January 25, 1962

10 without change; containing a severability clause; and declaring an emergency."

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. 21, In memory of Frank Lee Moffett.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

FIFTEENTH DAY
(Thursday, January 25, 1962)

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 Cotten
Adams of Lubbock Cowen
Adams of Titus Cowles
Allen Crews
Andrews de la Garza
Atwell Dewey
Bain Duff, Mrs. Mia
Bastfield, Mrs. Duncan
Barlow Eckhardt
Barnes Ehrle
Barratt Enquief
Bass Fairchild
Berry Fletcher
Blaha Floyd
Boyeen Foreman
Bridges Garrison
Buchanan Gibbens
Burgess Gladden
Butler Glass
Caldwell Glusting
Cannan Green
Carriker Grover
Chapman Guffey
Cole of Harris Hale
Cole of Hunt Harding
Collins Harrington
Connall Hays
Cook Healy

Hefton
Hinson
Hollowell
Hubner
Hughes of Grayson
Hughes of Dallas
Inaide, Miss
James
Jamilson
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kohut
Kilpatrick
Koehler
Kolka
Korkman
Kohmman
Lack
Larry
Lattimer
Leaverton
Levis
Longoria
McCoppin
McGregor
of McLennan
of El Paso
of Thrall
of Kerrville
of Brownsville
of San Angelo
of El Paso
of Galveston

Absent—Excused

Niemeyer

A quorum of the House was announced present.

The Invocation was offered by the Reverend Clinton Kersey, Chaplain, as follows:

"Heavenly Father, thank Thee for the night when we are privileged to give our weary bodies rest for the labor of the day. Hold us steady today lest we lose our poise. Blunt our speech lest by cutting words and careless deeds
we hurt our colleagues and the cause for which we speak.
Help us and guide us that we would support measures today not because it is popular and expedient, or practical, but because it is right. In Christ's Name we pray.—Amen.
LEAVES OF ABSENCE GRANTED
The following Members were granted leaves of absence on account of important business:
Mr. Niemeyer for today, on motion of Mr. Dungan.
Mr. Ratcliff for today, on motion of Mr. James.
MEMORIAL RESOLUTIONS ADOPTED
H. S. R. No. 156, By Mr. Nugent: In memory of Warren Wayne Braley.
H. S. R. No. 157, By Mr. Watson: In memory of Manuel Frank Harris.
H. S. R. No. 158, By Mr. Watson: In memory of Rayburn F. Wright.
H. S. R. No. 159, By Mr. Koliba: In memory of Miss Ida Rode.
H. S. R. No. 160, By Mr. Koliba: In memory of Mrs. Edith Jurek.
H. S. R. No. 161, By Mr. Koliba: In memory of Mrs. Ludmilla Berger Winkler.
H. S. R. No. 162, By Mr. Koliba: In memory of Emil Frank Kaluza.
CONGRATULATORY RESOLUTIONS ADOPTED
S. C. R. No. 26, To congratulate the Honorable A. C. Howerton of Fort Worth, Texas.
H. S. R. No. 153, By Mr. Watson: To congratulate F. Herman Coleman of Waco.
H. S. R. No. 154, By Messrs. Jones of Travis, Sandahl and Foreman: To recognize the Third Grade Class from Rosewood School, Austin, Texas.
H. S. R. No. 155, By Messrs. Jones of Travis and Sandahl: To express gratitude for the gift of the new Interdenominational Chapel for Children at the Austin State School.
TO CONGRATULATE TOM TAYLOR
Mr. Guffey offered the following resolution:
H. S. R. No. 149, Whereas, Tom Taylor tread these Halls yesterday with greater than usual manly dignity, for it was the birthday of the affable assistant Sergeant-at-Arms; and
Whereas, This was certainly the day this young Austin man should receive the compliments of the House. He knows his duty well. He was for two years Sam Rayburn's Page in Washington, D. C., and also worked for Congressman Jack Brooks; and
Whereas, If his smile should dim within the next few days it will be because he must leave his friends here for further service for those United States, this time in the military branch; now, therefore, be it Resolved, That the House of Representatives of the Fifty-seventh Legislature extends its heartiest congratulations to Tom Taylor on his birthday and that a copy of this Resolution be given him as a token of the high regard in which he is held by this assembly.
GUFFEY, HARRINGTON, HAYNES, KILPATRICK, LACK, SMITH of Jefferson.
The resolution was adopted.
TO REQUEST CERTAIN STUDY OF THE PLACEBO RAILROAD CROSSING
The Speaker laid before the House, for consideration at this time,
January 25, 1962

HOUSE JOURNAL

307

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

The resolution was adopted.

TO GRANT CLAUD KEETON, ETC., PERMISSION TO SUE THE STATE

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

H. C. R. No. 23, To grant Claud Keeton, et al., permission to sue the State.

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

The resolution was adopted.

TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO MAKE A SURVEY OF STATE-OWNED LANDS NEAR THE CAPITOL

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

H. S. R. No. 136, To provide for the appointment of a Committee to make a survey of State-owned lands near the Capitol.

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

The resolution was adopted.

PROVIDING FOR A SUPPLEMENTARY PICTURE PANEL OF NEW MEMBERS OF THE HOUSE OF REPRESENTATIVES

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

H. S. R. No. 83, Providing for a supplementary picture panel of new Members of the House of Representatives.

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

The resolution was adopted without objection.

CREATING AN INTERIM COMMITTEE TO MAKE CERTAIN STUDY RELATIVE TO TEXAS EXAMINING AND LICENSING BOARDS

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

H. S. R. No. 163, Creating an Interim committee to make certain study relative to Texas Examining and Licensing Boards.

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

The resolution was adopted without objection.

TO CORRECT DESCRIPTION OF CERTAIN PROPERTY OWNED BY R. A. COALE

The Speaker laid before the House, for consideration at this time the following resolution:
S. C. R. No. 14

Whereas, By Senate Concurrent Resolution No. 18 of the First Called Session of the 57th Legislature, 1961, adopted by the Senate on July 27, 1961, and by the House of Representatives on August 2, 1961, and approved by the Governor on August 24, 1961, permission was given to R. A. Coale, a resident of Beaumont, Jefferson County, Texas, to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for damages to certain property owned by the said R. A. Coale near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Whereas, The description of said property contained in said Senate Concurrent Resolution No. 18 was incorrect; and

Whereas, Such suit has been filed and service of process has been had in accordance with law and with said resolution; and

Whereas, The State has appeared and answered said suit; and

Whereas, It being the purpose and intent of the Legislature to authorize suit for damages to whatever property said R. A. Coale may own in said location;

Now Therefore Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the said R. A. Coale, may by the filing of an amended petition in said suit, correctly describe whatever lands and property he may own in said location, which are alleged to have been damaged by the opening of said Rollover Pass; and

Be It Further Resolved That notice of the filing of such petition may be given by the delivery of a copy thereof to the Attorney General of the State of Texas by depositing same in the United States mail, Certified, Return Receipt Requested; and

Be It Further Resolved That nothing herein shall be construed to change or modify any of the terms and provisions of said Senate Concurrent Resolution No. 18, except as to the description of the property therein contained, and that all other terms and provisions thereof are hereby expressly affirmed and ratified.

