be paid to the Board for filing the same, and an examination of its affairs may be made at any time by the Board at the expense of the company. Said company organized under the provisions of this article shall have a paid up capital stock of not less than One Hundred Thousand ($100,000.00) Dollars and shall keep on deposit with the State Treasurer money, bonds or other securities in an amount not less than Fifty Thousand ($50,000.00) Dollars. Said securities shall be approved by the Board, and this amount shall be kept intact at all times.

"All foreign companies transacting the business of a guaranty and fidelity company in this State shall file with the Board an affidavit showing that such foreign company has on deposit with the State Treasurer of its home state One Hundred Thousand ($100,000.00) Dollars or more, in money, bonds or other securities for the protection of its policyholders."

Sec. 2. Article 7.03 of Subchapter A of Chapter 7 of the Insurance Code is amended to read as follows:

"Art. 7.03. Requirements of be Complied with.

"Such company to be qualified to act as surety or guarantor, must comply with the requirements of every law of this State applicable to such company doing business therein: must be authorized under the laws of the State where incorporated, and under its charter, to become surety on such bond, undertaking, obligation, recognizance or guarantee; must have a fully paid up and safely unimpaired capital of at least One Hundred Thousands ($100,000.00) Dollars; must have good available assets exceeding its liabilities, which liabilities for the purpose of this subchapter shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty (50%) per cent of the
current annual premiums on each outstanding bond, undertaking, recognizance and obligation of like character in force; must file with the Board of Insurance Commissioners a written application to be authorized to do business under this subchapter and also, with such application, and in each year thereafter, a statement verified deposit under which it is surety: the amount of liability for unearned portion thereof estimated at the rate of fifty (50%) per cent of the current annual premium on each such bond, undertaking, recognizance and obligation in force, stating the amount of its outstanding dues of all kind, and such further facts as may be by the laws of the State required of such company in transacting business therein.

If such company be organized under the laws of any other state, it must also have on deposit with a surety officer of one of the states of the United States, not less than One Hundred Thousand ($100,000.00) Dollars in good securities, deposited with and held by such officer for the benefit of the holder of all obligations wherefor incurred: must also appoint an attorney in this State upon whom process of law can be served, which appointment shall continue until revoked or another attorney substituted, and must file with the Board of Insurance Commissioners written evidence of such appointment, which shall state the residence and office of such attorney and the service of process may also be made upon the Chairman of the Board or his agent or the company in trust. Dollars in good securities worth at par and market value at least three times the value of which securities the Board of Insurance Commissioners shall judge held for the benefit of the holders of all the obligations of such company wherefor incurred. Such securities so deposited with said Treasurer to remain in trust under and subject to the terms and provisions of this law, and thereafter, such deposit shall remain in trust under and subject to the terms and provisions of this law. Whenever such deposit has been made with a trustee by order of any court or other authority, it shall be the duty of the court or other authority, by order or otherwise, to direct such transfer to said Treasurer, and in case such deposit is less than the sum of Fifty Thousand ($50,000.00) Dollars, then such company must deposit with said Treasurer securities sufficient to increase said deposit to the sum of Fifty Thousand ($50,000.00) Dollars as required by the subchapter.

Sec. 3. Subchapter B of Chapter 7 of the Insurance Code, and Articles of Undertaking, recognizance or other obligation established by final judgment in whatsoever court or whereby judgment may lawfully be issued against said company, said Treasurer and his successors in office being hereby directed to so receive and hereafter retain such deposit under this law in trust for the purpose hereof; such company, however, at all times to have the right to collect the interest, dividends and profits upon such securities, and, from time to time, to withdraw such securities, or portions thereof, substituting thereof others of equally good character and value, to the satisfaction of said Treasurer; and such securities and substitutes thereof shall be, at all times, exempt from and not subject to levy under writ or process of attachment, and shall not be sold under any process against such company until after thirty (30) days notice to said company, specifying the time, place, and manner of such sale, and the process under which and purposes for which it is to be made, accompanied by a copy of such process, 

"Whenever any such company, domestic or foreign, has been engaged in the business contemplated by this law, has made a deposit in this State, in trust or otherwise, of securities, to answer any default of such company upon any such bond, undertaking, recognizance, guarantee or stipulation, such securities so deposited shall be by the trustee or custodian thereof and delivered to the State Treasurer in trust for the same purposes and subject to all the rights and equities of all parties interested, and to the terms and provisions of this law, and thereby, such deposit shall remain in trust under and subject to the terms and provisions of this law. Whenever such deposit has been made with a trustee by order of any court or other authority, it shall be the duty of the court or other authority, by order or otherwise, to direct such transfer to said Treasurer; and in case such deposit is less than the sum of Fifty Thousand ($50,000.00) Dollars, then such company must deposit with said Treasurer securities sufficient to increase said deposit to the sum of Fifty Thousand ($50,000.00) Dollars as required by the subchapter."
7.14, 7.15, 7.18, 7.17 and 7.18 of such Insurance Code, are hereby repealed.

Sec. 4. The fact that the public does not have adequate protection in the supervision of surety companies acting as depositors and the fact that many citizens of this State have suffered severe financial loss by companies authorized under the provisions of the Insurance Code amended herein create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Spilman offered the following amendment to the bill:

Amendment to S. B. No. 165
Amend S. B. No. 165 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL
To Be Entitled

An Act amending Article 7.01 and Article 7.03 of Sub-chapter A and repealing Subchapter B of Chapter 7 of the Insurance Code as enacted by Chapter 491 of the Acts of the 52nd Legislature, 1951, relating to fidelity, guaranty and surety companies; with drawing their powers to act as trustee, assignee, administrator, guardian and receiver and their power to do a general fiduciary and depository business; repealing limited deposit requirement for domestic corporations; repealing the subchapter authorizing the Insurance Commission to create trust companies; and declaring an emergency.

The amendment was adopted.

Senate Bill No. 165 was then passed to third reading.

SENATE BILL NO. 165 ON THIRD READING

Mr. Spilman moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Anderson
Armour
Atwell
Baker
Barr
Beal
Blaire
Blanchard
Bowers
Boyd
Brosebear
Bristow
Bryan
Burkett
Byrd
Dilne
Cloud
Cole
Coley
Conley
Cory
Cotten
Cox
Crostbom
Day
Del la Garza
Dewey
Duff, Miss
Dugas
Shirer
Hillott
Hill
Penogto
Pelrell
Ford
Fowden
Foreman
Forxty
Glad
Glasing
Goetz
Green
Hale
Harrington
Heffin
Hendley
Hollowell
Holman
Holsen
Hooks
Honey
Hubbs

Nays—49

Anderson
Armour
Atwell
Baker
Barr
Beal
Blaire
Blanchard
Bowers
Boyd
Brosebear
Bristow
Bryan
Burkett
Byrd
Dilne
Cloud
Cole
Coley
Conley
Cory
Cotten
Cox
Crostbom
Day
Del la Garza
Dewey
Duff, Miss
Dugas
Shirer
Hillott
Hill
Penogto
Pelrell
Ford
Fowden
Foreman
Forxty
Glad
Glasing
Goetz
Green
Hale
Harrington
Heffin
Hendley
Hollowell
Holman
Holsen
Hooks
Honey
Hubbs

Note: This page includes a list of votes taken, which is not part of the main text but is added for context. The votes are not relevant to the main content of the document, which deals with amendments to the Insurance Code.
The bill was read third time and was passed.

Mr. Spilman moved to reconsider the vote by which H. B. No. 165 was passed and to table the motion to reconsider.

The motion to table prevailed.

**BILLS SIGNED BY THE SPEAKER**

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

H. B. No. 94, An Act to amend Article 4802, Revised Civil Statutes of Texas, 1925, as amended, determining those authorized to celebrate the rites of matrimony, and declaring an emergency.

H. B. No. 231, An Act providing more adequate means for "Eligible Cities" to prevent contamination of their water supplies and the water within the boundaries of Trinity River Authority of Texas; thus increasing the amount of water available for domestic and municipal use; to obtain more efficient and economical sewage transportation and disposal (including treatment), and to enable such Cities to render adequate water and sewer services and to safeguard the public health; defining Eligible Cities as those situated wholly or partially within the boundaries of Trinity River Authority of Texas; authorizing such Cities to make contracts with the Authority for performance of such services, and to make payments thereunder from the revenues of their waterworks or sanitary sewer systems, or both, prescribing alternative procedures for making such contracts, requiring an election in instances where the City's obligation to the Authority is payable wholly or partially from ad valorem taxes; prescribing further duties of Eligible Cities and resultant rights and obligations of the Authority after making such contracts, requiring the Attorney General to examine such contracts and prescribing the effect of his approval; validating contracts between the Authority and Eligible Cities, hereafter made; prescribing a severability clause; enacting other provisions related to the subject; and declaring an emergency.

