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

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

A quorum of the House was announced present.

Speaker Tarman recognized the Honorable D. Roy Harrington, who introduced the Reverend Peter Farr, Ordo Sancti Augusti, Our Lady of Guadalupe Church, Fort Worth, Texas.

The Invocation was offered by the Reverend Farr, as follows:

"Almighty God, our Heavenly Father, Thine is the power and glory forever and ever. Thou art the Creator of every single thing on earth, both large and small. Thy will is the law of the universe, the way for us to learn and follow. Thou hast filled the earth and sea with good things in infinite abundance. Thou hast created us, Thy children, to make use of the good things Thou hast put here in our beloved country, the richest Nation on earth. Thou lovest us and it is Thy will we shall live in plenty if we first seek Thy kingdom and Thy righteousness. So I come to Thee, in the name of this House of Representatives of our
beloved State of Texas, to seek Thy help and guidance in straightening out our prosperity problems, Thy counsel and inspiration in making laws and rules. Teach us to be faithful in our work and how to apply our ways and means that the people under our care can see only our good heart seeking only their prosperity and security.

We pray Thee, O God of might, wisdom and justice, through Whom authority is rightly administered, laws are enacted and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude, the President of our beloved United States of America, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides.

Let the light of Thy divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace.

We recommend likewise, to Thy unbounded mercy, all our brethren and fellow citizens throughout the United States that they be blessed with union and peace. In the Name of Jesus, we pray.—Amen.

LEAVES OF ABSENCE GRANTED

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

Mr. Ratcliff for today, on motion of Johnson of Dallas.

Mr. Kennard for today, on motion of Mr. McGregor of El Paso.

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

Mr. Townsend for today, on motion of Mr. Nugent.

MEMORIAL RESOLUTIONS ADOPTED

H. C. R. No. 21, by Messrs. Stewart of Wichita, Wheatley, Crain, Gibbens, Connell and Thurman: In memory of Frank Lee Moffett.


H. S. R. No. 129, By Mr. Curlington: In memory of Sr. J. B. Lawhon.

H. S. R. No. 132, By Miss Duuff: In memory of Henry Curry.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 117, By Messrs. Bridges, Feeter and Hale: To congratulate Miss Margaret Ann Sellick of Corpus Christi, Texas.

H. S. R. No. 127, By Mr. Fletcher: To congratulate Mr. William Veidt and Station KONY of San Marcos.

H. S. R. No. 131, By Mr. Allen: To congratulate Mike Wolfe of Longview High School and to commend Miss Rebecca Rowntree.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read several times and referred to the appropriate Committees, as follows:

By Messrs. Townsend and Barnes:

H. B. No. 91, A bill to be entitled "An Act limiting the provisions of this Act to the County of Mills, making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in said County at any time; to take, kill or attempt to take, kill or trap any fur-bearing animal in said County or to take or attempt to take any fish or other aquatic or marine animal from said County by any means or method; providing the powers, duties and authority of the Game and Fish Commission; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits; pro-
the City of Austin distribution system by the construction of a 48 inch water main in and along State-owned property in the City of Austin; and

Whereas, It has been determined that the construction of the above mentioned 48 inch water line will benefit all of those State-owned properties known as the Austin State Hospital, the Texas State School for the Blind, the State Health Department Building, the State Dairy Tract, and the State Department of Public Safety Building by insuring an adequate supply of water for fire fighting and further development of these properties; and

Whereas, It has been found that the construction of the above indicated 48 inch water line will further benefit the State-owned property across which it must pass by permitting the abandonment of the 6 inch water line which presently hinders this tract and thereby interferes with its development; Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That in consideration of the benefits which will accrue to the State of Texas by reason of the development and maintenance of such 48 inch water line, there is hereby dedicated and granted to the City of Austin an easement for water line purposes in, upon, along and across the following described tract of land:

"Two (2) strips of land, each of the said two (2) strips of land being ten (10.00) feet in width; the strip of land hereinafter described as No. 1 being out of and a part of a certain portion of the George W. Spear League in the City of Austin, Travis County, Texas; the strip of land hereinafter described as No. 2 being out of and a part of Outlot 2, Division "D" of the Government Outlots adjoining the Original City of Austin according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which certain portion of the George W. Spear League and Outlot 2, Division "D," together with other property, was conveyed to the State of Texas by Warranty Deed dated March 28, 1853, of record in Volume 88, page 348-347 of the Deed Records of Travis County, Texas, each of the said two (2) strips of land being more particularly described as follows:
No. 1 Beginning at a point in the present north line of West 46th Street, and from which point of beginning the point of intersection of the said present north line West 45th Street with the east line of Lamar Boulevard bears N 67° 19' W 5.00 feet;

Thence, along a line five (5.00) feet east of and parallel to the east line of Lamar Boulevard, N 32° 20' E 381.67 feet to the point of curvature of a curve whose angle of intersection is 38° 52' whose radius is 1091.28 feet and whose tangent distance is 385.01 feet;

Thence, with said curve to the right an arc distance of 746.27 feet, the long-chord of which arc bears N 12° 54' E 726.16 feet to the point of tangency of said curve;

Thence, continuing with said line five (5.00) feet east of and parallel to east or southeast line of Lamar Boulevard in a southerly direction twenty-five (25.00) feet to point of termination;

And in addition thereto a temporary working space easement thirty-five (35.00) feet in width to cover the period of original installation is to be retained contiguous to the east or southeast lines of each of the said two (2) strips of land described above.

SANDHILL, FOREMAN, JONES of Travis.

The resolution was referred to the Committee on State Affairs.

TO INVITE THE HONORABLE JOHN G. TOWER TO ADDRESS THE TEXAS HOUSE OF REPRESENTATIVES

Mr. Kohler offered the following resolution:

H. S. R. No. 130

Whereas, The Honorable John G. Tower of Wichita Falls was chosen by the electors of this State last year as their representative in the United States Senate; and

Whereas, During his short period of service in Congress, Senator Tower has demonstrated unusual ability and competence in addition to a broad understanding of the problems which this nation faces, both on the domestic and international scenes; and

Whereas, Although this is only his first term, he has been assigned to two major Senate committees—Banking and Currency and Labor and Public Welfare; and

Whereas, He was one of four Senatorial delegates to the Commonwealth Parliamentary Association meeting in London in September, 1961; and

Whereas, These honors and accomplishments are even more noteworthy in view of the fact that Senator Tower is the youngest Senator in the 87th Congress; and

Whereas, Although this is only his first term, he has been assigned to two major Senate committees—Banking and Currency and Labor and Public Welfare; and

Whereas, He was one of four Senatorial delegates to the Commonwealth Parliamentary Association meeting in London in September, 1961; and

Whereas, These honors and accomplishments are even more noteworthy in view of the fact that Senator Tower is the youngest Senator in the 87th Congress; and

Whereas, He has reflected credit upon Texas and has continued to work diligently for its interests and welfare; now therefore be it

Resolved, That the House of Representatives, Third Called Session, 57th Legislature of Texas, request Senator John G. Tower to address this body; and be it further

Resolved, That he be sent an official invitation to visit Austin and speak to the House at his earliest convenience.