The resolution was referred to the Committee on State Affairs.

TO CORRECT DESCRIPTION OF CERTAIN PROPERTY OWNED BY WALTER F. MYERS

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

S. C. R. No. 15

Whereas, By Senate Concurrent Resolution No. 20 of the First Called Session of the 57th Legislature, 1961, adopted by the Senate on July 27, 1961, and by the House of Representatives on August 2, 1961, and approved by the Governor on August 26, 1961, permission was given to Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, a resident of Beaumont, Jefferson County, Texas, to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for damages to certain property owned by the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Whereas, The description of said property contained in said Senate Concurrent Resolution No. 20 was incorrect; and

Whereas, Such suit has been filed and service of process has been had in accordance with law and with said resolution; and

Whereas, The State has appeared and answered said suit; and

Whereas, It being the purpose and intent of the Legislature to authorize suit for damages to whatever property owned by the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Whereas, The description of said property contained in said Senate Concurrent Resolution No. 20 was incorrect; and

Whereas, Such suit has been filed and service of process has been had in accordance with law and with said resolution; and

Whereas, The State has appeared and answered said suit; and

Whereas, It being the purpose and intent of the Legislature to authorize suit for damages to whatever property owned by the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Now, Therefore, Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, may own in said location, which are alleged to have been damaged by the opening of said Rollover Pass; and
January 25, 1962  HOUSE JOURNAL 309

Be It Further Resolved That notice of such petition may be given by the delivery of a copy thereof to the Attorney General of the State of Texas by depositing same in the United States mail, Certified, Return Receipt Requested; and

Be It Further Resolved That nothing herein shall be construed to change or modify any of the terms and provisions of said Senate Concurrent Resolution No. 26, except as to the description of the property therein contained, and that all other terms and provisions thereof are hereby expressly affirmed and ratified.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 17

Whereas, It is alleged that Oswald C. Bryan and wife, Inola Glass Bryan, of Houston, Harris County, Texas, have been for some 40 years the owners of a tract of land in Kerr County, Texas, located approximately four miles up the Guadalupe River from Ingram, Texas, toward Hunt, Texas, and being legally described as follows:

"A parcel of land situated in Kerr County, Texas, and being 14.4 acres out of said Sur. No. 678, W. S. Fessenden and 31.93 acres of land out of original Sur. No. 1353, J. Gregg, comprising about 8 miles N. 89° W. of Kerrville its county seat.

Beginning at a fence corner set for the N. W. corner of said Sur. No. 678, W. S. Fessenden

Thence N. 0° 25' E. 1937.5 feet to a fence corner set for a N. E. corner of Sur. No. 1353, J. Gregg,

Thence N. 88° 45' W. 761 feet to a stake and mound for corner,

Thence S. 2° 30' E. 2362 feet to an iron stake for corner,

Thence S. 22° 55' E. 436 feet to an iron stake and at 451 feet a point for corner at the waters edge of the Guadalupe River,

Thence down the river with its meanders S. 75° 08' E. 714.6 feet to the S. W. corner of the Richardson Tract out of said Sur. No. 678, J. Gregg, as evidenced by a line of 6" iron post set in concrete and extending from the rivers edge northerly along the West line of said Richardson Tract.

Thence N. 0° 30' E. 2856.5 feet to a fence corner in the North line of said Sur. No. 678, W. S. Fessenden,

Thence N. 59° 19' W. 248 feet to the place of beginning, this tract containing 72.36 acres of land; and

Whereas, It is alleged that State Highway 39 extends some 715 feet across said tract, and that this highway was widened in the early part of 1961 from 18 to 25 feet to approximately 57 to 72 feet; and

Whereas, It is further alleged that the highway was improved and widened by the State Highway Department without consultation with or permission from the landowners and without obtaining an additional easement, thus depriving the said Oswald C. Bryan and Inola Glass Bryan of valuable property rights for which they received no compensation from the State of Texas; now therefore be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Oswald C. Bryan and wife, Inola Glass Bryan, of Houston, Texas, be and are hereby granted permission to sue the State of Texas and the State Highway Department in any court of competent jurisdiction to determine whether or not the State of Texas and/or the State Highway Department of Texas is liable for any damages for the area alleged, and be it further

Resolved, That service of citation and/or all other necessary legal processes shall be served upon both the Chairman of the State Highway Commission of Texas and the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and

be it further

Resolved, That the sole purpose of this resolution is to grant permis-
Resolved, That the said Oswald C. Bryan and Inola Glass Bryan to bring suit against the State of Texas and/or the State Highway Department of Texas. No admission of liability or of any fact is made in any way by the passage of this resolution, but on the contrary, it is specifically provided that the facts upon which the said Oswald C. Bryan and Inola Glass Bryan seek to recover must be proved in court as in any other civil case; and be it further

Resolved, That any and all defenses which the State of Texas and/or the State Highway Department of Texas may have may be pleaded by them, and none of the defenses which the State of Texas and/or the State Highway Department of Texas may have are in any way waived by the passage of this resolution.

The resolution was referred to the Committee on State Affairs.

TO INVITE THE HONORABLE JOHN TOWER TO ADDRESS A JOINT SESSION

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

Senate Concurrent Resolution No. 23

Whereas, The Legislature of Texas desires to extend an invitation to the Junior Senator of the State of Texas, the Honorable John Tower, to address a Joint Session of the Senate and the House of Representatives, at the discretion of the Speaker of the House and the President Pro Tempore of the Senate; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that Senator John Tower be invited to address the Joint Session.

The resolution was referred to the Committee on Rules.

TO GRANT CERTAIN EASEMENT TO THE CITY OF AUSTIN

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

S. C. R. No. 21

Whereas, The development of such buildings as the State Office Buildings fronting on San Jacinto Boulevard and the new Federal Post Office create critical traffic problems which restrict the free and safe flow of traffic around such buildings and to the residential area in north central Austin and,

Whereas, The City of Austin has undertaken to relieve this congested condition as far north as East 19th Street by the extension of Trinity Street to the north from 17th Street and,

Whereas, San Jacinto Boulevard is reasonably adequate to carry the traffic from East 19th Street to East 30th Street, at which point the congestion begins again and,

Whereas, The existing north south thoroughfares available to serve the north central part of Austin from this point north are Duval Street and Guadalupe Street which are both presently congested during peak hours of traffic and,

Whereas, A presently named north south thoroughfare 2 1/10 miles long can be made available to the citizens of the City of Austin by the extension of Speedway Street in the City of Austin 8/10 of a mile across State-owned land lying to the south of North Loop Boulevard in the City of Austin, and