H. B. No. 235, An Act amending Article 98 of the Revised Civil Statutes of Texas defining "cotton" or "cotton products" so as to include all host plants to the pink bollworm, providing a saving clause; and declaring an emergency.

H. B. No. 389, An Act providing that it shall be unlawful to kill or take mink in Gregg, Rusk, Upshur and Wood Counties, Texas, for a period of two (2) years; providing that at the conclusion of the two-year closed season on mink in the Counties named, it shall continue to be unlawful to make use of dogs or dogs in the hunting of or pursuing or taking of any mink at any time; repealing all laws to conflict; providing a penalty; and declaring an emergency.

H. B. No. 414, An Act amending Section 24 and Section 35 of Senate Bill No. 113 of the Second Called Session of the Forty-first Legislature, as amended, providing for the withdrawal of shares and share accounts of building and loan associations by trustees, beneficiaries, and minors in certain instances; permitting partitioning of community funds invest-
ed in shares and share accounts of building and loan associations and fixing the par value of stocks in building and loan associations; and declaring an emergency.

H. B. No. 443, An Act amending Section 4 of the Texas Election Code (Article 8.13, Vernon’s Texas Election Code), so as to remove the requirement that information supplied to the tax collector by a taxpayer applying for his poll tax receipt by mail must be under oath; repealing conflicting laws; and declaring an emergency.

H. B. No. 448, An Act to amend Article 512, Revised Civil Statutes of 1925, requiring Commissioners Courts to provide suitable jails in their respective counties; defining the term “suitable jails”; providing that this Act shall apply to all jails hereafter constructed and to existing jails four (4) years from its effective date; providing for enforcement; providing a saving clause; and declaring an emergency.

H. B. No. 492, An Act amending Sections 5 and 12 of Chapter 448, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified in Vernon’s as Article 5221c) relating to inspections of steam boilers; changing the amount of inspection fees and fees for the issuance of Certificates of Operation; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency.

H. B. No. 517, An Act amending Article 5156, Revised Civil Statutes of Texas, 1925, as amended, so as to make its provisions relating to employees’ wages applicable to every person; and declaring an emergency.

H. B. No. 529, An Act amending Article 482, Chapter 4, Revised Penal Code of the State of Texas, 1925, as amended by Acts, 1931, of the Fifty-second Legislature, making it unlawful to carry arms; enumerating the arms so prohibited; providing a penalty therefor; and declaring an emergency.

H. B. No. 582, An Act relating to the situs of personal property of domestic insurance companies for the purpose of taxation; amending Articles 3.15, 5.16 and 4.01 of the Insurance Code, so as to place the situs of certain tangible personal property of all types of insurance companies organized under the laws of this State at the place where such property is located, and to place the situs of all other personal property at the principal place of business of the company; providing an effective date; and declaring an emergency.

H. B. No. 758, An Act authorizing any independent school district hereafter created having thirty thousand, two hundred and twenty (20,220) or more scholars to fix the term of office of school trustees; providing for the date of election; providing a saving clause; and declaring an emergency.

H. B. No. 772, An Act fixing the open and closed seasons for quail in Dickens County and prescribing a penalty for violations; repealing all laws in conflict; and declaring an emergency.

H. B. No. 807, An Act authorizing the Board for Texas State Hospitals and Special Schools to convey certain land in Cherokee County, Texas; describing the manner of sale and disposition of proceeds; and declaring an emergency.

H. B. No. 843, An Act providing an additional option for establishment and administration of county-wide hospital districts under management of a board of managers composed of the Commissioners Court with the county judge as chairman; prescribing the powers, duties and functions of the board of managers and of the Commissioners Court; providing for elections on creation of the district, limitation of the taxing power of the district, and issuance of bonds; providing for conversion of districts; making other provisions incidental to the operation of such district; providing a saving clause and declaring an emergency.

H. B. No. 883, An Act to empower the Board for Texas State Hospitals and Special Schools to grant an easement to the city of San Antonio; and declaring an emergency.

H. B. No. 885, An Act authorizing and directing the Board for Texas
State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to the State Highway Commission of Texas a right-of-way easement to certain land in Cherokee County, Texas, for the reconstruction and maintenance of a State highway extending along and across certain State property known as Rusk State Hospital; and declaring an emergency.

H. B. No. 859. An Act creating a conservation and reclamation district, under Article XVI, Section 59, of the Constitution comprising the territory contained within the Cities of Mexia and Groesbeck, to be known as the "Bluestone Municipal Water Supply District," for the purpose of providing a source of water supply for municipal, domestic and industrial uses and processing and transporting the same; providing for a Board of Directors to govern said District; providing for the annexation of additional territory thereto; authorizing the District to acquire land available for the above-named uses; water from surface sources and water it may obtain by purchase, lease, and operation contracts with persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the District to acquire land and construct, lease, or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water of Article 3268 of Title 52, Revised Civil Statutes of Texas; providing for the execution of bonds; authorizing the District to make all things necessary for the payment and security thereof; making amendments to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the District to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the District shall have the power to acquire, own, lease, and hold real and personal property; and using all of the power of eminent domain; prescribing other powers and duties of the District; providing that the District shall not exercise any of the power of authority conferred in this Act until establishment of such authority is confirmed at an election held throughout the District; enacting other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Articles 7471, Revised Civil Statutes of Texas; providing for severability; and declaring an emergency.

H. B. No. 903. An Act authorizing certain cities to issue bonds in lieu of voted but unissued bonds of certain water districts annexed and abolished by such cities; providing for the manner of issuing, selling, approving, and registering such bonds; repealing laws and charter provisions in conflict; validating proceedings for annexation of territory including such water district or districts; containing a saving clause; and declaring an emergency.

H. B. No. 905. An Act to amend Section 1, Chapter 61, Acts of the Fifty-second Legislature, Regular Session, 1951, (codified as Article 11399; of Vernon's Texas Civil Statutes), to raise the maximum compensation of members of county juvenile boards in certain counties; and declaring an emergency.

H. B. No. 909, An Act authorizing and directing the Board for Texas Hospitals and Special Schools to execute and deliver to the County of Howard, rights-of-way easements to one tract of land in Howard County for the construction and maintenance of a Farm-to-Market Road extending along and across certain State property owned by the State of Texas for the use and benefit of Big Spring State Hospital; and declaring an emergency.

H. B. No. 915. An Act relating to hunting of squirrels and deer in Angelina and Trinity Counties, amending Acts of the Fifty-third Legislature, Regular Session, 1945, Chapter 114, Section 2, and Article 888, Revised Penal Code of Texas, 1925; and declaring an emergency.

H. B. No. 916 An Act amending Section 1 of Chapter 397, Acts of the Fifty-third Legislature, 1945, which prohibits the use of nets and seines and otherwise regulates the taking of oysters in certain counties, by...
eliminating Angelina County from its provisions and declaring an emer-
sity.

H. B. No. 923, An Act to create the Pond Creek Watershed Authority as a conservation and reclamation district in Bell, Milam and Falls Counties under the provisions of Article XVI, Section 59 of the Constitu-
tion of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the function of the master district in certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the master and sub-
dordinate district; providing the authority or subordinate district shall bear the expenses of necessary relocation of facilities; providing for a governing body and prescribing their duties, adopting certain provisions of the general law; enacting other provi-
ions required for the functioning of the master and subordinate di-
trict; providing a severability clause; and declaring an emergency.

H. B. No. 925, An Act authoriz-
ing and directing the execution and delivery by the Board of Directors of Texas Technological College, acting by the Chairman therefor, of a right-of-way easement of certain land in Lubbock County, Texas, to the State Highway Commission of the State of Texas, for the construc-
tion and maintenance of a state highway across the campus of Texas Technological College; and declaring an emergency.

H. B. No. 926, An Act amending House Bill No. 144, Acts, Fifty-
third Legislature, 1953 so that in the Fourth Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Eleven Thousand Doll-
ars ($11,000), and the maximum salary of the Assistants and inves-
tigators shall not exceed Seven Thousand Five Hundred Dollars ($7,500), for the First Assistant District Attorney, and Seven Thousand Doll-
ars ($7,000) for other Assistant District Attorneys and Investigators in said district; containing a severability clause; and declaring an emergency.