KOHLER, GEO. F. KORKMAS.

The resolution was referred to the Committee on Rules.

TO GRANT COMPUTERS, INC., PERMISSION TO SUE THE STATE INC., THE SANDHILL, FOREMAN, JONES of Travis. The Speaker laid before the House, the resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

The resolution was adopted.
INTRODUCTION OF CHARLIE WALKER

The Speaker recognized the Honorable Glenn Kothmann who addressed the House and introduced Charlie Walker of Bexar County, radio and recording artist of western and country music. Mr. Kothmann presented Mr. Walker a copy of H. B. No. 108, inviting him to visit the House of Representatives.

Mr. Walker addressed the House briefly and rendered several selections.

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 resolutions:

S. C. R. No. 12, Requesting the Board of Regents for the State Teachers Colleges of Texas to name the new Union Center Building at East Texas State College at Commerce "The Sam Rayburn Memorial Student Center."

S. C. R. No. 13, Authorizing the Engrossing and Enrolling Clerk of the Senate to make any needed technical non-substantive changes in S. B. No. 1.

HOUSE BILL NO. 18 ON SECOND READING

Mr. Stewart of Galveston moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 18.

The motion prevailed by unanimous consent.

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

H. B. No. 18, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Galveston County Water Control & Improvement District. — Crystal Beach; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority, and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing hearing for exclusion; authorizing District certain rights, powers, and authority for and in connection with its systems, facilities, and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District but limited to Galveston County, Texas, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors, etc., providing for a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Moore offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 3 by striking the word "face" before "value" in the last line of the section.

The amendment was adopted.

Mr. Murray offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H. B. 18 by adding the following at the end of Sec. 12: The term "sole expense" shall mean the actual cost of such relocation, raising, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement or after deducting therefrom the net salvage value derived from the old facility.

The amendment was adopted.
H. B. No. 18 was passed to engrossment.

HOUSE BILL NO. 18 ON THIRD READING

Mr. Stewart of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-124
Adams of Titus
Alaniz
Allen
Andrews
Bailey
Ballman
Barlow
Barnes
Bartram
Bass
Blaine
Boyson
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cory
Cottle
Cotten
Cowen
Cowles
Crain
Curington
de la Garza
Dewey
Duff, Miss
Duncan
Dudley
Edhardt
Esquivel
Fairchild
Fletcher
Floyd
Foust
Frazee
Garrision
Gibbens
Gladdens
Glass
Glazier
Green
Grover
Guffey

Pipkin
Preston
Price
Quilliam
Rapp
Richards
Richardson
Roberts of Hill
Ross
Ross
Sandahl
Shannon
Shapley
Sibley
Smith of Bexar
Smith of Jefferson
Snell
Springer
Stewart
Stewart
Stewart
Stowe
Sturman
Tatum
Tennell
Walker
Ward
Watson
Wells
Wheatley
Wilson
Yeakel

Nays-12
Adams of Lubbock
Johnson of Dallas
Banfield, Mrs.
Berry
Connel
Harling
Jarvis
Hale
Harrington
Haynes
Hinson
Huebner
Hughes of Dallas
Huntington
Hart
Haring
Haring

Absent
Atwell
Cook
Crowe
Ehrle
Eaton
Huggins
Grayson

Absent—Excused
Kennard
Kosciusko
Kosciusko
Kosciusko
Lacy
Latimer
Leaverton
Longoria
McCorpin
McGregor
McGregor
McMahan
McMahan
El Paso
Manvel
Marrin
Miller
Moore
Mullen
Murray
Mutscheller
Niemeyer
Oliver
Osborn
Payson
Peeler
Petty
Pieratt

The Speaker then laid House Bill No. 18 before the House on third reading and final passage.

The bill was read third time and was passed.

COMMITTEE MEETING

Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

HOUSE BILL NO. 10 ON SECOND READING

Mr. Miller moved that all the necessary rules be suspended for the purposes of taking up and considering at this time House Bill No. 19.

The motion prevailed by unanimous consent.
The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 69 of Article XVI, Constitution of Texas, to be known as 'Memorial Villages Water Authority': prescribing the area and powers of the Authority; providing that a confirmation election or hearing on adoption of the plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used; providing for a Board of Supervisors to control and exercise the powers of the Authority; providing that the Authority shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; prescribing its rights, powers, privileges, and duties; making the Authority's bonds eligible for certain Investments and to secure the deposit of public funds; exempting the Authority and its bonds from taxation; containing other provisions relating to the subject; enacting a savings clause; declaring the Authority essential; and declaring an emergency."

The bill was read second time.

Mr. Eckhardt offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend House Bill No. 19 by inserting between Section 2 and Section 3 a new section to read as follows:

"Sec. 2a. In the event, but only in the event, that a majority of the qualified voters voting at the first bond election called for that purpose fail to approve the issuance of bonds, then the authority shall, without further action, terminate and be dissolved, and this Act shall be of no further force and effect."

The amendment was adopted without objection.

H. B. No. 19 was passed to engrossment.

HOUSE BILL NO. 19 ON THIRD READING

Mr. Miller moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—122

Adams of Titus
Allen
Andrews
Baker
Ball
Barnes
Bass
Berry
Blaine
Block
Boyson
Brenes
Burgess
Butler
Caldwell
Cannon
Campbell
Cole of Harris
Cole of Hunt
Collins
Cook
Cox
Cotten
Cowen
Cowles
Crain
Crews
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrle
Etzel
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Glass
Glazier
Green
Grover
Guffey
Hale
Harper
Harrell
Haynes
Heaton
Hines
Hollon
Huebner
Hughes of Dallas
Hughes of Texas
Ihsaka, Miss
James
Jameison
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kohl
Kollins
Korkmas
Kochmann
Lack
Lalmar
Leaverton
Lewis
Longoria
McCoppin
McGregor
McLennan
McGregor
McElroy
McIntyre
Melbany
Markgraf
Martin
Miller
Moore
Mullen
Mullin
Mutscher
Niemeyer
Oliver
Osburn
Parens
Peevy
Perry
Pettit
Pierz
Pike
Price
Quilliam
Rapp
Richards
Richardson
Roberts of Hill
Rose
Rosson
Sandahl
Schramp
Shannon
Shipley
Black
Smith of Bexar
The Speaker then laid House Bill No. 19 before the House on third reading and final passage.