Whereas, The extension of Speedway Street across said State-owned land will provide a third north south thoroughfare to serve central Austin and will benefit the State-owned property across which it passes providing it with valuable access that will enhance the value of the property many times more than the value of the land consumed by the right of way necessary for such thoroughfares and,

Whereas, The creation of this north south thoroughfare across State-owned property will help to insure the safety of the citizens of this State in the event of a national emergency requiring speedy evacuation of the seat of State Government. Now Therefore Be It

Resolved by the Senate, the House of Representatives concuring, that for and in consideration of the benefits which will accrue to the herein described State-owned tracts of land, there is hereby dedicated and granted to the City of Austin an easement for street purposes in, upon, along and across the following described tracts of land, to-wit:

...
Two (2) strips of land, each being sixty (60.00) feet in width, and each being out of and a part of those certain tracts of land out of and a part of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas, which certain tracts of land were conveyed to the State of Texas by Warranty Deed dated March 14, 1882, of record in Volume 53 at pages 247-248 of the Deed Records of Travis County, Texas; the centerline of each of the said two (2) strips of land sixty (60.00) feet in width being more particularly described as follows:

No. 1 Beginning at a concrete monument set by the City of Austin, Travis County, Texas, and being known as Concrete Monument No. 1068, on the south line of that certain 40 acre tract of land conveyed to the State of Texas and described in the aforementioned deed of record in Volume 53 at Pages 247-248 of the Deed Records of Travis County, Texas, being also a point in the north line of Hyde Park Annex, said Hyde Park Annex being a subdivision of record in Book 2 at Page 130 of the Plat Records of Travis County, Texas, and which concrete monument is also on the centerline of Speedway, and from which point of beginning, the southwest corner of said State of Texas 40 acre tract of land, same being a point in the north line of Lot 1, Block 11, said Hyde Park Annex, bears S 5° 49' E 54.20 feet;

Thence, with the northerly prolongation of the said centerline of Speedway, N 50° 07' E 6.07 feet to the point of curvature of a curve whose intersection angle is 17° 44', whose radius is 604.10 feet and whose tangent distance is 93.34 feet;

Thence, with said curve, to the right an arc distance of 185.21 feet, the center of which arc bears N 39° 54' E 184.49 feet, to the point of reverse curvature between the aforementioned curve and another curve to the left whose intersection angle is 17° 04', whose radius is 620.55 feet and whose tangent distance is 92.34 feet;

Thence, with said curve to the left an arc distance of 185.29 feet, the sub-arc of which arc bears N 39° 08' E 184.61 feet to the point of tangency of said curve, said point of tangency being in a line thirty (30.00) feet west of and parallel to the east line of the aforementioned State of Texas tracts of land;

Thence, with said line thirty (30.00) feet west of and parallel to the east line of the aforementioned State of Texas tracts of land, N 30° 35' E 1800.85 feet to point of termination in the south line of West 51st Street as conveyed to Travis County, Texas, by deed dated July 2, 1923, of record in Volume 482 at Page 21 of the Deed Records of Travis County, Texas, and from which point of termination the northwest corner of Lot 6, Block 14, J. J. Hegeman's Subdivision, same being a subdivision of record in Book 3 at Page 114 of the Plat Records of Travis County, Texas, bears S 77° 06' E 31.49 feet;

No. 2 Beginning at a point in the north line of West 51st Street, which point of beginning is in the north line of that certain tract of land conveyed to Travis County by instrument from the State of Texas dated July 2, 1923, of record in Volume 482 at Page 21 of the Deed Records of Travis County, Texas, and from which point of beginning the southwest corner of Lot 12, Block 1, Smith and Abrahamson Subdivision, according to a map or plat of record in Book 4 at Page 252 of the Plat Records of Travis County, Texas, bears S 77° 06' E 24.48 feet and S 39° 20' E 6.82 feet;

Thence, with a line thirty (30.00) feet west of and parallel to the east line of that certain 13 acre tract of land described in the aforementioned deed of record in Volume 162 at Page 247.548 of the Deed Records of Travis County, Texas, N 20° 24' E 596.85 feet to point of termination in the south line of North Loop Boulevard and from which point of termination the northwest corner of Lot 19, Block 2, of said Smith and Abrahamson Subdivision bears S 60° 07' E 33.00 feet.

The resolution was referred to the Committee on State Affairs.

To Request Certain Study Relative to Article 16, Section 65, of the Texas Constitution

Mr. Healy offered the following resolution:

H. S. R. No. 166
Whereas, District and County officials are required to resign by Article 16, Section 65 of the Texas Constitution upon the announcement of their candidacy for another office in any General, Special or primary election when the unexpired term of the office then held exceeds more than one year; and

Whereas, This same provision does not apply to all State officials; and

Whereas, This provision seems to create an injustice in that it should apply equally to every political office holder or the provision should be removed from County and District offices; now, therefore, be it

Resolved, That this matter be referred to the Committee on Privileges, Suffrage and Elections for their study and recommendations for a possible change of this provision of the Constitution, and that they report their findings to the next Regular Session of the Legislature.

HEATLY,
OBIE JONES.

The resolution was referred to the Committee on Rules.

SURROUNDING THE JOINT RULES TO CONSIDER H. B. NO. 37

Mr. Dewey offered the following resolution:

H. C. R. No. 25

Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 37 at any time.

The resolution was referred to the Committee on Rules.

SENATE BILL NO. 9 ON THIRD READING

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

S. B. No. 9, A bill to be entitled "An Act validating under certain conditions proceedings relating to the adoption of home rule charters, validating the charters so adopted, and providing that such charter so adopted shall constitute the home rule charter of the City; validating elections held for the election of members of the governing body of the city and their assumption of office; validating acts of city officers and officials; providing that this Act shall not be construed as validating the adoption of any charter or the charter if the validity of the charter adoption proceedings or of the charter are involved in litigation on the effective date of this Act and such litigation is ultimately determined against the validity thereof; providing a savings clause; and declaring an emergency."

The bill was read third time.

A record vote was requested on the passage of S. B. No. 9.