H. B. No. 78, An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Regular Session, 1939, as amended by House Bill No. 611, Chapter 622, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amend-
ed, which is codified as Article 565c, Vernon's Texas Civil Statutes, by adding three (3) new sections to be known as 16-A, 16-B, and 16-C, and amend-
ing Subsection (1) of Section 57 and Section 28; providing for financial as-
sistance to needy individuals who are at least eighteen (18) years of age and not more than sixty-five (65) years of age who are permanently and totally disabled; providing eligibility require-
ments for such assistance; designating the State Department of Public Welfare as the State Department to administer such program, and authorizing the said Department to cooperate with the De-
partment of Health, Education, and Welfare or any other Federal Agency authorized to administer such aid; pro-
viding for the payment of such assist-
ance and the administrative expenses incident thereto; providing for the acceptance and use of any Federal moneys allocated to the State Department of Public Welfare for the payment of as-
sistance or for administrative costs; stating the intent of this Act requiring the responsibility of Federal and State institutions for care and treatment of persons eligible for care and treatment in such institutions; providing pro-
cedures and regulations for the making and payment of assistance grants and for the administration of this assistance program; making Sections 22 through 43 of the Public Welfare Act of 1941 and all other general provisions of that Act applicable to this assistance pro-
gam; amending Section 2, Article XX of Chapter 184, Acts of the Four-
thenth Legislature, Regular Session, 1941, so amended, by adding a new Subsection to be known as Subsection (6), and amending Subsection 4-e; providing for the allocation of funds to the Special Fund created in the State Treasury, to be known as the "Disabled Assistance Fund," making an appropriation out of the "Disabled Assis-
tance Fund" to the State Department of Public Welfare for the purpose of paying assistance grants for each year of the biennium beginning September 1, 1957, and ending August 31, 1959;
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making an appropriation for payment of administrative expenses for the remainder of the fiscal year ending August 31, 1957; making an appropriation for payment of administrative expenses for each year of the biennium beginning September 1, 1957 and ending August 31, 1959; and providing a saving clause; and declaring an emergency.

HOUSE BILL NO. 152 ON SECOND READING

Mr. Woolsey moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 152.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 152, A bill to be entitled "An Act creating the Texas Water Development Board and prescribing its composition, powers and duties; defining certain terms; authorizing the Board to promulgate rules; providing for the hiring of employees and prescribing certain duties; requiring the Board to make certain reports; authorizing the Board to solicit funds and employ same; providing a saving clause and declaring an emergency."

The bill was read second time.

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

Amend H.B. No. 159 by striking out all below the enacting clause and inserting the following:

Section 1. For the purpose of this Act the following terms shall be defined:

(a) "Board" means the Texas Water Development Board.

(b) "Chairman" means the Chairmen of the Texas Water Development Board.

(c) "Secretary" means the Executive Secretary of the Texas Water Development Board.

(d) "Water Board" means the Board of Water Engineers of its successors.

(e) "Political Subdivision" means any political subdivision or body politic and corporate of the State of Texas, and includes any river authority, conservation and reclamation district, water control and improvement district, water improvement district, water control and preservation district, fresh water supply district, irrigation district and any type of district herebefore or hereafter created, organized or authorized to be created or organized pursuant to the provisions of Article XVI, Section 59, or Article III, Section 52 of the Constitution of the State of Texas; "Political subdivision" also means any interstate compact commission to which the State of Texas is a party, municipal corporation or city whether operating under the Home Rule Amendment of the Constitution or under the General Law.

(f) "Public Agency" means any agency of the United States, State of Texas or political subdivision of the State.

Section 2. The Texas Water Development Board is hereby created and declared to be a State Agency for performing the governmental functions authorized by this Act and such other duties as the Legislature may prescribe from time to time. The Texas Water Development Board shall consist of six members appointed by the Governor, with the advice and consent of the Senate. Said members shall be appointed from different sections of the State in order to give each section having water problems peculiar to the area or section representation on said Board, and the Governor in making said appointments shall give consideration to the interest of said appointees in order that said Board shall generally constitute the representation of each type of water user within this State. Of the members first appointed, two shall serve for a term of two years, two for terms of four years, and two for terms of six years. Thereafter, each member shall serve for a term of six years and until his successor is appointed and has qualified. In case of the death or resignation of any member, his unexpired term shall be filled by appointment in the same manner. Each of the six members of the Board is hereby declared to be an officer of the State as defined by the Texas Constitution and each shall qualify by taking the official oath of office prescribed by law. The members of the
Texas Water Development Board shall receive a per diem of not more than Twenty-five Dollars ($25.00) for each day served in the performance of their duties, together with traveling and other necessary expenses.

The Governor shall designate the Chairman of the Board who shall serve as Chairman at the will of the Governor. At the first meeting of the Board, a Vice-Chairman shall be elected by the Board from its members and said Vice-Chairman shall serve for a term of two years from the effective date of this Act; thereafter, a Vice-Chairman shall be elected every two years by the members of the Board. Vacancies in the office of Vice-Chairman shall be filled by the Board for the remainder of the unexpired term. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board and perform the other duties required by this Act. A majority of the members of the Board shall constitute a quorum to transact business. The Board shall meet once each month on a day and a place selected by it, and continue with each meeting until its docket is cleared, subject to recesses at the discretion of the Board. The Chairman of the Board may call a special meeting at any time he thinks necessary, by giving the other members notice thereof. The Board shall elect an Executive Secretary who shall perform all duties required by this Act and by said Board. The Executive Secretary shall execute a bond in a sum to be determined by the Board, approved by the Secretary of his duties under the law, and for the delivery to his successor or other employee designated by the Board, or to the same, all money, books and other property belonging to the State then in his hands or under his control, or with which he may be legally chargeable as custodian of the Board. The premium on such bond shall be paid out of money available to the Board for administrative expenses. The Executive Secretary shall keep full and accurate minutes of all meetings of the Board and complete records of all its proceedings and transactions and of every resolution and decision made by it. The Secretary shall be custodian of all files and records of the Board. The Board shall procure and adopt a seal bearing the words "Texas Water Development Board" encircled by the oak and olive branches, common to other official seals. The Board is hereby authorized to purchase through the State Board of Control or any and all supplies including, but not by way of limitation, stationery, stamps, printing, record books, and such other things as may be needed, at state expense, in order to carry on its functions as a state agency in the performance of the duties herein imposed upon it. The Board is authorized to rent office space and to employ such consulting and professional experts, and such employees as may be necessary for the discharge of the duties of the Board. The employees of the Board shall be deemed to be State employees, and all civil and criminal laws regulating the conduct and relations of other State employees shall apply to them. The Board shall be deemed to be a public agency, and all actions taken by it shall be subject to the provisions of the Open Meeting Act as it shall deem to be necessary or advisable, and to enforce the same.

Section 3. The Board is hereby authorized and empowered:

(a) To adopt a statewide program for the development, management, and conservation of the water resources of the State of Texas.

(b) To enter into contracts and agreements with other State, Federal and local governments and agencies, and private enterprises for a statewide topographic mapping program for the State.

(c) To establish policies and procedures in order to secure close cooperation and coordination of the water conservation activities of other public agencies, political subdivisions and water users.

(d) To make recommendations for avoiding duplication of effort and overlapping of functions by public
other information as the Board may require with the Board for its advice
and suggestions prior to making its applications to the Board of Water
Engineers for its approval or permit, such recommendations to be
made by the Board shall be given consideration by the Board of Water
Engineers in making its decision.

After the Board has adopted, with
the approval of the Legislature, a
statewide water plan, the develop-
ment of the water resources of this
State shall conform to said plans
and the authority of the Board shall
extend to and be conclusive of all mat-
ters affecting the policy of this State
as regards the conservation, manage-
ment and development of the water
resources of this State.

Changes in such statewide water
plan shall be recommended by the
Board when necessary and, after
adoption by the Legislature, shall
be effective as provided above.

Section 6. The Board shall make
annual reports in writing to the
Governor and the Legislature in
which reports shall be included state-
ments of its activities, its recom-
endations for a State water plan,
and any suggestions for the amend-
ment of existing laws and the en-
actment of new laws.

Section 7. The Texas Water Devel-
opment Board is authorized to em-
ploy such consulting and profes-
sional experts, and such other employ-
ees as may be necessary for the discharge
of the duties of the Board. Provided,
that if undertaking the develop-
ment of a long-range program for
the conservation, management, and
development of the water resources
of this State, the Board is hereby
authorized subject to Section 9 her-
eto to employ engineers, geologists,
attorneys, consultants and other
technical assistance on a contrac-
tual or per diem basis.

Section 8. The members, Executive
Secretary, and other employees of the
Board shall be entitled to receive
from the State their necessary travel-
ing expenses while traveling on the
business of the Board, upon itemiz-
ed statement, sworn to by the per-
son who incurred the expense and ap-
proved by the Board.
Section 9. The Legislature, in General Departmental Appropriations Acts, shall make the necessary appropriation to pay wages, salaries, and other expenses of the Board. In addition to any funds appropriated by the Legislature, the Board is authorized to request, solicit, contract for, receive or accept money from any one, or from any agency, political subdivision, or other legal entity, and may then use such money to carry into effect the duties required by this Act. The money thus obtained shall be deposited by the Board in the State Treasury in a special fund to be designated as the Texas Water Resources Development Fund, and said money may be used by the Board for any of its purposes, including wages, salaries and other expenses.

Section 10. Whenever the Board of Water Engineers has personnel or facilities available and adequate to make studies or investigations necessary to accomplish the purposes of this Act, the Board shall contract with the Board of Water Engineers to furnish such services and shall reimburse the Board of Water Engineers for said services.