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

**Yeas—131**

Adams of Lubbock
Adams of Titus
Allen
Andrews
Barlow
Bartram
Buchanan
Carrick
Carlington
Cook
Adams of Titus
Cowen
Cook
Craw
Barlow
Coles of Texas
Chambers
Coles of Harris
Collins
Connell

**Nays—1**

Adams of Lubbock
Adams of Galveston
Adams of Titus
Allen
Andrews
Barlow
Buchanan
Carrick
Carlington

**Absent—Excused**

Kennard
Ratcliff

**Absent**

Alas
Atwell
Barlow
Buchanan
Carrell
Carrick
Carlington

**Nays—1**

Whitfield

**Absent—Excused**

Kennard
Ratcliff
Mr. Walker moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 24.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to engrossment, House Bill No. 24, a bill to be entitled "An Act validating Liberty County Water Control and Improvement District No. 6 and declaring it to be a validity existing and operating conservation and reclamation district under Section 59, Article XVI, Texas Constitution; validating the conversion of such district into a water control and improvement district; validating its boundaries; validating governmental proceedings and acts; validating $380,000 bonds voted on December 9, 1961, and all proceedings had in connection therewith; declaring the plan of taxation to be used by said District; finding and determining that the lands and other property within said District are, and will be benefited by the District; containing other provisions relating to the subject, providing a severability clause; and declaring an emergency."

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

Mr. Walker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—127
Adams of Titus Boyson
Allen
Andrews Bridge
Bailey Burgess
Balman Butler
Barlow Caldwell
Barnes Cannon
Barram Carricker
Bear Chapman
Blaine Cole of Harris

Nay—9
Adams of Lubbock-Latta
Barfield, Mrs. Nugent
Haring
Jarvis
Johnson of Dallas

HOUSE BILL NO. 24 ON THIRD READING
Mr. Walker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—127
Adams of Titus Boyson
Allen
Andrews Bridge
Bailey Burgess
Balman Butler
Barlow Caldwell
Barnes Cannon
Barram Carricker
Bear Chapman
Blaine Cole of Harris

Nay—9
Adams of Lubbock-Latta
Barfield, Mrs. Nugent
Haring
Jarvis
Johnson of Dallas
The Speaker then laid House Bill No. 24 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

**Yeas-130**

Adams of Lubbock
Gibbens
Adams of Titus
Glass
Alaniz
Glusling
Allen
Glover
Andrews
Green
Atwell
Grover
Bailiff
Guffey
Banfield, Mrs.
Hale
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Hinson
Butler
Hollowell
Caldwell
Huebner
Cannon
Hughes
Carriker
Hughes of Grayson
Chapman
Hughes of Dallas
Cole of Harris
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Collins
Jarvis
Connell
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Cook
Johnson of Bell
Corry
Jones of Dallas
Cotson
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Cowie
Jones of Travis
Craigmile
Kohler
Crews
Koliba
de la Garza
Korkmas
Dewey
Kohl
Dyer, Miss
Lack
Duncan
Lary
Dickard
Leaverton
Ehrle
Longoria
Esquivel
McCoplin
Fatich
McGregor
Fletcher
McGregor of McLennan
Ford
McGregor
Foreman
McElhaney

**Nays-3**

Whitfield
Kennard
Townsend
Ratcliff

**MOTION TO PLACE HOUSE BILL NO. 33 ON SECOND READING**

Mr. Wells moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 33. A record vote was requested. The motion was lost by the following vote: (not receiving the necessary two-thirds vote)

**Yeas-53**

Adams of Lubbock
Boyse
Alans
Bridges
Allen
Caldwell
Bailey
Cannon
Ballman
Carriker
Barlow
Chapman

**Absents—Excused**

Ken.nar.d
Ratcl!fr
Townsend

**Absent**

Alaniz
Atwell
Berry
Curington
Harrington
Huebner
LEAVE OF ABSENCE GRANTED

Mr. Bartram was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Pieratt.

HOUSE BILL NO. 29 ON SECOND READING

Mr. Hollowell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 29.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 29, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution to be known as 'Henderson County Municipal Water Authority,' comprising certain territory contained within Henderson County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and treating, transporting, and distributing the same, and constructing sanitary sewers and facilities; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said authority; authorizing the authority to do all things necessary to make available for municipal and industrial uses, the water from surface and underground sources, and to purchase from cities, districts, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for payment and security thereof by the levy of ad valorem taxes or the pledge of rev-
The bill was read second time.

Mr. Thurman offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H. B. 29, Sec. 7(a) by adding the following after "eminent domain." The power of eminent domain shall be restricted to Henderson County, Texas.

The amendment was adopted without objection.

Mr. Hollowell offered the following amendment to the bill:

Amend House Bill 29, page 2, Section 2 (b), lines 22, 24, 25 by striking the following "first Tuesday in January, 1963, and the three (3) whose terms shall expire the first Tuesday in January, 1964," and substituting in lieu thereof "second Tuesday in January, 1963, and the three (3) whose terms shall expire the second Tuesday in January, 1964."

The amendment was adopted without objection.

Mr. Hollowell offered the following amendment to the bill:

Amend House Bill 29, page 2, Section 2 (c), line 26 of the printed bill by striking the words "first Tuesday" and substituting in lieu thereof "second Tuesday."

The amendment was adopted without objection.

Mr. Hollowell offered the following amendment to the bill:

Amend House Bill 29, Section 9 (b), page 10, line 8 of the printed bill by striking out the words and figure "twenty-five per cent (25%)" and inserting in lieu thereof the following: "fifty per cent (50%)."

The amendment was adopted.
The Speaker then laid House Bill No. 29 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

**Yea--134**

**Nay--9**

**Absente--Excused**

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

**Yea--134**

**Nay--1**

**Absent--Excused**

**Absent**

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Mr. Bridges was granted leave of absence for the remainder of the day on account of illness, on motion of Mr. Hale.

HOUSE BILL NO. 34 ON SECOND READING

Mr. de la Garza moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 34.

The motion prevailed by the necessary two-thirds vote.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 34, Section 5, page 2 of the printed bill by striking out the second paragraph of said section 5 on lines 26 to 35 of the printed bill on page 2.

The amendment was adopted without objection.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 34 by striking out the word "University" wherever it appears in the Bill and substituting in lieu thereof the word "College."

The amendment was adopted without objection.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 34 by striking out the word "university" wherever it appears in the Bill and substituting in lieu thereof the word "college."

The amendment was adopted without objection.

H. B. No. 34 was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 34 ON THIRD READING

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 34 be placed on its third reading and final passage.

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

Yeas-91
Alaniz
Allen
Andrews
Atwell
Ballman
Banfield, Mrs.
Barlow
Barnes
Blaine
Buchanan
Butler
Caldwell
Cole of Harris
Collins
Connell
Cory
Cowen
Crair
Curtis
de la Garza
Dungan
Edhardt
Esquivel
Fairchild
Floyd
Foreman
Garrison
Gladden
Glass
Glasow
Grove
Gufer
Hale
Hans
Hilme
Huppe
Huebner
Hughes
Hughes of Dallas
Hughes of Grayson
Hutcheson
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Kothmann
Lack
Lary
Leaverton
Longoria
Molhaney

The bill was read second time.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 34 by striking out the word "University" wherever it appears in the Bill and substituting in lieu thereof the word "College."

The amendment was adopted without objection.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 34 by striking out the word "university" wherever it appears in the Bill and substituting in lieu thereof the word "college."