(Mr. Dewey In The Chair)

S. B. No. 9 was passed by the following vote:

YEAS--136
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ball
Banfield, Mrs.
Barlow
Barrow
Barthram
Bass
Berry
Blaine
Boyd
Bridges
Buchanan
Burgess
Buster
Caldwell
Cannon
Carriker
Chapman
Cole of Hunt
Collins
Connell
Cook
cory
Cowen
Cowins
Crain
Crews
Curtin
de la Garza
Dewey
Duffy, Miss
Dungan
Dickard

A. J. DIXON

HF 494

The resolution was referred to the Committee on Rules.
January 25, 1962

HOUSE JOURNAL 313

Latimer Rosas
Leaverton Rosson
Lewis Sandahl
McCoplin Shannon
McGregor Shipley
of McLennan Black
McIlhany Bledsoe
Martin Smith of Bexar
Miller Smith of Jefferson
Moore Shoemeyer
Mullen Sprinker
Mutschler Stewart
Nugent of Galveston
Oliver Stewart
Osborn of Wichita
Parsons Struve
Peeler Thurman
Pettit Thurmond
Pieratt Townsend
Pipkin Treviran
Preston Tunnell
Price Walker
Quilliam Ward
Rapp Watson
Ratchiff Wells
Read Wheeler
Richards Whitsfield
Richardson Wilson
Roberts of Hill Woods
Roberts of Dawson Yensak

Absent
Cole of Harris McGregor
Cowan El Paso
Ehrle Markgraf
Fletcher Murray
Hahn Pearcy
Korkmas Spilman

Absent—Excused
Kennard Niemeyer

SENATE BILL NO. 39 ON THIRD READING

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

S. B. No. 39, A bill to be entitled “An Act amending Section 4 as added to Article 6050 of the Revised Civil Statutes of Texas, 1925, by Chapter 31, Acts of the 53rd Legislature, 1st Called Session, 1954, so as to provide that the sale, transportation or delivery of natural gas for certain agricultural purposes or uses shall not alone constitute a person, association, corporation, trustee, receiver, or partnership a ‘gas utility,’ ‘public utility’ or ‘utility’ as defined by Article 6050 of the Revised Civil Statutes of Texas, 1925, but if such a person, association, corporation, trustee, receiver, or partnership in such a utility as defined elsewhere in Article 6050 by virtue of other activities and businesses engaged in by it, the sale, transportation, or delivery of natural gas by it for certain agricultural purposes or uses shall be subject to the jurisdiction, control and regulation of the Railroad Commission; repealing Section 4a of Article 6050; providing for severability; and declaring an emergency.”

The bill was read third time.

Mr. Quilliam offered the following amendment to the bill:

Amend Senate Bill 39 by amending Section 2 thereof to read as follows:

Section 2. Section 4 (a) of Article 6050, Revised Civil Statutes of Texas, 1925, as amended to read as follows:

“Section 4 (a). Provided that the Commission shall not review existing rates or review or determine new rates unless petitioned by the ‘gas utility,’ ‘public utility,’ or ‘utility’ or unless petitioned by ten percent (10%) or more of the irrigation and/or agricultural customers affected. Upon request of ten (10) or more of said irrigation and/or agricultural customers affected at any time, or upon announcing or implementing a rate increase, the ‘gas utility,’ ‘public utility’ or ‘utility’ shall inform the Commission in writing within ten (10) days the number of said affected irrigation and/or agricultural customers.”

The amendment was adopted without objection.

(Speaker In The Chair)

A record vote was requested on the passage of S. B. No. 39.

S. B. No. 39 was passed by the following vote:

Year—79

Adams of Lubbock Bass
Alaniz Boyson
Andrews Bridges
Bailey Caldwell
Ballman Cannon
Barlow Carriker

Yeas-79
Adams of Lubbock Bass
Alaniz Boyson
Andrews Bridges
Bailey Caldwell
Ballman Cannon
Barlow Carriker
Mr. James (present), who would vote "Yea" with Mr. Ratcliff (absent, who would vote "Nay."

Mr. McLlhany moved to reconsider the vote by which S. B. No. 39 was passed and to table the motion to reconsider.

The motion to table prevailed.

**CAPTION OF S. B. NO. 39 ORDERED AMENDED**

On motion of Mr. Wells, and by unanimous consent of the House, the caption of Senate Bill No. 39 was ordered amended to conform with the body of the bill.

H. B. No. 33 LAID ON THE TABLE SUBJECT TO CALL

Mr. McLlhany moved that House Bill No. 33 be laid on the table subject to call.

There was no objection offered and it was so ordered.

**SENATE BILL NO. 18 ON SECOND READING**

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 18, A bill to be entitled "An Act providing a minimum monthly salary for the Head-Principal in a 2-year accredited high school district, and for the Head-Principal in an elementary district employing 6-19 teachers, and declaring an emergency."

The bill was read second time and was passed to third reading.
Mr. Preston moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130
Adams of Titus
Altman
Allen
Andrews
Atwell
Bailey
Ballman
Bankfield, Mrs.
Barlow
Barnes
Bartram
Bass
Berry
Blaine
Boyles
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Cotten
Cox
Cruce
de la Garza
Dewey
Duff, Miss
Dunbar
Dunn
Ebbardt
Ehrle
Esquivel
Fairchild
Fletcher
Floyd
Fordman
Garrison
Gibbons
Gladden
Glass
Glusing
Green
Groover

Nays—10
Adams of Lubbock
Korkmas
Curington
Nugent
Haring
Read
Jarvis
Thompson
Johnson of Dallas
Whitfield

Absent
Cole of Harris
Cowles
of El Paso
Hale
Quilliam
Struve

Absent—Excused
Kennard
Niemeyer

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

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

Yeas—135
Adams of Titus
Altman
Allen
Andrews
Atwell
Bailey
Bankfield, Mrs.
Barlow
Barnes
Bartram
Bass
Berry
Blaine
Boyles
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole
of Hunt
Collins
Connell
Cook
Cory
Cotten
Cox
Cruce
de la Garza
Dewey
Duff, Miss
Dunbar
Dunn
Ebbardt
Ehrle
Esquivel
Fairchild
Fletcher
Floyd
Fordman
Garrison
Gibbons
Gladden
Glass
Glusing
Green
Groover

Nays—2
Adams of Lubbock
Korkmas

Curington
Nugent
Haring
Read
Jarvis
Thompson
Johnson of Dallas
Whitfield

Absent
Cole of Harris
Cowles
of El Paso
Hale
Quilliam
Struve

Absent—Excused
Kennard
Niemeyer

The bill was read third time and was passed by the following vote:
SENATE BILL NO. 26 ON SECOND READING

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

S. B. No. 26, A bill to be entitled “An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 109th Judicial District of Texas, and declaring an emergency.”

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

SENATE BILL NO. 26 ON THIRD READING

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—131

Adams of Lubbock
Dungan Adams of Titus
Eckhardt
Allen
Allen
Esguerra
Andrews
Fitzgerald
Atwell
Fletcher
Bailey
Floyd
Ballman
Foreman
Baxley
Garron
Barlow
Gibbons
Barnes
Gladden
Barram
Glass
Berry
Gingess
Blaine
Green
Boysen
Groves
Bridges
Guffy
Burgess
Hale
Butler
Harrington
Calder
Hayes
Cannon
Hedley
Carriker
Hetten
Chapman
Hiege
Collins
Holloway
Connell
Huebner
Cook
Hughes
Cory
of Grayson
Cotten
Hughes of Dallas
Cowen
Isaacks, Miss
Cran
James
Crews
Johnson
Carlington
Johnson of Dallas
de la Garza
Johnson of Bexar
Dewey
Johnson of Bell
Duff, Miss
Johnson of Dallas

Nays—6

Adams of Lubbock
Robert of Dawson
Johnson of Dallas
Whitefield
Absent
Buchanan
Green
Cole of Harris
McGregor
Cowles
of El Paso
Absent—Excused
Kennard
Mooney
The Speaker then laid Senate Bill No. 26 before the House on third reading and final passage.