In the event the assembly of data or information is necessary to accomplish the purpose of the Board of Water Engineers and this Board, this Board and the Board of Water Engineers may jointly bear the necessary expense.

Section 11. It is the intention of the Legislature that the Board created by this Act is to be the same Board created by House Bill No. 161, Acts 55th Legislature, Chapter _____ page _____. In the event the Constitutional Amendment submitted to the people by House Joint Resolution No. 3, Acts 55th Legislature, 1957, is adopted.

Section 12. If any section, provision, or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the Legislative Intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

Section 13. The fact that long-range planning for water resources conservation and development is of such paramount importance to the state of Texas, the need for coordinating water conservation activities by a central State agency, and the public demand for an agency of the type established by this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and this Act shall be in effect from and after its passage, and it is so enacted.

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

Amend the Amendment for House Bill 153 by striking out all of Section 9 and inserting in lieu thereof the following:

Sec. 9. Appropriation Items 33, 34, 35, 36, 37, 38, and 39 of the appropriation for the State Board of Water Engineers contained in H. B. 138, 55th Legislature, Regular Session, for watershed planning are hereby transferred to the Texas Water Development Board to be used to accomplish the purposes of this Act under the supervision and direction of the Texas Water Development Board. In addition to any funds appropriated by the Legislature, the Board is authorized to contract for, receive or accept money from anyone, or from any agency, political subdivision, or other legal entity, and may then use such money to carry into effect the duties required by this Act. The money thus obtained shall be deposited by the Board in the State Treasury in a special fund to be designated as the Texas Water Resources Development Fund, and said money may be used by the Board for any of its purposes, including wages, salaries and other expenses.

Mr. Smith of Hays moved to table the amendment by Mr. Woolsey.

A record vote was requested on the motion to table the amendment by Mr. Woolsey.

The motion to table prevailed by the following vote:

Yea—49

Anderson, Baker, Atwell, Bartram
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Mr. Woolsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—125

No—53

Committee Amendment No. 1 was adopted.

House Bill No. 152 was then passed to engrossment.

Mr. Woolsey moved to reconsider the vote by which H. B. No. 152 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.
The Speaker then laid House Bill No. 115 before the House on third reading and final passage. The bill was read third time and passed.

Mr. Woolsey moved to reconsider the vote by which H. B. No. 115 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Woolsey, and by unanimous consent of the House, the Caption of House Bill No. 115 was ordered amended to conform with the body of the bill.

LOCAL AND UNCONTESTED BILL CALENDAR SET

Mr. Baker moved to suspend all necessary rules for the purpose of setting a Local and Uncontested Bill Calendar for tomorrow at 4:30 o'clock p.m.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, May 20, 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 granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 418.

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

Senators: Martin, Hardeman, Lane, Fry and Aikin.

Respectfully submitted,

CHARLES SCHNABEL,
Secretary of the Senate.
An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain sections of Articles 8301, 8306a, 8307, and 8309 Revised Civil Statutes of 1925 as amended; amending Sections 7, 7c, 7d, 7e, 8a, 9, 10, 11, 12, 12b, 18, 19, and 26d 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 physical rehabilitation and providing for referral of an injured employee by the Board of the Vocational Rehabilitation Division of the Texas Education Agency in cooperation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, single member or Commissioner, and before the courts and placing certain limitations thereon and providing for the payment thereof and the approval thereof by the Board, single member or Commissioner, or the courts; providing for the payment into the Second Injury Fund under certain circumstances by the association; fixing the liability of the association to furnish artificial or prosthetic appliances and removing the present limitations on the cost thereof; fixing the benefits payable in cases of death, with limitations and providing to whom payable; fixing requirements for appointment of guardian for minor beneficiaries in death cases; fixing the benefits payable in cases of funeral expenses, with limitations and providing to whom payable; fixing the benefits payable for total incapacity, with limitations; providing the method of determining extent of partial incapacity and the method of computing compensation thereon; with limitations on amount payable; providing elements to be proved in case of a hernia, and fixing benefits payable in such cases; providing procedure to be followed by the Board where the association willfully refuses or fails to pay compensation accrued or to comply with a final award; providing for the exteri­torial effects of this law upon an employee who is injured outside of this State, with limitations; fixing the liability for medical treatment in cases of silicosis and asbestosis, with limitations; and declaring an emergency.

Mr. Spelman moved that the House concur in the Senate Amendments to H. B. No. 433.

Mr. Huffman moved as a substitute motion that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on H. B. No. 433.

Mr. Schwartz of Galveston moved to table the substitute motion to not concur in the Senate amendments to H. B. No. 433 and request a Conference Committee.

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the substitute motion to not concur in Senate Amendments to H. B. No. 433 and request a Conference Committee to adjust the differences and the vote was announced, yeas 47, nays 63.

A verification of the vote was requested and granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows:

Yeas—47
Armour
Alwell
Bartram
Bishop
Blaine
Bowers
Broxen
Burkett
Cloud
Conley
Covy
Cotten
Cowan
Day
de la Garza
Duff, Miss
Ellis
Ellen
Foreman
Forsythe
Giving
Hensley
Holman
Holstein
Hoyse
Huffer
Hughes of Dallas

Nays—63
Armstrong, Miss
Johnson
Bishop
Koliba
Knuth
Lattimer
McDonald
McElroy
Matthew
May
Moore of Tarrant
Oliver
Osborn
Parnes
Perreier
Richardson
Russell
Sadler
Sandahl
Saul
Schram
Schwartz
Schwartz
of Galveston
Schwartz
of Washington
In The Chair
Sanders

In The Chair

The Chair stated that the motion to table the substitute motion by Mr. Huffman to not occur in the Senate Amendments to H. B. No. 431 and request the appointment of a Conference Committee to adjust the differences between the two Houses was lost by the above vote.

MOTIONS TO RECESS AND ADJOURN

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

Mr. Hughes of Grayson raised a point of order on further consideration of the motion to recess on the ground that the House is in a series of motions and the motion to recess is not in order.

The Chair overruled the point of order.

Mr. Martin moved that the House adjourn until 10:00 o'clock a. m. next Thursday.

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

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

The motion to adjourn until 10:00 o'clock a. m. tomorrow was lost.

The motion to adjourn until 10:30 o'clock a. m. tomorrow was lost.

The motion to adjourn until 10:00 o'clock a. m. next Thursday was lost.
The motion to recess until 7:30 o'clock p. m. today was lost.
The motion to recess until 10:00 o'clock a. m. tomorrow was lost.
Question recurring on the substitute motion by Mr. Huffman to not concur in the Senate Amendments to H. B. No. 433 and request the appointment of a Conference Committee to adjust the differences, yeas and nays were requested.
The vote of the House was taken on the substitute motion by Mr. Huffman to not concur in Senate Amendments to H. B. No. 433 and request a Conference Committee to adjust the differences and the vote was announced, yeas 66, nays 66.
A verification of the vote was requested and granted.
Mr. Woolsey moved to dispense with the verification and the motion was lost.
The roll of those voting nay was again called and the verified vote resulted, as follows:

Yea—65
Anderson
Baker
Baldman
Bane
Bishop
Blanchard
Braunher
Bristow
Bryan
Cline
Cole
Coley
Dewey
Dugger
Dillon
Ford
Glenn
Goetz
Green
Hale
Harrington
Hodlin
Hollowell
Hooks
Huebner
Huffman
Hufftor
Hughes of Grayson
Jackson
Wilson of Young

Nay—65
Armur
Atwell
Bartlam
Baines
Bowers
Boyce
Burkett
Cloud
Coley
Corry
Cotten
Cowan
Day
de la Garza
Deff, Miss
Dugas
Ellis
Puryear
Foust
Gross
Hanks
Helmsley
Holman
Holstein
Hovey
Hughes of Dallas
Storey
Hutchins
Iriske, Miss
Johnson
Johnson
Johnson
Joseph
Kohmman
Lattimer
Malcolm
McIlhaney
McIlhaney
Matthew

In The Chair
Sander

Present—Not Voting
Bhine
Mullen
Perrell
Parish

Absent
Bell
McGregor
Ballock
of McLennan
of El Paso

Present—Excused
Chapman
Murray
Healy
Pipkin
Kornach
Sack
Lee

Mr. Parish (present), who would vote "yea", with Mr. Murray (absent) who would vote "nay".
Mr. Mullen (present), who would vote "yea", with Mr. Pipkin (absent) who would vote "nay".

Mr. Ehrle (present) who would vote "nay", with Mr. Lee (absent) who would vote "yea".

Mr. Ferrell (present) who would vote "nay", with Mr. Chapman (absent) who would vote "yea".

The Chair stated that the substitute motion by Mr. Huffman was lost by the above vote.