The amendment was adopted without objection.

H. B. No. 34 was passed to engrossment.
MOTION TO PLACE HOUSE BILL NO. 35 ON SECOND READING

Mr. Harding moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 35.

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

LEAVE OF ABSENCE GRANTED

By unanimous consent of the House, Mr. Huebner was granted leave of absence for the remainder of the day on account of important business.

HOUSE BILL NO. 17 ON SECOND READING

Mr. Walker moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 17.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 17, to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 69, Article XVI, Constitution of Texas, to be known as 'Dayton Drainage District,' prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

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

HOUSE BILL NO. 17 ON THIRD READING

Mr. Walker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121
Adams of Titus
Aliens
Allen
Barnes
Barlow
Barker
Barnett
Barrow
Barth
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The Speaker then laid House Bill No. 17 before the House on third reading and final passage.

The bill was read third time.

Mr. Eckhardt offered the following amendment to the bill:

Committee Amendment No. 1

Amend H. B. 17 by adding on page 3 thereof in the 10th line after the word "thereof" the following words:

"(but wholly within Liberty County)"

The amendment was adopted by unanimous consent.

H. B. No. 17 was passed by the following vote:

Yeas-132

Adams of Lubbock
Collins
Adams of Titus
Alansis
Allen
Allen
Alwell
Bailey
Ballman
Barnes, Mrs.
Barlow
Barnes
de la Garza
Bass
Blaine
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Mr. Cowen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 40.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 40, A bill to be entitled "An Act promoting health and safety by regulating construction standards of mobile homes; defining certain terms; providing for establishment of standards; requiring a seal of approval; providing for reciprocity with other states; conferring powers and duties of enforcement upon the State Department of Health, providing for submission of construction plans; providing for the charging of inspection fees; and providing for penalties; and declaring an emergency."

The bill was read second time.

Mr. McLlhany offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H. B. 40 by striking all below the enacting clause and inserting in lieu thereof the following:

Definitions

Section 1. (a) The term "mobile home" as used in this Act shall mean any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(b) The term "department," when used in this Act shall mean the State Department of Health.

(c) The term "person" as used in this Act shall mean persons, partnerships, companies, corporations and associations.

Establishments of Standards

Sec. 2. (a) The Department shall formulate and adopt plumbing, heat-
ing and electrical standards for all mobile homes containing heating, plumbing and electrical equipment. The standards shall be consistent with the recognized engineering principles applicable to plumbing, heating and electrical equipment in mobile homes in order to insure safety, health and welfare of persons using such mobile homes, to eliminate such dangers as fires, electrocution and asphyxiation and to protect health by insuring a pure water supply and means for efficient removal of waste material. The Department shall establish classes of mobile homes, one of which classes may comprise travel trailers, which are used primarily, and are designed for travel and recreational purposes. The Department may establish standards applicable to all classes or to such class as it deems appropriate.

(b) Any manufacturer or dealer within or outside this state may submit detailed plans of mobile homes manufactured, sold or offered for sale by him, and may apply for registration, approval of plans, inspection of plant, inspection of mobile homes and seals of approval in accordance with the rules and regulations established by the Department.

Seal of Approval Required

Sec. 3. (a) Except as provided for in Section 4 of this Act no person shall sell or offer for sale in this State any mobile home manufactured after six (6) months from the effective date of this Act unless it bears a seal of approval of suitable durable material issued by the Department certifying that such mobile home meets the standards with respect to plumbing, heating and electrical equipment which have been formulated by the Department applicable to the class of mobile home in which such mobile home is included.

(b) Seals of Approval as provided in this Article shall be furnished by the Department, for which the applicant shall pay at the rate of One Dollar and Fifty Cents ($1.50) each. The manufacturer or dealer shall have the authority to affix such seal to any mobile home manufactured in conformity with any plans approved by the Department.

Reciprocity

Sec. 4. If any other state has plumbing, heating and electrical standards for mobile homes at least equal to those established by the Department, the Department, upon determining that such standards are being enforced by such other state, shall place such other state on a reciprocity list, which list shall be available to any interested person. Any mobile home which bears a seal of insignia of any state which has been placed on the reciprocity list shall not be required to bear the seal of approval of this state prescribed in the preceding Section.

Enforcement of Act

Sec. 5. (a) The State Department of Health is hereby charged with the enforcement of this Act, for the protection of the public health and the public welfare; it is further empowered, and its duty shall be to make and amend, alter or repeal general rules and regulations of procedure for carrying into effect all provisions of this Act, and to prescribe means, methods, and practice to make effective such provisions.

(b) No person shall interfere, obstruct or hinder an authorized representative of the Department in the performance of this duty as set forth in the provisions of this Act.

(c) The Department, through its authorized representatives, shall have authority to enter any place or establishment where mobile homes are manufactured, sold or offered for sale, for the purpose of ascertaining whether the requirements of this Act and the regulations of the Department have been met.

Permits

Sec. 6. (a) Three (3) months after the effective date of this Act no person shall engage in the business of manufacturing, buying, selling, or offering for sale "mobile homes" as defined in this Act, unless he shall have obtained a permit from the Department. Such permit shall expire one year from the date of issue and shall be annually renewed at the option of the permit holder upon submission of proof of continued compliance with the provisions of this Act and the regulations of the Department. Every person to whom a permit has
been issued shall keep such permit conspicuously posted on the premises of his place of business. Holders of permits shall be required to keep an accurate record of all "mobile homes" manufactured, bought or sold, or offered for sale, and the name and address of the buyer of each, and such records shall be available for inspection at any time by authorized representatives of the Department.

(b) For all initial permits issued, there shall, at the time of issuance thereof, be paid by the applicant to the Department, a fee of Fifteen Dollars ($15). An annual renewal charge of Ten Dollars ($10) shall be paid to the same Department.

(c) Any permit issued in accordance with the provisions of this Act may be revoked by the Commissioner of Health, after a hearing and upon proof of violation of any of the provisions of this Act.

Appropriation of Moneys Collected
Sec. 7. All moneys collected by the Department from the sale of seals of approval as provided in Section 3 of this Act and all moneys collected from the issuance and renewal of permits as provided in Section 6 of this Act shall be deposited in the State Treasury to the credit of the General Revenue Fund.

Transportation Within State
Sec. 8. Any "mobile home" bearing the seal of approval provided for in Section 3 of this Act, or which bears a seal of insignia of any state which has been placed upon the reciprocity list in accordance with the provisions of Section 4 of this Act, or which meets the standards established by the Department under the provisions of this Act, shall be permitted to be offered for sale, sold or transported anywhere within the geographical limits of the State of Texas subject to the License and Permit Laws of this State.

Penalties
Sec. 9. Every person who violates any of the provisions of this Act, or any of the rules and regulations established thereunder is guilty of a misdemeanor and punishable for each offense by a fine of not less than Fifty Dollars ($50) and not more than Two Hundred Dollars ($200).