The bill was read third time.

(Mr. Hale in The Chair)

A record vote was requested.

S. B. No. 26 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>Adams of Lubbock</td>
<td>Adams of Titus</td>
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<td>James</td>
<td>Akins</td>
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<td>Johnson of Dallas</td>
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<td>Jamison</td>
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<td>Longoria</td>
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<td>MccGregot</td>
<td>McCopplin</td>
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<tr>
<td>of McLennan</td>
<td>MccGregor</td>
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<td>MccTahy</td>
<td>McClenan</td>
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<td>Mackgraf</td>
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<td>Martin</td>
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<td>Miller</td>
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<td>Lewis</td>
<td>Absent</td>
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<td>Absent—Excused</td>
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<tr>
<td>McCopplin</td>
<td>Kennard</td>
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<td>Kennard</td>
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<td>Naeffy</td>
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<td>Harrington</td>
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<td>Huchofer</td>
<td>Hughes of Galveston</td>
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<td>Hughes of Galveston</td>
<td>Hughes of Dallas</td>
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<td>Hughes of Dallas</td>
<td>Hughes of Wichita</td>
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<td>Hughes of Wichita</td>
<td>Isacks, Miss</td>
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<tr>
<td>Isacks, Miss</td>
<td>Strave</td>
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</tbody>
</table>
The Chair laid before the House, on its second reading and passage to third reading, S.B. No. 30, a bill to be entitled "An Act providing the mode of election of certain school trustees in all counties containing a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census; and declaring an emergency.

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

The constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136
Adams of Lubbock Bailey
Adams of Titus Barfield, Mrs.
Allen Barfield
Andrews Barnes
Atwell Bass
Blaine Lack
Boydens Larm
Bridges Laketons
Buchanan Leaveyton
Burgess Lewis
Butler Longoria
Caldwell McDowin
Cannon McGregor
Carroll of McLennan
Chapman McGregor
Cole of Hunt Missouri
Collins McLibbony
Counsel Markgraf
Cook Martin
Cory Miller
Crowe Moore
Crenn Mulien
Crews Murray
Curtis Mutchler
de la Garza Oliver
Dewey Parsons
Duff, Miss. Peary
Dungan Penner
Eckhardt Petty
Esquibel Placita
Fairchild Pipkin
Fletcher Preston
Ford Price
Foreman Quilliam
Garrison Rapp
Gibbins Read
Gladen Richards
Glass Roberts of Hill
Gluson Roberts of Dawson
Green Rosas
Gower Roscoa
Guflcy Sadabah
Harrington Schil
Haynes Shannon
Healey Shipley
Hettor Snelson
Hollowell Splitsman
Hubner Spindler
Hughes of Grayson Stewart
Hughes of Dallas Straus
Huxs of Dallas Straus
James Throndt
James Townsend
James Trevino
Johnson of Dallas Tunnell
Johnson of Bexar Walker
Johnson of Bell Ward
Jones of Dallas Watson
Jones of Travis Wells
Kilpatrick Wheeler
Kohler Whitfield
Kollins Wilson
Korkkman Woods
Kothmann Yeak

Nays—5
Haring Slider
Jarvis Thurman
Nugent Thurman
### Present—Not Voting

<table>
<thead>
<tr>
<th>Stewart</th>
<th>Price</th>
</tr>
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<tbody>
<tr>
<td>of Galveston</td>
<td>Jones of Dallas</td>
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<td>Jones of Travis</td>
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<td>Hale</td>
<td>Kilpatrick</td>
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<tr>
<td>Absent</td>
<td>Kohler</td>
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<td>Ballman</td>
<td>Kollha</td>
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<td>Berry</td>
<td>Kirkman</td>
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<td>Cole of Harris</td>
<td>Kothmann</td>
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<td>Cotten</td>
<td>Lack</td>
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<td>Cowles</td>
<td>Lary</td>
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<td>Ehrle</td>
<td>Latimer</td>
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<tr>
<td>Harding</td>
<td>Leaverton</td>
</tr>
<tr>
<td>Absent—Excused</td>
<td>Longoria</td>
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<tr>
<td>Kennard</td>
<td>Longworth</td>
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<tr>
<td>Niemeier</td>
<td>McDougall</td>
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<tr>
<td>SENATE BILL NO. 43 ON SECOND</td>
<td>Simmons</td>
</tr>
<tr>
<td>READING</td>
<td>Stewart</td>
</tr>
<tr>
<td>The Chair then laid Senate Bill</td>
<td>of Galveston</td>
</tr>
<tr>
<td>No. 30 before the House on third</td>
<td>In The Chair</td>
</tr>
<tr>
<td>reading and final passage.</td>
<td>Hale</td>
</tr>
<tr>
<td>The bill was read third time and</td>
<td>Absent</td>
</tr>
<tr>
<td>was passed by the following vote:</td>
<td></td>
</tr>
<tr>
<td>Yeas—115</td>
<td></td>
</tr>
</tbody>
</table>

| Adams of Lubbock Dewey            | Adams of Titus                      |
|                                   | Alanis                              |
|Allan                              | Allen                               |
|Andrews                            | Andrews                             |
|Atwell                             | Bailey                              |
|Barfield, Mrs.                     | Barlow                              |
|Barlow                             | Barnes                              |
|Bartram                            | Bass                                |
|Bass                               | Berry                               |
|Blaine                             | Boyesen                             |
|Boyesen                            | Bridges                             |
|Buchanan                           | Buchanan                            |
|Burgess                            | Butler                              |
|Butler                             | Caldwell                            |
|Cannon                             | Cannon                              |
|Carriker                           | Chapman                             |
|Chapman                            | Cole of Hunt                        |
|Cole of Hunt                       | Collins                             |
|Collins                            | Council                             |
|Cook                               | Cory                                |
|Cotton                            | Cowen                               |
|Cowen                              | Crews                               |
|Crain                              | Corington                           |
|Corington                          | de la Garza                         |
|de la Garza                        |                                    |

| Jones of Dallas                   | Price                              |
|Jones of Travis                    | Kilpatrick                         |
|Kilpatrick                         | Kohler                              |
|Kollha                             | Kirkman                             |
|Kothmann                           | Lack                                |
|Lary                               | Latimer                             |
|Leaverton                          | Longoria                            |
|Longworth                          | McDougall                           |
|McDougall                          | Simmons                             |
|Simmons                            | Stewart                             |
|Stewart                            | In The Chair                        |
|Hale                               |                                    |
|Absent                             |                                    |
|Absent—Excused                    |                                    |
|Kennard                           |                                    |
|Niemeier                           |                                    |

### January 25, 1962 HOUSE JOURNAL 819

The Chair laid before the House on its second reading and passage to third reading.
S. B. No. 43, A bill to be entitled
"An Act amending Section 6 of Chap­
ter 159, Acts of the 57th Legislature,
Regular Session, 1961, compiled as
Section 6 of Article 2338-14, Vernon's
Texas Civil Statutes, so as to author­
ize and make provision for the Court
of Domestic Relations for Jefferson
County to sit and hold court at any
time in Port Arthur and to hear and
determine any civil non-jury case
over which it has jurisdiction; au­
thorizing the judges of district
courts to sit for the judge of the Court
of Domestic Relations; validating cer­
tain acts by said Court; and declar­
ing an emergency."