TO GRANT JOHN W. SPIES PERMISSION TO SUE THE STATE

Mr. Turman offered the following resolution:

H. C. R. No. 131

Whereas, John W. Spiess, M. D., was formerly Dean, Administrator of Hospitals, and Professor of Preventive Medicine and Public Health in the Medical Branch of The University of Texas at Galveston; and, in addition, he was the leader in founding and establishing the State Cancer M. D. Anderson Hospital in Houston, and in arranging for other facilities of The University of Texas; and

Whereas, Dr. Spiess was formerly employed by The University of Texas and alleges that he incurred certain unpaid expenses; and

Whereas, Dr. Spiess alleges that he was unwarrantedly relieved of his duties and dismissed by summary, pre-emptory and unilateral action of the Board of Regents of The University of Texas on or about August 1, 1942; and

Whereas, Dr. Spiess alleges that he was unreasonably relieved of his duties and dismissed by summary, pre-emptory and unilateral action of the Board of Regents of The University of Texas on or about August 1, 1942; and

Whereas, Mr. Spiess alleges that he was unreasonably relieved of his duties and dismissed by summary, pre-emptory and unilateral action of the Board of Regents of The University of Texas on or about August 1, 1942; and

Whereas, Dr. Spiess desires to bring suit for the recovery of said expenses and for other pecuniary damages alleged and to maintain other claims; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring: That Dr. John W. Spiess of Fannin County, Texas, is hereby granted permission to sue the State of Texas, The University of Texas, and the Regents thereof in any Court of competent jurisdiction and venue in Fannin County, Texas, or elsewhere if he chooses, for the recovery of damages and for other purposes, as alleged by him. Service of citation or any other necessary processes may be had upon the Board of Regents of The University of Texas. The Attorney General of the State of Texas, or any appropriate person. Any statute of limitation conflicting with any purpose herein set forth is suspended. Any part of this Resolution which is unconstitutional is hereby revoked without affecting any other part. No admission of liability of the State is made by the passage of this Resolution.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO PROVIDING A RESERVED GALLERY FOR MEMBERS OF THE PRESS, RADIO AND TELEVISION

Mr. Bell offered the following resolution:

H. S. R. No. 211

Whereas, Representatives of our great Texas press, and radio and television stations, have during the present session, as well as over the years, distinguished themselves in describing and picturing for the public the work and proceedings of the House of Representatives; and

Whereas, The expanding representational staffs of news media in attendance are in urgent need of more and more adequate work space in the House, the present crowded and congested press table and adjacent areas being inadequate and unsatisfactory from the point of view of these staffs as well as the Members of this body; and

Whereas, It is the desire of the House to provide the most suitable and comfortable facilities possible for these staffs in line with the obviously imperative need to improve order and decorum on the House floor, especially inside the brass rail which surrounds the desks of the Members; and

Whereas, a press, radio and television gallery, with location similar
MESSAGE FROM THE SENATE

Austin, Texas, May 20, 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. 238, An Act regulating the sale and manufacture of foods, drugs, devices, and cosmetics for the protection of public health in the State of Texas; defining adulteration and misbranding; repealing the following articles of the Revised Civil Statutes of Texas: Articles 4470, 4471, 4472 and 4473 . . . ; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

(Speaker in The Chair)

COMMITTEE MEETING

Mr. Welch asked unanimous consent of the House that the Committee on Constitutional Amendments be permitted to meet at this time.

There was no objection offered.

HOUSE BILL INTRODUCED

Mr. Howey asked unanimous consent to introduce, and have placed on first reading H. B. No. 887.

There was no objection offered and it was so ordered.

BILLS ORDERED NOT PRINTED

Mr. Pool asked unanimous consent of the House that S. B. No. 844 be not printed.

There was no objection offered and it was so ordered.

Mr. Cory asked unanimous consent of the House that S. B. No. 471 be not printed.

There was no objection offered and it was so ordered.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 46, An Act amending Section 4 of Article 11 of Chapter 112, Acts of the Forty-seventh Legislature, 1941, which is codified as Section 4 of Article 6687b of Vernon's Texas Civil Statutes, by adding thereto Subsection 1a, relating to the issuance of a special license for the operation of a motor scooter or motorized bicycle of five (5) brake horsepower or less; providing severability; and declaring an emergency.

H. B. No. 59, An Act relating to dividends and guaranty funds for credit unions; amending Sections 21 and 22 of Chapter 87, Acts of the Thirty-third Legislature, Regular Session, 1913, as amended (codified as Articles 2481 and 2482 of Vernon's Texas Civil Statutes), so as to provide that in each of the first five (5) fiscal years of the existence of the credit union, twenty per cent (20%) of the income for such fiscal year which remains after the deduction of...
expenses shall be credited to a guar­

anty fund; to provide that “ex­
penses” shall not be construed to in­
clude losses on bad debts; to eli­
minate the phrase, “and the invest­
ments thereof”; to provide that los­ses on bad debts for a fiscal year
may be charged against the guaran­
ty fund to the extent of any balance
therein regardless of whether the net income after expenses is suffi­
cient to cover such losses; to sub­
stitute the word “amount” for “pro­
portion of profits”; to provide that a dividend may be paid from income
which has actually been collected
from the time the association began
business to the close of the fiscal
year next preceding such payment;
after deduction of expense and guaran­
ty fund; providing that any such
dividend shall first be declar­
ed at an annual meeting; to provide
for a reversal in the former sequence
and Article numbers in which the
two (2) sections appeared in the Sta­
tutes, and to clarify the meaning of
the existing law; repealing all laws
in conflict herewith; providing a
severability clause; and declaring an
emergency.

H. B. No. 163, An Act to amend Ar­
ticle 1819 of the Revised Civil Statutes
of Texas, amended by Chapter 83 of the Acts of the Forty-first Legisla­
ture, Regular Session, providing for one
Court of Civil Appeals to sit for an­
other under certain circumstances;
and declaring an emergency.

H. B. No. 288, An Act requiring the
filing of subdivision plans and the re­
CORDING OF same; and authorizing the
Commissioners Court of any county
having a population not more than one
hundred thousand (100,000), according
to the last preceding Federal Cen­sus,
to regulate the construction of roads or
streets in subdivisions situated outside
of the boundaries of incorporated towns
or cities; authorizing such Courts to
require minimum right-of-way for such
roads or streets and to require mini­
mum roadway; authorizing such Courts
to promulgate reasonable specifications
for the construction of such roads or
streets and drainage of such roads or
streets; providing such Courts to re­
quire a bond for the proper con­
struction of such roads or streets; authoriz­
ing such Courts to refuse approval of
authorizing maps or plans of subdivisions
Upon failure to comply with the pro­
visions of this Act; repealing all laws
or parts of laws in conflict with the
provisions of this Act; providing a sav­ing
clause; and declaring an emer­
geney.

H. B. No. 317, An Act amending Sec­
tion 3 (a) of Acts of the Forty-fifth Legis­
tature, 1937, Chapter 216, page 554, as
amended, (compiled as Article 1255-118,
Section 3 (a) Vernon’s Texas Civil Sta­
tutes), by re-enacting said Section
3 (a) of said Act unchallenged except for
the addition of the specific power in ad­
dition to those already conferred, to the
San Antonio River Authority to
take lands not hereinafter used but
merely dedicated, for cemetery pur­
pose when necessary or convenient to
the exercise of its powers and func­
tions by condemnation in the manner
provided by General Law upon a show­
ing that it is necessary to take prop­
erty used for cemetery purposes or that
it is necessary or convenient to take
property merely dedicated for cer­
emony purposes; providing for removal
of graves on condemned lands; provid­
ing condemnation powers as to ceme­
tery lands will be applicable only to
Bexar County; providing for the sever­
ability of the provisions hereof and that
if any portion of this Act be held invalid
it shall not affect the validity of the
remainder hereof; repealing laws and
parts of laws in conflict herewith; and
declaring an emergency.

H. B. No. 375, An Act relating to
gifts of securities and money to minors
and to make uniform the law with re­
spect thereto; citing the Act as the
“Texas Uniform Gifts to Minors Act”;
providing a saving clause; and declar­
ing an emergency.

H. B. No. 469, An Act validating the
incorporation of all cities and towns of
five thousand (5,000) inhabitants or
less, heretofore incorporated;
repealing the acts of incorporation
pursuant to be incorporated under the
General Laws of this State; validating
the area and the boundary lines there­
of; providing that this Act shall not
apply to any city or town now involved
in litigation questioning the legality of
the incorporation or any of the acts or
proceedings whereby validated; if such
litigation is ultimately determined
against the legality thereof; providing
a severability clause; and declaring an
emergency.