Severability
Sec. 10. If any word, phrase, clause, sentence, paragraph, section, or part of this Act shall be held by any court of competent jurisdiction to be invalid, it shall not affect any other word, phrase, clause, sentence, paragraph, section, or part of this Act.

Emergency
Sec. 11. The importance of this legislation, to insure the safety and health of persons using such "mobile homes" and to eliminate such dangers as fire, electrocution and asphyxiation which has caused the injury and untimely death of citizens of this State and to protect the users of such homes in the future by requiring that the plumbing, heating and electrical standards for all mobile homes containing plumbing, heating and electrical equipment be constructed consistent with the recognized engineering principles applicable to plumbing, heating and electrical equipment in such homes, and the crowded condition of the calendar in both Houses 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 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.

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

Amend Section 7 to read as follows:

"Provided, however, during the balance of this biennium ending August 31, 1963, all moneys collected by the Department from the sale of seals of approval as provided in Section 3 of this Act and all moneys collected from the issuance and renewal of permits as provided in Section 6 of this Act shall be deposited in the State Treasury in a special account to the credit of the Department and are appropriated to the Department for the uses and purposes prescribed by this Act."

The amendment to Committee Amendment No. 1 was adopted by unanimous consent.

Committee Amendment No. 1, as amended, was adopted.
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Mr. Cotten moved to postpone further consideration of H. B. No. 46 until 10:00 o'clock a.m. tomorrow. The motion prevailed without objection.

HOUSE BILL NO. 46 ON SECOND READING

Mr. Gladden moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 46. The motion prevailed by unanimous consent.

The Speaker laid before the House its second reading and passage to engrossment, H. B. No. 46, a bill to be entitled "An Act amending Article 5451, Revised Civil Statutes of Texas, 1925, so as to provide for the indexing and recordation of an abstract of judgment rendered in other states by any United States Court, which judgment has been registered in any United States District within the State; and declaring an emergency." The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 46 ON THIRD READING

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 46 be placed on its third reading and final passage. The motion prevailed by the following vote:

Yeas—119

Adams of Lubbock
Carriker
Albanis
Adams second
Atwell
Bailey
Ballman
Banks, Mrs.
Barlow
Barnes
Bass
Blaine
Boysen
Bulles
Butler
Caldwell
Cannon

Bequivel
Fletcher
Foreman
Gibbons
Glass
Glading
Glover
Hale
Harding
Haynes
Hinson
Hollowell
Hughes of Grayson
James
Jameson
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kohler
Koliba
Kothmann
Lack
Larson
Leaverton
Longoria
McCoppin
McGregor
of McLennan
McGregor of El Paso
McLlhaney
Markgraf

Moore
Mullen
Murray
Niemeyer
Pearcy
Petty
Pieratt
Pinson
Prite
Quilliam
Rapp
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Sandahl
Schram
Shannon
Shipley
Smith of Jefferson
Sprunger
Stewart
of Galveston
of Wichita
Struve
Thurmond
Trevino
Tunnell
Walker
Watson
Wells
of McLennan
of Walker
Whitefield
Wilson
Yeak

Nays—23

Adams of Titus
Allen
Connell
Crain
Craig
Garrison
Haring
Hefton
Hughes of Dallas
Jarrett
Korkmas
Latimer
Lewis

Martin
Miller
Nugent
Parsons
Read
Rosson
Sider
Smith of Bexar
Snellson
Thurman
Ward

Berry
Buchanan
Cowles
Ehrle
Heatly
Isaacks, Miss
Oliver
Osborn
Slack
Woods

Iamack, Miss
Glines
Oaks
Owens
Osborn
Pike
Pike

Kelle
Healy

Slack
Woods
The Speaker then laid House Bill No. 46 before the House on third reading and final passage. The bill was read third time.

Mr. Chapman moved to postpone further consideration of H. B. No. 46 until February 16, at 4:00 o'clock p.m.

Mr. Gladden moved, as a substitute motion for the motion by Mr. Chapman, to postpone further consideration of H. B. No. 46 until 10:30 o'clock a.m. tomorrow.

Mr. Chapman moved to table the substitute motion. The motion to table the substitute motion prevailed.

The motion to postpone further consideration of H. B. No. 46 until 4:00 o'clock p.m. next February then prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, January 23, 1962
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 19 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Willis, Ratliff, Owen, Rogers and Hardeman.

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

H. C. R. No. 8, Providing for the establishment of an interim committee to make a study of screwworm eradication.

H. C. R. No. 11, Granting the Christian and Missionary Alliance of the Southwest District permission to bring suit against the State of Texas.

S. C. R. No. 18, Granting an easement to the City of Austin for water line purposes.

S. C. R. No. 19, Requesting Legislative Council to study feasibility and advisability of dividing Hudspeth County.

Respectfully,
CHARLES A. SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 49 ON SECOND READING

Mr. Alaniz moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 49.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 49. A bill to be entitled "An Act amending Article 2335, Revised Civil Statutes of Texas, 1925, to provide that persons or institutions given custody of children adjudged dependent and neglected by courts of competent jurisdiction shall be responsible for the child's education and maintenance, including the providing of necessary dental, medical and surgical care and treatment; repealing all laws and parts of laws in conflict; and declaring an emergency."

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

HOUSE BILL NO. 49 ON THIRD READING

Mr. Alaniz moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—129

Adams of Lubbock
Ballman
Adams of Titus
Barfield, Mrs.
Alaniz
Barlow
Allen
Barnes
Andrews
Atwell
Berry
Bailey
Blaine
The Speaker then laid House Bill No. 49 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Absent</th>
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</thead>
<tbody>
<tr>
<td>137</td>
<td>1</td>
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</tbody>
</table>

Absent—Excused

Adams of Lubbock  Adkins of Titus  Adams of Titus  Floyd  Adams of Titus
of its Home Rule Charter may be contested or under attack; providing a savings clause; and declaring an emergency."

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend H. B. 53 by adding a new Section 4 and re-numbering all subsequent sections. Each new Section 4 to read as follows:

Section 4. This Act shall be strictly construed to achieve the purposes hereunder shall be validated by this Act, except for the specific and limited purposes enumerated herein.

The amendment was adopted without objection.

H. B. No. 53 was passed to engrossment.

HOUSE BILL NO. 58 ON THIRD READING

Mr. Jamison moved that the constitutional rule requiring bills to be read on three successive days be suspended and that House Bill No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:
<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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</thead>
<tbody>
<tr>
<td>126</td>
<td>6</td>
</tr>
</tbody>
</table>


Nays: Cotton, Parmenc, Jarvis, Silder, Nugent, Smith of Bexar, Absent: Adams, Sandahl, Cole of Hunt, Slack, Crain, Thurman, Erbie, Walker, Green, Woods, Read, Absent—Excused: Bartram, Basden, Bridges, Batchiff, Huebner, Townsend, The Speaker then laid House Bill No. 52 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

Yeas: 130

Mr. Foreman moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 77. Mr. Cory raised a point of order on further consideration of the motion by Mr. Foreman on the ground that H. B. No. 77 is not within the Governor's Call.