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

SENATE BILL NO. 43 ON THIRD
READING

Mr. Harrington moved that the
constitutional rule requiring bills to
be read on three several days be
suspended and that Senate
Bill No. 43 be placed on its third reading
and final passage.

The motion prevailed by the fol­
lowing vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>132</td>
<td>4</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>In the Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>820</td>
<td>1</td>
<td>Hale</td>
</tr>
</tbody>
</table>

The Chair then laid Senate Bill
No. 43 before the House on third
reading and final passage.

The bill was read third time and
was passed by the following vote:
January 25, 1962

Yeas-135

Adams of Lubbock
Jamison
Adams of Titus
Jarvis
Allen
Johnson of Dallas
Andrews
Johnson of Bexar
Atwell
Jesus of Dallas
Bayley
Jones of Travis
Ballman
Kilpatrick
Banfield, Mrs.
Koliba
Barlow
Korkmas
Barnes
Kotthmann
Bartram
Lacy
Baue
Larry
Boyson
Leaverton
Bridges
Burges
Lewis
Butler
Leugoria
Caldwell
McCool
Chacon
McGregor
Carricker
McLennan
Chapman
Cole of Hunt of El Paso
Collins
McIlhany
Connell
Markgraf
Cook
Martin
Cort
Miller
Coxen
Moore
Cowles
Mullen
Craig
Murray
Crews
Mutucher
Curington
Nagant
Oliver
de la Garza
Osborn
Dewey
Parsons
Duff, Miss
Pearsy
Dunnag
Perry
Eckhardt
Petier
Eguivel
Pieratt
Fairchild
Piper
Floyd
Preston
Foreman
Price
Garrison
Quilliam
Gibbins
Raju
Giddens
Richards
Glass
Roberts of Hill
Gingrich
Roberts of Dawson
Green
Ross
Grover
Rosson
Guffey
Sanahl
Gussey
Schram
Haring
Shannon
Harrington
Shipley
Haynes
Siler
Hefton
Hinson
Smith of Bee
Hollowell
Smith of Jefferson
Hughes of Grayson
Snelson
Hughes of Dallas
Springer
Janacek, Miss
Galvenon
James
of Wichita

Struve
Watson
Thurmond
Wells
Thurmond
Whaley
Trevino
Whitfield
Tunnell
Winder
Walker
Ward
Yeak

Hale
In The Chair

Absent

Berry
Huehner
Buchanan
Richardson
Cole of Harris
Clark
Elbro
Spelman
Harding
Townsend

Absent—Excused

Kennard
Ratcliff
Nimeyer

ADOPiON OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 19

Mr. Gladden submitted the following Conference Committee Report on Senate Bill No. 19:

Austin, Texas, January 25, 1962

Honorable Charles F. Herring
President Pro Tempore of the Senate

Honorable James A. Turman
Speaker of the House of Representatives

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 19, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

WILLIS, RATLIFF, OWEN, HARDEMAN,
On the part of the Senate.

GLADDEN, RICHARDSON, SHANNON, COVEN, GREEN,
On the part of the House.

Conference Committee Report S. B. No. 19

"A BILL To Be Entitled An Act creating a Court of Domestic Relations for Tarrant County," 

11 Jour.
Texas: fixing the jurisdiction; conforming the jurisdiction of other courts therein; fixing its term; providing the manner of selection, tenure and compensation of the Judge and other officers of said Court; providing the manner of and grounds for removal of the Judge of said Court; providing for the membership of the Juvenile Board of Tarrant County; providing for appeals to higher courts; providing the procedure of said Court; providing for the services of certain county and district officers to said Court; containing a saving clause; and declaring an emergency.

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

Section 1. There is hereby created a Court of Domestic Relations in and for Tarrant County, Texas.

Sec. 2. The Judge of the Court of Domestic Relations hereby established shall be at least twenty-five (25) years of age and licensed to practice law in this State, who has been a practicing attorney or a judge of a court for four (4) years and a resident of Tarrant County for two (2) years next before his election or appointment. He shall reside in Tarrant County during his term of office. He shall be paid a salary which shall be equal to the total salary paid by the County of Tarrant and State of Texas to any one judge of a District Court of Tarrant County, Texas. His salary shall be paid out of the General Fund of Tarrant County in twelve (12) equal monthly installments. He shall be a member of the Juvenile Board of Tarrant County, which shall hereafter be composed of the Judges of the several District Courts and Criminal District Courts of Tarrant County, the County Judge of Tarrant County, and the Judge of the Court of Domestic Relations for Tarrant County, which Juvenile Board shall be authorized to designate the Court of Domestic Relations as the Juvenile Court of Tarrant County; Judges of the District Courts and Criminal District Courts of Tarrant County shall continue to receive such compensation for all judicial and administrative services required of them including the services as members of the Juvenile Board and other services from county funds as they are now entitled to receive or may hereafter be authorized to receive under general or special law.

Sec. 3. Said Court of Domestic Relations shall have jurisdiction within the limits of Tarrant County concurrent with the Civil District Courts sitting in said county of all cases involving adoption, birth records, removal of disability of minority, and coverture, change of name of persons, delinquent child proceedings, neglected or dependent child proceedings, and all jurisdiction, powers and authority now or hereafter placed in the District Courts under the Juvenile and child-welfare laws of this State; and of all divorce and marriage annulment cases, including the adjustment of property rights and custody, visitation and support of minor children involved therein, alimony pending final hearing and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody, visitation, support, or reciprocal support cases, contempt actions arising out of failure to pay child support and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, and their minor children, which are now, or may hereafter be, within the jurisdiction of the Civil District Courts of Tarrant County; and all cases in which children are alleged to be dependent, neglected or delinquent children as provided by law. All cases enumerated or included above may be instituted in or transferred to said Court.

Sec. 4. The District Courts of Tarrant County may refer to the said Court of Domestic Relations any and all cases, in their respective courts of which cases said Court of Domestic Relations is hereby given jurisdiction, including all filed papers, reports, records, and certified copies of all orders theretofore entered in said cases.

Sec. 5. All writs and process issued by or out of a District Court prior to the time any case is transferred by said Court to the Court of Domestic Relations shall be returned and filed in the Court of Domestic Relations and shall be valid and binding upon the parties to such transferred cases as though
such writ or process had been issued out of the Court of Domestic Relations, and all waivers of process, and other instruments executed prior to the transfer of any case shall also be as valid and binding as though executed after such transfer.