H. B. No. 501, An Act creating the
County Court at Law No. 4 of Harris
H. B. No. 503, An Act creating the County Court at Law No. 3 of Bexar County; providing the organization thereof and practice therein; for the appointment and election of the Judge of said Court; prescribing his qualifications, duties and compensation; for the appointment and election of the clerks of said Court; providing for the collection of fees; providing for an official seal of the court; prescribing certain duties of sheriffs and constables in relation to the court; providing for a special judge; providing for transfer of cases and for exchange of benches; providing for return and validity of process in transferred cases; providing that this Act shall not affect the civil jurisdiction of the County Court at Law of Harris County, Texas; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

H. B. No. 507, An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 2 providing benefits, Section 3 providing for disqualification for benefits, Section 4 providing for claims for benefits, Section 7 providing for contributions, Section 8 providing for duration of coverage, Section 9 providing for an unemployment compensation fund, Section 10 providing for administration, Section 14 providing for the collection of contributions, Section 16 providing for penalties, Section 17 providing for representation in Court; and Sections 19 providing definitions of terms, of the Texas Unemployment Compensation Act as amended (Senate Bill No. 6, Chapter 412, General and Special Laws of the Forty-fifth Legislature, Third Called Session, 1936, as amended; and to repeal subsections of Section 16 and Section 20 of the Texas Unemployment Compensation Act as amended; providing an effective date for this Act and its Sections; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; and declaring an emergency.

H. B. No. 531, An Act validating the organization and creation of the Brushy Creek Water Control and Improvement District No. 1 of Williamson and Milam Counties; validating the confirmation, election of directors, and preliminary bond election and proceedings in connection therewith; validating the preliminary bonds authorized at said election and providing that when said preliminary bonds have been issued and delivered they shall be incontestable; validating governmental proceedings and acts and all proceedings and actions relative to exclusion of lands or other property; validating the area and bounds of said District; finding and determining that the lands and other property within said District are, and will be, benefited by the District, and its improvements, works and measures to be constructed and accomplished; providing that the ad valorem basis or plan of taxation shall be used by the District and that it shall not be necessary to hold a hearing on the adoption of a plan of taxation, or for exclusions, declaring that the District is essential to the accomplishment of the purposes of Section 59, Article 16, Constitution of Texas, and declaring the District to be a governmental agency, body politic and governmental in the State of Texas, and that the District must be authorized to have all the powers, rights, privileges and duties of a local organization within the purview of Public Law 586, Eighty-third Congress, Chapter 650, Second Session, H. R. 8756, as amended by Public Law 1018, Eighty-fourth Congress, Chapter 600, Second Session, H. R. 8756, including the power and authority to

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secure a federal loan or loans and enacting the applicable provisions of said public laws into this Act; authorizing the District to issue negotiable bonds for payment of interest and principal thereof; providing the District shall assume sole expense for all necessary relocation, relining, rerouting or changing the grade or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipelines; providing that no loan from the Federal Government shall be consummated and no bond shall be issued unless authorized by an election for such purposes; providing any such bonds to be incontestable after approval by the Attorney General and registration by the Comptroller of Public Accounts; providing that the District is subject to statutes relating to water control and improvement districts unless otherwise provided; providing a severability clause; and declaring an emergency."  

H. B. No. 639, An Act to permit directors of Water Improvement Districts organized and operating by virtue of Article XVI, Section 59 of the State Constitution, and laws enacted pursuant thereto, to have their hands assume to and form a part of such District of which they are directors, or director; and declaring an emergency.  

H. B. No. 662, An Act to establish the Probate Court of Tarrant County: to vest the same with jurisdiction thereof and to conform to such change the jurisdiction of the Court of Tarrant County; and providing for the transfer of matters and proceedings from the County Court of Tarrant County to said Probate Court of Tarrant County; declaring the validity in the transferred cases of writs and processes and in the case of writs and other writings, the execution of said Court, and the action, qualification and appointment of a Judge thereof; the execution of a bond and oath of office, the filing of vacancies in said Court; and for the issuance of negotiable interest bearing bonds and refunding bonds secured by ad valorem taxes, net revenues or by both ad valorem taxes and net revenues; providing for bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and for incontestability and negotiability of such bonds and re-
funding bonds; adopting the ad valorem plans of taxation for said District; making bonds of the District eligible for investments and executing the property of the District and the bonds of the District from taxation; providing certain matters pertaining to eminent domain; authorizing contracts for purchase of water or water supply; finding of benefits to land and property in the District; etc.; providing a severability clause; and declaring an emergency.

H. B. No. 758. An Act authorizing and directing the School Land Board of the State of Texas to charge an appraisal fee; providing that such fee shall be in such amounts as may be fixed by the Board; providing that such fee shall be paid to the Commissioner of the General Land Office; providing for a refund of unused fees; providing that fees which are not refunded shall be deposited in the State Treasury in a Special Fund hereinafter created; making an appropriation out of such fund; making the provisions of this Act cumulative; providing a saving and severability clause; and declaring an emergency.

H. B. No. 758. An Act changing the name of "Abilene State Hospital" providing for its operation; authorizing the purchase of a building to be known as the "State Archives and Library Building" to house the State Library and Archives, Museum and Land Office, including the purchase of a site therefor; providing for the present Legislative Reference Library now housed in the Capitol Building shall not be removed therefrom; empowering the State Building Commission to expend funds appropriated to it from this source; providing for the State Building Commission shall consult with the Texas Historical Survey Committee, or its successor, as to the plan and location of such building; stating the effect of this Act on other laws; and declaring an emergency.

H. B. No. 758. An Act amending certain sections of Article 21.38 of the Insurance Code of Texas, 1951, as amended, by amending Section 2 by changing its caption, by retaining some of its provisions, fixing the annual license fee to agents licensed under Article 21.38 at Twenty-five Dollars ($25), prescribing the fund into which the license fee shall be placed, by placing a tax equal to five per cent (5%) of the premium paid for insurance in unauthorized insurers, prescribing the manner in which and by whom such tax shall be paid, providing for the filing of an affidavit in form approved by the Board of Insurance Commissioners, requiring certain reports of agents licensed under Article 21.38, providing the exemption of contracts of reinsurance between insurance companies, and providing a
penalty; amending Section 5 to designate the applicability of designated Sections to designated situations; by amending Section 6 pertaining to service of process upon unauthorized insurers; and by amending Section 7 concerning the requirements for a deposit with the Clerk of the Court as a prerequisite to the defense of actions brought against unauthorized insurers; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency.

H. C. R. No. 39, To grant Duval Sulphur and Potash Company permission to sue the State.

H. C. R. No. 44, To grant Mrs. M. B. Buford, et al, permission to sue the State.

H. C. R. No. 57, To grant Lester de Cordova permission to sue the State.

H. C. R. No. 58, To grant H. B. Neil permission to sue the State.

H. C. R. No. 63, To grant Houston Turner permission to sue the State.

H. C. R. No. 64, To grant R. Olsen Oil Company permission to sue the State.

H. C. R. No. 97, To grant Martin Noldehman permission to sue the State.

H. C. R. No. 105, Concerning problems confronting Public School Education.

H. C. R. No. 111, Suspending the rules to allow either House to consider H. B. No. 289 at any time.

H. C. R. No. 112, Suspending the rules to allow either House to consider H. B. No. 217 at any time.

H. C. R. No. 114, Suspending the rules to allow either House to consider H. B. No. 913 at any time.

CONGRATULATING FREDERICK MARS RUSSELL

Mr. Jamison offered the following resolution:

H. S. R. No. 517

Whereas, Frederick Mars Russell, son of Lt. and Mrs. Wm. M. Russell of Patuxent (Maryland) Naval Air Station, and nephew of Representative and Mrs. Alonzo Jamison, has achieved much success in his first year as a Cub Scout, and

Whereas, The interest of this young man in the heroes of the Alamo and the glorious history of this his native State of Texas has furnished him a valued guide in his studies; now therefore, be it

Resolved, That the House of Representatives, Fifty-fifth Legislature, congratulate Master Russell on his fine work, encouraging him to continue to uphold the ideals of Davy Crockett, Sam Houston, Stephen F. Austin, et al, and extending him a cordial invitation to visit the House.

The resolution was adopted.

TO DIRECT THE TEXAS LEGISLATIVE COUNCIL TO MAKE A STUDY OF THE NEEDS AND PROBLEMS OF THE PHYSICALLY HANDICAPPED

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

S. C. R. No. 39

Whereas, Certain problems and needs of the physically handicapped and mentally retarded youth in the State of Texas are statutory responsibilities of several state agencies and are as well of major interest and concern to parents, lay and professional persons, units of local government, public schools, and charitable organizations; and

Whereas, These agencies and groups are endeavoring to provide to a degree, independently of one another, services to meet the problems and needs of these youth; and

Whereas, Providing services for the physically handicapped and the mentally retarded youth in our state is primarily and fundamentally a health function of the state and local communities; and

Whereas, It appears desirable and necessary that a complete and thorough study be made of all related problems concerning education, training, care and treatment of the physically handicapped and the mentally retarded youth in order to coordinate to the best advantage work of the various individuals, agencies and groups involved; now, therefore, be it
Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that the Texas Legislative Council be and is hereby requested to make this study which shall specifically include the following:

1. A determination of the extent and scope of the needs and problems of the physically handicapped and the mentally retarded youth in the State of Texas and the extent to which these needs and problems are being met;

2. An examination of existing facilities, both public and private, for the education, training, care and treatment of these youth;

3. Recommendations concerning the improvement, expansion, and coordination of all these facilities in the light of the best interest of the persons involved, the local communities, and the state;

4. The making of a full and concise report concerning its investigation and recommendations, if any, for legislative or other action, to the 56th Legislature; and, be it further

Resolved, That the Legislative Council be directed to appoint an Advisory Committee to assist in this study, said committee to consist of persons who by virtue of their training, ability and experience in the fields of public welfare, education, psychology, medicine and state government are able to give advice on the education, training, care and treatment of the physically handicapped and the mentally retarded youth; and, be it further

Resolved, That state officials and employees requested to give information and aid to the Legislative Council in this study are hereby specifically requested so to do.