The Speaker overruled the point of order, stating his reasons, as follows:

"In the Governor's message of January 17, he referred to the creation, expansion, etc., of water improvement districts and he went further to mention authorities.

While the question may be somewhat close, the Chair believes the arguments that it is not within the Governor's call are not sufficiently valid to cause the Chair to rule that the bill is not within the Governor's call."

The motion to suspend all necessary rules for the purpose of taking up and considering H. B. No. 77 at this time then prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 77, a bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 44th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 166, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to agency or corporation created or designated by the United States of America; to acquire, install, or construct, and to operate a steam plant located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; reenacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."
Mr. Cory offered the following amendment to the bill:

Amend H. B. 77 by adding the following language after the word "plant" on line 25, page 2 of the printed bill, to wit: "on the Colorado River only."

Mr. Foreman moved to table the amendment offered by Mr. Cory.

The motion to table prevailed.

Mr. Cory offered the following amendment to the bill:

Amend H. B. 77 by adding the following language after the word "plant" on line 25, page 2 of the printed bill, to wit: "on the Colorado River only."

Mr. Foreman moved to table the amendment offered by Mr. Cory.

The motion to table prevailed.

Mr. Cory offered the following amendment to the bill:

Amend H. B. 77 by adding the following language after the semi-colon on line 27, page 2 of the printed bill, to wit: "and provided further that no electricity generated shall be sold outside the boundaries of the Lower Colorado River Authority District;"

Mr. Foreman moved to table the amendment offered by Mr. Cory.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—90
Alamia
Allen
Ballman
Barlow
Bass
Berry
Boyden
Buchanan
Burress
Caldwell
Cannon
Carriker
Cole of Harris
Collins
Cook
Cran
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Esquivel
Floyd
Foreman
Gibbens
Gladson
Glass
Green
Guffey
Hale
Haring

Nays—45
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Banfield, Mrs.
Barnes
Blaine
Buchman
Cole of Hunt
Cousell
Cory
Cotten
Crews
Curington
Fairchild
Fletcher
Garrison
Gusin
Grove
Healy
Heron

Absent

Abstent—Excused

H. B. No. 77 was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 77 ON THIRD READING

Mr. Foreman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 77
be placed on its third reading and
final passage.

The motion was lost by the fol-
lowing vote: (not receiving the neces-
sary four-fifths vote)

Year—92

Yeas-92

Nays—46

REQUEST OF SENATE GRANTED

On motion of Mr. Gladden the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 19.

CONFERENCE COMMITTEE ON S. B. NO. 19 APPOINTED

The Speaker announced the appoint-ment of the following Conference Committee on the part of the House on S. B. No. 19: Messrs. Gladden, Richardson, Cowen, Green and Shannon.

HOUSE BILL NO. 31 ON SECOND READING

Mr. Harding moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 31.

A record vote was requested.

The vote of the House was taken on the motion by Mr. Harding and the vote was announced yeas 92, nays 44.

A verification of the vote was re-
quested and was granted.
Mr. Oliver moved to dispense with the verification of the vote.

The motion to dispense with the verification of the vote was lost.

Mr. Oliver moved a Call of the House pending the verification of the vote, and the motion was not seconded.

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

<table>
<thead>
<tr>
<th>Yeas</th>
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<td>Banfield, Mrs.</td>
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<tr>
<td>Barlow</td>
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<tr>
<td>Barnes</td>
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<td>Bass</td>
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<td>Butler</td>
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<td>Caldwell</td>
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<td>Carricker</td>
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<tr>
<td>Cole of Harris</td>
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<td>Connolly</td>
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<tr>
<td>Cook</td>
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<td>Cowen</td>
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<td>Cushing</td>
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<tr>
<td>de la Garza</td>
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<td>Dungan</td>
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<td>Eckhardt</td>
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<td>Ehrle</td>
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<td>Esquivel</td>
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<tr>
<td>Floyd</td>
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<td>Foreman</td>
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<td>Garrison</td>
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<td>Gladden</td>
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<td>Heady</td>
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<td>Hughes of Grayson</td>
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<td>Hughes of Dallas</td>
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<td>James</td>
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<td>Jarvis</td>
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<td>Johnson of Dallas</td>
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<td>Johnson of Bexar</td>
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<td>Jones of Dallas</td>
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<td>Jones of Travis</td>
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<td>Kilpatrick</td>
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<td>Kolibis</td>
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<tr>
<td>Korkmas</td>
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<tr>
<td>Koehlmann</td>
</tr>
</tbody>
</table>

| Nays | 44 |
|------|
| Adams of Lubbock |
| Hollowell       |
| Adams of Titus  |
| Hargrave        |
| Allen           |
| Jamison         |
| Alley            |
| Johnson of Bell |
| Ballman         |
| Latimer         |
| Bayens          |
| McGregor        |
| Buchanan        |
| El Paso         |
| Burgess         |
| Murcher         |
| Cannon          |
| Parsons         |
| Chapman         |
| Petty           |
| Cole of Hunt    |
| Pipkin          |
| Collins         |
| Price           |
| Cotten          |
| Quilliam        |
| Cowles          |
| Roberts of Hill |
| Crain           |
| Sider           |
| Dewey           |
| Surisger        |
| Durf, Miss      |
| Struve          |
| Fairchild       |
| Tharmond        |
| Fletcher        |
| Ward            |
| Gibson          |
| Watson          |
| Haring          |
| Woods           |
| Hepton          |
| Yekak           |

| Absent         |
| Alaniz         |
| Lewis          |
| Andrews        |
| Preston        |
| Atwell         |
| Black          |
| Cory           |
| Thurman        |
| Crow           |

| Absent—Excused |
| Bartram        |
| Keenard        |
| Bridges        |
| Hatzkip        |
| Huebner        |
| Townsend       |

On the motion of Mr. Cotten, and by unanimous consent, the House dispensed with the verification of those voting "Nay".

The Speaker stated that the motion to suspend the rules to take up and consider H. B. No. 35 at this time prevailed by the above vote.

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

H. B. No. 35, A bill to be entitled "An Act creating Angelo State College at San Angelo, Texas, as a co-educational institution of higher learning, providing that the organization, management and control of said College shall be vested in the Board of Regents of the State Teachers Colleges: empowering the Board of Regents to appoint and to remove the President, any faculty member or other officer or employee of the
College when it deems such appointment or removal necessary to the best interests of the College and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences in business administration and in teacher training, establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; etc., providing a severability clause; and declaring an emergency.

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

Mr. Harding moved to reconsider the vote by which H. B. No. 35 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 34 ON THIRD READING

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 34 be placed on its third reading and final passage.