Sec. 6. The said Court of Domestic Relations shall be a court of record, shall sit and hold court at the county seat of Tarrant County, shall have a seal and maintain all necessary dockets, records and minutes therein. The District Clerk of Tarrant County shall serve as the Clerk of said Court. He shall keep a fair record of all acts done and proceedings had in said Court and shall perform all such duties as are required generally of District Clerks insofar as the same may be applicable in this Court. The seal of said Court shall have a star of five points with the words "Court of Domestic Relations, Tarrant County, Texas" engraved thereon.

Sec. 7. At the next general election following the effective date of this Act there shall be elected the Judge of the Court of Domestic Relations of Tarrant County. The term of office shall be for a period of four (4) years. The first term shall commence on January 1, 1963. Thereafter, the Judge shall be elected as provided by the Constitution and laws of the State for the election of District Judges. He shall be subject to removal from office for the same reasons and in the same manner as provided by the Constitution and laws of this State for removal of District Judges. Vacancies in the office shall be filled by appointment by the Governor.

Sec. 8. The Juvenile Board and its members shall give counsel and advice to the Judge of the Court of Domestic Relations when deemed necessary or when sought by him, and shall cooperate with him in the administration of the affairs of said Court and shall prepare a schedule setting forth the order of business for the Court of Domestic Relations. The Judge of the Court of Domestic Relations shall sit and hear all cases and matters to be tried and determined by him at such times and in such places with the schedule prepared by the Juvenile Board. Such schedule outlining the order of business to be followed by the Court of Domestic Relations shall be subject to change by the Juvenile Board at such times as the business of the Courts may require.

Sec. 9. All cases, applications, complaints, and all other matters over which the Court of Domestic Relations is hereby given jurisdiction may be transferred to or instituted in said Court; said Court and the Judge thereof may transfer any such cases, complaints, or other matters to any District Court or Criminal District Court of Tarrant County having jurisdiction thereof under the laws of the State of Texas, with the consent of the Judge of such Court, and the Judge of such District Court or Criminal District Court may try all such cases, complaints, or other matters which may be so transferred. Any Judge of a District Court or Criminal District Court of Tarrant County may in his discretion provide as Judge of the Juvenile Court and of the Court of Domestic Relations and hear and determine all such cases, complaints, or other matters over which the Judge of such District Courts or Criminal District Courts has jurisdiction under the laws of the State of Texas, with the same authority to act as Presiding Judge over all such cases, complaints, or other matters for all purposes, and to the same extent as the Judge of the Court of Domestic Relations, and such Judge of a District Court or Criminal District Court of Tarrant County, Texas may sit in his own court room, the Juvenile Court Room, the District Court Room or any other District Court within the county, or the Court of Domestic Relations and hear and determine any case, complaint, or matter pending in the Court of Domestic Relations, and such Judge of a District Court or Criminal District Court may at his discretion transfer any such case, complaint, or other matter over which his Court has jurisdiction under the laws of the State of Texas from the Court of Domestic Relations to his own court for trial and disposition. In the event of disqualification of the Judge of the Court of Domestic Relations to try a particular case or because of his illness, incapacity, failure or refusal of said Judge to hold court at any time, the Juvenile Board may select a Special Judge who shall hold the court and proceed with the business thereof, or said Juvenile Board may
request the Presiding Judge of the Eighth Administrative Judicial District of Texas to assign a Judge to handle the business of said court pursuant to the provisions of Article 259a of the Revised Civil Statutes of Texas, and said Judge so selected by the Board or assigned by the Presiding Judge shall be paid for his services in the same manner as provided by the Constitution and Laws of this State for the payment of District Judges assigned to sit for other District Judges.

Sec. 10. It shall be the duty of all officers, agents, and employees of the Probation Department, Child Welfare Board, County Welfare Offices, County Health Officer and Sheriffs and Constables of Tarrant County to furnish to said Court such services in the line of their respective duties as shall be required by said Court, and all sheriffs and constables with the State of Texas shall render the same services and perform the same duties with reference to process and writs from said Court of Domestic Relations as is required of them by law with reference to process and writs from District Courts.

Sec. 11. The Judge of the Court of Domestic Relations shall have authority to appoint a court reporter who shall receive the same compensation as provided by law for court reporters of District Courts in Tarrant County and whose salary shall be paid by the Commissioners Court of Tarrant County. A bailiff shall be designated by the Sheriff of Tarrant County to serve the Court as in other Courts of the county.

Sec. 12. In all suits for divorce where it appears from the petition or otherwise that the parties to such suits have a child or children under the age of eighteen (18) years, and in any other cases involving the custody of any child or children, the said Court or Judge thereof, in its discretion, may require such juvenile officer or investigator to make a thorough and complete investigation as to the necessities, environment and surroundings of the child or children and of the disposition that should be made of such child or children, and to make report thereof to the Court, and, if desired by the Court, to produce such evidence on any hearing in such case as may have been developed in connection with such investigation.

Sec. 13. The said Court and the Judge thereof shall have the power to issue writs of habeas corpus and mandamus, injunctions, temporary injunctions, restraining orders, orders of sale, execution, writs of possession and restitution, and any and all other writs as now or hereafter may be issued under the laws of this State by District Courts, when necessary or proper in cases or matters in which said Court of Domestic Relations has jurisdiction, and also shall have power to punish for contempt.

Sec. 14. The first term of such Court of Domestic Relations shall begin when the Judge thereof is duly selected and qualified, and remain in session until the first day of the following September; and its term shall thereafter begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

Sec. 15. Appeals in all civil cases from judgements and orders of said Court shall be to the Court of Civil Appeals of the Second Judicial District as now or hereafter provided for appeals from District and County Courts and in all Criminal cases appeals shall be to the Court of Criminal Appeals.

Sec. 16. The practice and procedure, rules of evidence, selection of Juries, issuance of process and all other matters pertaining to the conduct of trials and hearings in said Court shall be governed by provisions of this Act and the laws and rules pertaining to District Courts; provided that Juries shall be composed of twelve (12) members.

Sec. 17. If any section, clause, or part of this Act shall be held invalid, it is hereby declared to be the intention of the Legislature that the remainder thereof not held invalid shall remain in effect, and the validity of the remainder of this Act shall not be affected thereby.

Sec. 18. The fact that there is a present imperative need for combining all matters affecting domestic relations under the authority of a single court: the fact that cases involving marital relationships and domestic relations generally are intricately interwoven with problems of juvenile delinquency and dependent and neglected children requiring that all such matters be handled
by a single court; and the further fact that due to an extreme increase in the population of the territory covered by this Court, and the resulting increase in the matters to be handled by such court 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 same is hereby suspended, and that this Act shall become effective immediately upon its passage, and it is so enacted.