The resolution was referred to the Committee on Rules.

SENATE BILL ON FIRST READING

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

S. B. No. 238 to the Committee on Public Health.
By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on suspending the Constitutional Rule to place S. B. No. 444 on third reading and final passage on May 17, 1957.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on passage of H. B. No. 444 on May 17, 1957.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on passage of H. B. No. 55 on May 17, 1957.

By unanimous consent of the House, Mr. Anderson was granted permission to be recorded as voting "Yea" on the motion to suspend the Constitutional Rule to place H. B. No. 8 on third reading and final passage and "Yea" on the motion to suspend the Constitutional Rule on S. B. No. 75.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on the motion to table the amendment by Mr. Pariah to H. B. No. 8 on May 17, 1957.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on the motion to suspend the Constitutional Rule on H. B. No. 8 and on the passage of H. B. No. 8 on May 17, 1957.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on the motion to suspend the Constitutional Rule on H. B. No. 8 and on the passage of H. B. No. 55 on May 17, 1957.

By unanimous consent of the House, Mr. Baker was granted permission to be recorded as voting "Yea" on passage of H. B. No. 8 and on the motion to suspend the Constitutional Rule on H. B. No. 8 on May 17, 1957.

By unanimous consent of the House, Mr. Byrd was granted permission to be recorded as voting "Yea" on motion to suspend the Constitutional Rule to place S. B. No. 75 on third reading and final passage on May 17, 1957.

By unanimous consent of the House, Mr. Byrd was granted permission to be recorded as voting "Yea" on the motion to suspend the Constitutional Rule on S. B. No. 75 on Friday, May 17, 1957.

By unanimous consent of the House, Mr. Roberts was granted permission to be recorded as voting "Yea" on the passage of H. B. No. 8 and on the motion to suspend the Constitutional Rule on S. B. No. 75 on May 17, 1957.

By unanimous consent of the House, Mr. Roberts was granted permission to be recorded as voting "Yea" on the motion to suspend the Constitutional Rule on H. B. No. 8 on May 17, 1957.

(Mr. Sanders in The Chair)

ADJOURNMENT

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

A record vote was requested on the motion to adjourn.

The vote of the House was taken on the motion to adjourn until 10:30 o'clock a.m. tomorrow and the vote was announced yeas 67, nays 44.

A verification of the vote was requested and granted.

Mr. Woolsey moved to dispense with the verification.

The motion was lost.
The roll of those voting "yea" was again called and the verified vote resulted, as follows:

Yeas—67

Robert Smith of Nacogdoches
Russell Spillman
Sadler Strickland
Sandahl Struve
Saul Suderburg
Schramm Sutton
Schwartz Thurmond
Shelton Tunnell
Shelton Wilson of Tarrant
Shaw Woolrey

In The Chair

Sanders Absent

Bell Koliba
Bianchard McGregor
Bullock McNamara
Cox McGregor
Fenoglio of El Paso
Green Matthew

(Absent—Excused

Chapman Murray
Heady Pickens
Kornich Slack
Lee

(The House by unanimous consent dispensed with the verification of those voting "nay")

Speaker in The Chair.

The Speaker stated that the motion to adjourn until 10:30 o'clock a.m. tomorrow prevailed by the above vote.

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

"Our Father in times of confusion, when men doubt their beliefs and believe their doubts and are victims of ideologies that seek to divide and conquer, give to the people of this State, true appreciation of the great affirmations we hold in common. Direct our State government that it may ever make it as hard as possible to do wrong and as easy as possible to do right. For that and instill our leaders to the eternal truths Thou hast revealed in the Bible and in Thy Son, Jesus Christ our Lord.—Amen."

The House accordingly, at 6:43 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.
APPENDIX

STANDING COMMITTEE REPORTS

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


Military and Veterans' Affairs: S. B. No. 290.


State Affairs: S. B. No. 471 and S. B. No. 484.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 16, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 112, suspending the Joint Rules so that either House may take up and consider House Bill No. 217 at any time.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 16, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 116, suspending the Joint Rules so that House may take up and consider Senate Bill No. 143.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 118, suspending rules so that either House may take up and consider Senate Bill No. 145.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 16, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 4, sine die for Fifty-fifth Legislature at six o'clock p. m. Thursday, May 23, 1957.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 16, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 114, suspending the Joint Rules so that the House may take up and consider Senate Bill No. 123.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred 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."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957

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

H. B. No. 78. A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Regular Session, 1959, as amended by House Bill No. 611, Chapter 542, Page 814, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1951, as amended, which is codified as Article 685c, Vernon's Texas Civil Statutes, by adding three (3) new Sections to be known as 16-A, 16-B and 16-C, and amending Subsection (1) of Section 27 and Section 28, providing for financial assistance to needy individuals who are at least eighteen (18) years of age and not more than sixty-five (65) years of age who are permanently and totally disabled; providing eligibility requirements for such assistance; designating the State Department of Public Welfare as the State Department to administer such program, and authorizing the said Department to cooperate with the Department of Education, and Welfare of any other Federal Agency authorized to administer such aid; providing for the payment of such assistance and the administrative expenses incident thereto; providing for the acceptance and use of any Federal moneys allocated to the State Department of Public Welfare for the payment of assistance or for administrative costs; stating the intent of this Act regarding the responsibility of Federal and State institutions for care and treatment of persons eligible for care and treatment in such institutions; providing procedures and regulations for the making and payment of assistance grants and for the administration of this assistance program; making Sections 23 through 42 of the Public Welfare Act of 1941 and all other general provisions of that Act applicable to this assistance program; amending Section 2, Article XX of Chapter 164, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (6), and amending Subsection 4c; providing for the allocation of State funds to the Special fund in the State Treasury to be known as the "Disabled Assistance Fund," making an appropriation out of the "Disabled Assistance Fund" to the State Department of Public Welfare for the purpose of paying assistance grants for each year of the biennium beginning September 1, 1957 and ending August 31, 1959, making an appropriation for payment of administrative expenses for the remainder of the fiscal year ending August 31, 1959; providing a repealing clause; saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 8. A bill to be entitled "An Act amending Article IV of Senate Bill No. 118, Chapter 234, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended by the addition of Section 1x therein in Senate Bill No. 1, Chapter 5, Acts of the Fifty-third Legislature, First Called Session, 1954, and as amended by the addition of Sections 1b and other provisions therein in House Bill No. 729, Chapter 438, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to improve the minimum teacher salary schedule in the Foundation School Program Act; providing for the local fund assignment for the school year 1957-58 only on a new basis and thereafter the local fund assignment to be determined as now provided in Section 2, Article VI of Senate Bill No. 118, Chapter 234, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, providing for an appropriation; providing this Act shall be effective beginning with the school year 1957-58 and thereafter; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 115, granting H. A. Clemens permission to sue the State of Texas.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 115, commending Charles E. Steward for his many years of efficient and effective service to the State of Texas.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 912, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District; providing for its repayment; and declaring an emergency."
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 20, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 912, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District; providing for its repayment; and declaring an emergency."
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 13, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
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Sir:  Your Committee on Enrolled Bills to whom was referred

H. B. No. 42, An Act amending Section 1 of Senate Bill No. 5, Acts of the Forty-eighth Legislature, Regular Session, 1943, Chapter 98, page 168, codified in Vernon’s as Article 125b-1, Vernon’s Civil Statutes, so as to make the provisions of the insecticide and fungicide law applicable to household insecticides including any substance or mixture of substance offered for use for preventing, destroying, repelling or mitigating any insects or pests which may infest household goods; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Tex., May 17, 1957

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

Sir:  Your Committee on Enrolled Bills to whom was referred

H. B. No. 45, An Act to authorize the recovery of civil damages due to the malicious and wilful damage to or destruction of property by minors; limiting the amount of recovery to Three Hundred Dollars ($300); making the Act cumulative of other laws on the subject and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

Sir:  Your Committee on Enrolled Bills to whom was referred

H. B. No. 226, An Act to amend Section 2 of House Bill No. 402, Acts of the Fifty-third Legislature, Regular Session, 1953, Chapter 349, page 858, codified in Vernon’s as Article 125b-4, Vernon’s Civil Statutes, by changing the definition of “herbicide” within the meaning of the provisions of said Act which regulates the sale and use of hormone type herbicides; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