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

Yea—90

Allen
Andrews
Ballman
Barnes
Barry
Bhatia
Boyce
Buchanan
Buller
Caldwell
Cannon
Cole of Harris
Collins
Connell
Cook
Cory
Cowen
Crews
Cuttington

Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Korhans
Kochmann
Lack
Larry
Leaverton
Longoria
McCoplin
McDannay
Markgraf
Martin
Miller
Moore
Mullen
Murray
Oliver
Osborn
Parsons
Peeler
Pieratt

Pipkin
Frewen
Napp
Read
Richardson
Rossa
Sandefur
Shannon
Shipley
Shack
Sider
Smith of Bexar
Smith of Jefferson
Smith of Galveston
Stewart
Trevino
Tunnell
Walker
Walls
Whitley
Wilson

Nay—40

Adams of Titus
Balsey
Barlow
Burgess
Carriker
Chapman
Cole of Hunt
Cotten
Dewey
Duff, Miss
Fairchild
Fletcher
Gibbons
Green
Healy
Heflin
Hinson
Hollowell
Issac, Miss
James
Jammie
Johnson of Bell

Kohler
La Lime
McGregor
McGregor
McElmo
McElmo
McGregor
McGregor
McGregor
McElmo
McElmo
McElmo
McElmo
McElmo
McElmo

Gibbons
Green
Healy
Heflin
Hinson
Hollowell
Issac, Miss
James
Jammie
Johnson of Bell

Robert of Hill

Adams of Lubbock
Lewis
Aland
Atwell
Cowles
Crai
Green
Jarvis

Lewin
Richards
Robert of Dawson
Schram
Springer
Thurman

Absent

Absent—Excused

Bartram
Bridges
Brooks
Huebner

Keen
Ratcliff
Townsend
January 23, 1962

TO GRANT PERMISSION TO SUE THE STATE

Mr. Quilliam offered the following resolution:

H. C. R. No. 23

Whereas, It is alleged that on April 6, 1961, Keeton Packing Company executed a deed conveying to the State of Texas the following described land situated in Lubbock County, Texas:

Tract No. 1: A tract of land out of the South half of the Southwest Quarter (SW 1/4) of Section Two (2), Block A, in Lubbock County, and being described as follows:

Beginning at the Southwest corner of Section 2, Block A, on the highway centerline at Station 66+34;

Thence North along the West line of Section 2 a distance of 100 feet;

Thence East along a line 100 feet from and parallel to the South line of Section 2, Block A, a distance of 446 feet;

Thence South 87° 08' East 200.2 feet to a point 90 feet from and at right angles to Highway Station 73+00;

Thence South 84° 17' East 301.5 feet to a point 60 feet from and at right angles to Highway centerline Station 76+06;

Thence East along a line 60 feet from and parallel to the South line of Section 2 a distance of 24 feet to the East property line;

Thence South along the East property line a distance of 60 feet to the highway centerline at Station 76+34;

Thence West along the South line of Section 2 a distance of 990 feet to the point of beginning; containing 2.056 acres.

Tract No. 2: A tract of land out of the North half of the Northwest Quarter (NW 1/4) of Section Four (4), Block O, in Lubbock County, Texas, and being described as follows:

Beginning at the Northwest corner of Section 4, Block O, on the highway centerline at Station 66+34;

Thence South along the West line of Section 4, a distance of 100 feet;

Thence East along a line 186 feet from and parallel to the North line of Section 4, Block O, a distance of 466 feet;

Thence North 87° 08' East a distance of 200.2 feet to a point 90 feet from and at right angles to Highway Station 74+60;

Thence North 84° 17' min. East a distance of 301.5 feet to a point 60 feet from and at right angles to Highway Station 76+06;

Thence East along a line 50 feet from and parallel to the North line of Section 4, Block O a distance of 684 feet to the East property line;

Thence North along the East property line a distance of 60 feet to the highway centerline at Station 66+45;

Thence West along the North line of Section 4, and the highway centerline a distance of 1850 feet to the point of beginning; containing 2.605 acres.

whereas, it is alleged that Keeton Packing Company, a Corporation, was dissolved, and all rights and assets of the Corporation vested in Claud Keeton, Sidney Keeton, Ralph Keeton and Rogstad Zachary;

Whereas, Claud Keeton, Sidney Keeton, Ralph Keeton and Rogstad Zachary claim that such conveyance should be rescinded and that they should receive damages or any other relief they are entitled to;

Whereas, This controversy cannot be settled except by adjudication, and it is hereby granted permission to bring suit against the State of Texas and the State Highway Commission of the State of Texas in any court of competent jurisdiction in Lubbock County, Texas, to determine the validity of their claim and to recover judgment against the State of Texas for such relief as they may be entitled to; and if suit is filed, service of citation be had upon the chairman of the State Highway Commission and the Attorney General of Texas; and that judgment in any suit brought under this Resolution shall be of the same force and effect as in other civil cases, and that either of the parties to this suit shall have the right of appeal; and be it further...
Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in such suit, but that all allegations and claims asserted in said suit shall be proved as in other suits under the same rules of evidence and the same laws as apply and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, either of fact or law, that may be asserted by or available to the State of Texas or any of the departments or agencies of the State of Texas or any of the political subdivisions of the State of Texas in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO CERTAIN INTERPRETATION ISSUED BY THE COMPTROLLER OF PUBLIC ACCOUNTS

Mr. Cole of Harris offered the following resolution:

H. C. R. No. 22

 Whereas, The Comptroller of Public Accounts has issued an interpretation of the Limited Sales, Excise and Use Tax which provides that retailers collecting the sales tax for the State shall remit the tax on the basis of two per cent (2%) of their total gross receipts from all sales of taxable tangible personal property; and

 Whereas, The Limited Sales, Excise and Use Tax specifically provides that no tax shall be paid on the sale of a taxable item or article of tangible personal property having a value of twenty-four cents (24¢) or less; and

 Whereas, Retailers in consequence must remit to the State, tax revenue on taxable items or articles of tangible personal property upon which no tax has been paid; and

 Whereas, Under this situation retailers are in effect made sales tax payers as well as sales tax collectors, thus working an inequitable economic hardship on many retailers, especially those dealing predominantly in taxable items or articles of tangible personal property having a value of twenty-four cents (24¢) or less; and

 Whereas, This interpretation of the Comptroller of Public Accounts is in effect partially, and in some cases totally, converts the Limited Sales, Excise and Use Tax into a gross receipts tax on retailers doing business in the State; and

 Whereas, This state of affairs is completely contrary to the specific intent of the Legislature when it enacted the Limited Sales, Excise and Use Tax; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the Legislature now states that as a matter of public policy it was its specific intent in enacting the Limited Sales, Excise and Use Tax to exclude from the computation of gross receipts from the sales of taxable tangible personal property, those gross receipts derived from the sale of any taxable item or article of tangible personal property having a value of twenty-four cents (24¢) or less; and

Resolved, That the Comptroller of Public Accounts be requested to rescind his present interpretation of the Limited Sales, Excise and Use Tax which is in conflict with this declaration of public policy and that a new interpretation in accord with this declaration be issued; and, be it further

Resolved, That copies of this Resolution be transmitted to the Governor, Comptroller of Public Accounts and Attorney General.

COLE of Harris,
MACO STEWART,
PERRY,
SPRINGER,
ROBERTS of Hill,
FLOYD,
GROVER,
LEWIS.

The resolution was referred to the Committee on Revenue and Taxation.

HOUSE BILLS ON FIRST READING

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

By Mr. Moore:
H. B. No. 93, A bill to be entitled
"An Act establishing a juvenile
board in Runnels County; providing
for the Board's powers, duties, and
authority; providing for its mem­
bership and the compensation to be
paid the members; and declaring an
emergency."

Referred to the Committee on
Criminal Jurisprudence.

By Messrs. Huebner and Stewart
of Galveston:
H. B. No. 94, A bill to be entitled
"An Act authorizing the sale or lease
of certain tracts of land located in
Matagorda County comprising the
camp site of Camp Holen; providing
that the governing body of the City
of Palacios shall be agent of the State
of Texas for the purpose of consum­
mating the sale or lease of such
property; prescribing the powers,
duties and authority in relation thereto
of the governing body of the
City of Palacios; prescribing the
terms and conditions of such sale or
lease and making other provisions
relating thereto; providing for the
compensation to the City of Palacios
for acting as agent; providing for
the deposit of revenues derived there­
from in the State Treasury for the
use and benefit of the Texas Nation­
al Guard Armory Board; providing
for the purposes for which such pro­
ceeds may be expended; making other
provisions relating thereto; providing
for severability clause; and declar­
ing an emergency."

Referred to the Committee on
State Affairs.

By Mr. Mutscher:
H. B. No. 95, A bill to be entitled
"An Act amending Article 879b-1
of the Penal Code of Texas, as last
amended, so as to authorize an open
archery season, or period of time,
when it shall be lawful to hunt, take
and kill solely with bows and arrows,
wild buck deer, wild bear, wild
turkey gobblers and collared pec­
cary or javelina in Nueces County,
Texas."

Referred to the Committee on
Game and Fisheries.

By Mr. Kilpatrick:
H. B. No. 97, A bill to be entitled
"An Act amending Article 46 of the
Election Code of the State of Texas
(Article 5:14, Vernon's Texas Elec­
tion Code), as amended, relating to
the form of the poll tax receipt, and
declaring an emergency."

Referred to the Committee on
State Affairs.

By Mr. Yezak:
H. B. No. 98, A bill to be entitled
"An Act amending Article 46 of the
Election Code of the State of Texas
(Article 5:14, Vernon's Texas Elec­
tion Code), as amended, relating to
the form of the poll tax receipt, and
declaring an emergency."

Referred to the Committee on
State Affairs.

By Mr. Peeler:
H. B. No. 96, A bill to be entitled
"An Act amending Article 879b-1
of the Penal Code of Texas, as last
amended, so as to authorize an open
archery season, or period of time,
when it shall be lawful to hunt, take
and kill solely with bows and arrows,
wild buck deer, wild bear, wild
turkey gobblers and collared pec­
cary or javelina in Nueces County,
Texas."

Referred to the Committee on
Game and Fisheries.

By Mr. Mutscher:
H. B. No. 95, A bill to be entitled
"An Act amending Article 879b-1
of the Penal Code of Texas, as last
amended, so as to authorize an open
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and kill solely with bows and arrows,
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H. B. No. 98, A bill to be entitled
"An Act amending Article 46 of the
Election Code of the State of Texas
(Article 5:14, Vernon's Texas Elec­
tion Code), as amended, relating to
the form of the poll tax receipt, and
declaring an emergency."

Referred to the Committee on
State Affairs.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 39, A bill to be entitled

"An Act making certain appropriations out of the unexpended balances
in the Special Mineral Lease Fund to the Department of Corrections for
emergency purposes; and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 10, A bill to be entitled

"An Act making certain appropriations out of the unexpended balances
in the Special Mineral Lease Fund to the Department of Corrections for
emergency purposes; and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 28, A bill to be entitled

"An Act amending Section 1 of Chapter 22, Acts of the Fifty-third
Legislature, First Called Session, 1954, as amended, to lengthen the
open season on deer in that part of Val Verde County lying east of the
Pecos River; and declaring an emer-

Has carefully compared same and
finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 44, A bill to be entitled

"An Act making an appropriation from the General Revenue Fund to the
Unemployment Compensation Clearance Account, Fund No. 916, for the
purpose of reimbursing the Unemployment Compensation Clear-
ance Account for warrants voided and
erroneously transferred to the credit
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of the General Revenue Fund; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 30, A bill to be entitled "An Act providing an open season for hunting deer in Eastland County; authorizing the taking of one (1) antlerless deer during the open season in said County; making it unlawful to hunt or take antlerless deer in said County without first obtaining a 'doe tag,' or to possess the carcass of any antlerless deer killed in or taken from said County without attaching thereto a doe tag; or to use any such doe tag on more than one (1) antlerless deer; providing for the administration of the doe tags and the disposition of the fees and fines collected thereunder; providing certain exemptions; providing penalties for the violation of any of the provisions of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 56, A bill to be entitled "An Act authorizing establishment rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 52, A bill to be entitled "An Act validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; validating the creation, abolition, and conversion of all such school districts, and all changes in boundaries in all such school districts; validating the annexation of territory and the divestment or separation from municipal control in all municipally controlled school districts; validating all bonds, bond taxes, maintenance taxes, and bond assumptions and the elections authorizing same, of and in all school districts, including all types of junior and regional college districts; providing this Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution, or other act of the board of trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the County Boards of Education, State Commissioner of Education, or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or to districts which may have been established and later returned to original status, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 5, directing the Texas Commission on State and Local Education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 5, directing the Tex-
Tax Policy to make a comprehensive study of proposed or prospective changes in the Texas Limited Sales, Excise and Use Tax and to render to the Governor and to the Fifty-eighth Legislature a written report on its findings, conclusions and recommendations.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 8, providing for the establishment of an interim committee to make a study of screwworm eradication and to make reports and recommendations to the Regular Session of the Fifty-eighth Legislature.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 12, granting permission to Sam McCollum III to sue the State of Texas and the Veterans Land Board.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 23, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 13, granting permission to the city of Big Spring, Texas, to sue the State of Texas, the Board of Control of the State of Texas, and the Board for Texas State Hospitals and Special Schools.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 19, granting permission to Mrs. Annie Lou Stapleton to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 17, granting permission to Connecticut General Life Insurance Company to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

Austin, Texas, January 19, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

FOURTEENTH DAY
(Wednesday, January 24, 1962)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker
Buchanan
Adams of Lubbock
Burgess
Adams of Titus
Barlow
Allen
Cannen
Andrews
Carriker
Atwell
Chapman
Bailey
Cole of Harris
Ballman
Cole of Hunt
Banfield, Mrs.
Collier
Barlow
Connell
Barnes
Cook
Bartram
Cory
Bass
Cox
Berry
Crenshaw
Blaine
Dias
Boyse
Cran

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