Sir:  Your Committee on Enrolled Bills to whom was referred

H. B. No. 299, An Act to amend Article 7987 of the Revised Civil Statutes of Texas, 1925, as amended, so as to increase the compensation of “district supervisors” of levee improvement districts to be fixed by the Commissioners Courts; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
Acts of Texas
ular amending Beotlon Chapter 883 by the Fifty-fourth Legislative Session, 1955, and all proceedings of the governing body relating thereto; validating refunding bonds issued for the purpose of refunding time warrants issued by such cities; providing that this Act shall not apply to any such time warrants or any refunding bonds issued to refund time warrants the validity of which is involved in litigation at the time this Act becomes effective; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

SIR:

Your Committee on Enrolled Bills to whom was referred

H. B. No. 294, An Act validating, ratifying and confirming interest-bearing time warrants authorized by cities of this State since the enactment of Section 2 of Chapter 112 by the Fifty-fifth Legislature, Regular Session, 1955, and all proceedings of the governing body relating thereto; validating refunding bonds issued for the purpose of refunding time warrants issued by such cities; providing that this Act shall not apply to any such time warrants or any refunding bonds issued to refund time warrants the validity of which is involved in litigation at the time this Act becomes effective; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

SIR:

Your Committee on Enrolled Bills to whom was referred

H. B. No. 297, An Act amending Section 2 of Chapter 397, Acts of the Fifty-second Legislature, as amended, which prohibits the sale of fish taken from the public fresh waters of certain counties, by excepting the Sabine River in Sabine County therefrom; legalizing the sale of fish, except bass and crappie, taken from the Sabine River in Sabine County, and making the taking and sale of fish from these waters subject to the General Laws of this State; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

SIR:

Your Committee on Enrolled Bills to whom was referred

H. B. No. 339, An Act providing that it shall be unlawful to sell or offer for sale, any ray, pelican, lance pelican, or any other preparation which contains thallium sulphate or any other thallium compound, in sufficient quantity to be dangerous to the health or life of a human being; defining what constitutes a sufficient quantity of thallium sulphate or thallium compound to be dangerous to human life; declaring violation of this Act to be a misdemeanor punishable by a fine, and prescribing a penalty for the violation thereof; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

SIR:

Your Committee on Enrolled Bills to whom was referred

H. B. No. 399, An Act regulating the taking and killing of deer in Upshur and Wood Counties, Texas; providing open and closed seasons; providing penalties for violation of this Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
providing for a penalty for violating such signs; repealing all laws or parts of laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 622, An Act authorizing the annexation to any drainage district heretofore or hereafter organized under Section 52, Article III of the Constitution of Texas which lies wholly within one county and has no outstanding bonds and has not therefore been converted into a conservation and reclamation district under Section 59, Article XVI of the Constitution, or territory contiguous to the district and lying wholly within the same county but outside of any other drainage district and outside of any incorporated city, town or village; prescribing the method of procedure whereby such territory may be added; providing for notice and for hearing before the Commissioners Court for the county in which such district and territory is situated on benefits and necessity therefor; specifying the facts which must be found in order for the Commissioners Court to order the territory or parts thereof added to the district; providing that the provisions of this Act shall be cumulative of all other laws pertaining to drainage; providing that if part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 653, An Act establishing and providing for a State manually retarded school; regulating and providing for the operation of same; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 696, An Act amending Article 2676, of the Revised Civil Statutes of Texas, 1925, as last amended, to prescribe certain elections and procedures incident to election of county school trustees; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 711, An Act providing an open season in Wood County for hunting and killing wild pheasants; repealing conflicting laws; but providing nothing herein shall repeal the General Law as to bag limit on said wild pheasants; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 715, An Act to fix the maximum salary and provide other compensation for the Court Reporters of the 16th and 54th Judicial District Courts of Galveston County; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.
Hon. Waggoner Carr, Speaker of the House of Representatives.

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 574, An Act amending Sections 1 and 2, Chapter 281, Acts of the Forty-seventh Legislature, Regular Session, 1941; providing for revision and compilation of Abstract Volumes by the Commissioner of the General Land Office; providing for distribution of such volumes by the Comptroller of Public Accounts; providing for the sale of surplus volumes; providing for payment of moneys received from such sales to the General Revenue Fund; providing for the printing of a sufficient number of volumes to meet the demand; providing that such printing and binding is to be done within the State of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**

Austin, Texas, May 17, 1957

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

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 877, An Act to amend Subsection (c) of Section 1, Chapter 300, Acts of the Fifty-third Legislature, Regular Session, 1963 (codified as Article 3344a-16 of Vernon's Texas Civil Statutes), to raise the minimum and maximum salaries of the secretary or stenographer of the County Judge in counties having a population of fifty thousand and one (50,001) and not more than one hundred thousand (100,000) inhabitants; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**

Austin, Texas, May 17, 1957

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

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 889, An Act authorizing and directing the Board of Regents of the North Texas State College at Denton, Texas, acting by the President of said College, to execute and deliver to the City of Denton, Texas, an easement across certain land in the City and County of Denton, Texas, for the construction, reconstruction, maintenance and operation of water pipelines; providing for approval of the form of the conveyance; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**

Austin, Texas, May 17, 1957

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

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 898, An Act relating to fur-bearing animals; amending Article 922a, Revised Penal Code of Texas, 1935; defining coyote as a fur-bearing animal; providing for a hunting season for fur-bearing animals; providing that possession of green or undried pelts of fur-bearing animals after January 31st shall be prima-facie evidence of a violation of the Act; prohibiting the hunting of mink with dogs; providing for a penalty; providing a saving clause; repealing all laws or parts of laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**

Austin, Texas, May 17, 1957

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

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 897, An Act fixing the membership of the Juvenile Board of Waller County and providing compensation for such members; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**

Austin, Texas, May 17, 1957

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

**Sir:** Your Committee on Enrolled Bills to whom was referred

H. B. No. 891, An Act amending Article 3344a-2 of Vernon's Texas Civil Statutes, Legal Duties of County Judge, to increase the number of volumes to meet the demand; providing that such printing and binding is to be done within the State of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

**SCHRAM, Acting Chairman.**
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 924, An Act relating to the hunting, taking, or killing of deer in Duval County; prescribing an open season for Duval County; providing a penalty for violation; repealing Chapter 456, Acts, Regular Session, 1953, Fifty-third Legislature, Regular Session, 1953, as amended, codified as Article 2613a-3, Vernon's Civil Statutes, relating to the leasing by the Board of Directors of the Agricultural and Mechanical College of Texas for oil, gas, sulfur, mineral ore and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may be acquired hereafter for the use of the Agricultural and Mechanical College of Texas and its divisions, so as to eliminate provisions of Section 1 as they concern the disposition of certain amount of bonus and rental payments received prior and subsequent to August 31, 1937, because such provisions are now moot; to provide for the disposition of all money received under and by virtue of this Act by establishing the Texas Agricultural and Mechanical College System Special Mineral Investment Fund and the Texas Agricultural and Mechanical College System Special Mineral Income Fund and providing the manner in which the funds are to be administered by the said Board of Directors; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

Austin, Texas, May 17, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 917, An Act amending Section 1 of House Bill No. 159, Chapter 150 of the Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, codified an Article 2613a-3, Vernon's Civil Statutes, relating to the leasing by the Board of Directors of the Agricultural and Mechanical College of Texas for oil, gas, sulfur, mineral ore and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may be acquired hereafter for the use of the Agricultural and Mechanical College of Texas and its divisions, so as to eliminate provisions of Section 1 as they concern the disposition of certain amount of bonus and rental payments received prior and subsequent to August 31, 1937, because such provisions are now moot; to provide for the disposition of all money received under and by virtue of this Act by establishing the Texas Agricultural and Mechanical College System Special Mineral Investment Fund and the Texas Agricultural and Mechanical College System Special Mineral Income Fund and providing the manner in which the funds are to be administered by the said Board of Directors; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 42, Granting permission to James Leslie Joyner and wife, Mary Louise Reeves Joyner, to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

SCHRAM, Acting Chairman.

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


SIXTY-SIXTH DAY
(Tuesday, May 21, 1957)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker
Anderson
Armstrong
Ashwell
Baker
Ballman
Bartram
Bass
Bell
Bishop
Blalock
Blanchard
Bowers
Bowen
Breather
Bristow
Bryan
Burket
Byrd
Chapman
Cheyenne
Cloud
Cole
Colley
Conley
Cory
Cowden
Croswell
Day
de la Garza
Deeny
Duff, Miss

Dugas
Dungan
Ehrie
Elliot
Eason
Evans
Ferrell
Ford
Foreman
Folks
Gates
Goss
Green
Green
Hale
Harrington
Hatch
Hensley
Holloway
Holman
Huckman
Hughes of Grayson
Hughes of Dallas
Hutchins
Isaacs, Miss
Jackson
Johnson
Jones
Joseph