Mr. Gladden moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 19.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on Senate Bill No. 19 prevailed by the following vote (having received the necessary two-thirds vote):

Yea—135
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Barnes
Bartram
Bass
Berry
Blaine
Boyle
Branges
Bray
Bruce
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Hunt
Cole of Harris
Collins
Connell
Cock
Cory
Cowan
Cowles
Craw
Crew
Curtis
de la Garza

Nay—5
Hollowell
Isaacs, Miss
Jarvis
In The Chair
Hale

COMMITTEE MEETING
Mr. Chapman asked unanimous consent of the House that the Committee on Judiciary be permitted to meet at this time.

There was no objection offered.
SENATE BILL NO. 53 ON SECOND READING

Mr. Harrington moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 53.

The motion prevailed without objection.

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

S. B. No. 53, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 7, Jefferson County, Texas; and defining the boundaries; finding the field notes and boundaries form a closure, and related matters; creating and establishing same as a District under Section 54, Article XVI, Texas Constitution; granting to said District the powers and rights conferred by Section 55, Article XVI, Constitution of Texas, and the general Laws relating to drainage districts with certain exceptions; granting additional powers to provide protection against flooding and overflow from rain water, tide water, and other waters, and the right and authority to construct, erect, improve, operate and maintain canals, ditches, laterals, levees, seawalls, pump stations and other structures necessary to carry out the purpose of this Act; etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill No. 53, Section 3(d), beginning with line 4, by striking out the words "or without the District, but within Jefferson County; provided, however, such acquisition of property or property rights acquired without the District by way of condemnation shall be first approved by the Commissioners Court of Jefferson County. Land in fee, easements and right-of-ways may be condemned within any municipality without the necessity of receiving permission of such municipality," and substituting in lieu thereof the words "the District or outside the District sought to be condemned is for drainage ditches and drainage canals only and is adjacent to the District."

The amendment was adopted without objection.

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

Committee Amendment No. 3

Amend Senate Bill 53 by striking out Section 4 and substituting therefor the following:

Section 4. The management and control of the District shall be vested in five Commissioners. Except as provided by this Act, the General Laws of the State of Texas relating to the Commissioners of drainage districts shall apply to the Commissioners of the District. The present Commissioners of the District shall remain in office for the remainder of their terms of office, and the provisions of Article 8118 and 8119, Revised Civil Statutes of Texas, 1911, as amended, shall apply to the Commissioners of the District. Article 8119, Revised Civil Statutes of Texas, 1911, as amended, shall not apply to this District. After the expiration of the terms of the present Commissioners, no more than one Commissioner shall be appointed from any one municipality as long as five municipalities exist within the District. For all purposes, a quorum for doing business shall consist of a majority of the Commission.

The amendment was adopted without objection.

S. B. No. 53 was passed to third reading.

On motion of Mr. Harrington, and by unanimous consent of the House, the caption of S. B. No. 53 was ordered amended to conform with the body of the bill.

SENATE BILL NO. 53, ON THIRD READING

Mr. Harrington moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas--131

Adams of Lubbock  Jamison
Adams of Titus  Johnson of Dallas
Allen  Johnson of Bexar
Anderson  Johnson of Bell
Atwell  Jones of Dallas
Bailey  Kilpatrick
Ballman  Kobler
Banfield, Mrs.  Koliba
Barlow  Kerkmans
Barrow  Kochmann
Bailes  Lack
Bass  Larry
Berry  Latimer
Blaine  Leaverton
Boysen  Lewis
Bridges  Longoria
Buchanan  McCombs
Burgess  McGregor
Butler  of McLennan
Caldwell  McGuire
Carricker  of El Paso
Chapman  Markgraf
Collins  Martin
Connell  Moore
Cook  Mullen
Cory  Murray
Cowen  Mutchener
Cowles  Oliver
Crews  Pearcy
Curington  de la Garza
Dewey  Price
Duff, Miss  Quillian
Dunham  Rapp
Ehrle  Reed
Engelhardt  Richards
Fletcher  Richardson
Floyd  Roberts of Hill
Foreman  Roberts of Dawson
Glass  Ross
Glueck  Sandahl
Green  Schram
Grover  Shannon
Guay  Shipley
Harrington  Slack
Haynes  Slider
Healy  Smith of Bexar
Hinson  Smith of Jefferson
Hollowell  Snelson
Hubner  Springer
Hughes  of Grayson
Hughes of Dallas  Stewart
Irwin, Miss  of Galveston
James  of Wichita

Nays--7

Haring  Bosson
Hefner  Thurman
Jarvis  Ward
Nugent

Present—Not Voting

Miller  In The Chair

Yeas--130

Adams of Lubbock  Connell
Adams of Titus  Cook
Allen  Cory
Allen  Cowen
Andrews  Cowles
Atwell  Crews
Bailey  Carlington
Ballman  de la Garza
Banfield, Mrs.  Dewey
Barlow  Duff, Miss
Barnes  Duncan
Bartram  Ehrle
Baum  Eubanks
Bailes  Esquivel
Boysen  Falchard
Briggs  Fletcher
Buchanan  Floyd
Burgess  Foreman
Butler  Garrison
Calitool  Gibbons
Cannon  Glenn
Chapman  Glass
Cole of Hunt  Glueck
Cole of Hunt  Green
Collins  Grover
SENATE BILL NO. 60 ON SECOND READING

Mr. Cannon moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 60.

The motion prevailed by the necessary two-thirds vote.

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

"An Act amending Sec. 212 of the election Code of the State of Texas (codified as Art. 13.34 of V.T.E.C.), relating to county and precinct conventions; and declaring an emergency."

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

SENATE BILL NO. 60 ON THIRD READING

Mr. Cannon moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adams of Lubbock
Andrews
Atwell
Balley
Ballon
Bannister, Mrs.
Barnes
Bartram
Bass
Berry
Blaine
Boyzen
Bridges
Burgess
Butler
Calwell
Cannon
Carriker
Cole of Hunt
Collins
Connell
Cook
Cory
Cowen
Cowles

NAYS—55

Allen
Anderson
Andrews
Atwell
Bailey
Ballon
Ballou
Bartram
Bass
Berry
Blaine
Boyzen
Bridges
Burgess
Butler
Calwell
Cannon
Carriker
Cole of Hunt
Collins
Connell
Cook
Cory
Cowen
Cowles

Present—Not Voting

Miller
Thurman

In The Chair

Hale

Absent

Berry
Cole of Harris
Cole
Hale
Harding
Harrington
Hefton

Absent—Excused

Kemnitz
Niemeyer

Parsons
Perry
Pettit
Perry
Picket
Preston
Price
Quillian
Rapp
Read
Richards
Richardson
Roberts of Hill
Ross
Ross
Shannon
Shipley
Slack
Sluder
Smith of Bexar
Snelson
Springer
Stewart
Stewart of Galveston
Sudden
Sudder

P.resent—Not Voting

Ward

Yeak

Yeak

Yeak

Yeak

Yeak

Yeak

Yeak
The Chair then laid Senate Bill No. 60 before the House on third reading and final passage.

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

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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In The Chair:

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Absent—Excused:

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INTRODUCTION OF VISITORS

The Speaker recognized the Honorable Ben Glusling who introduced Miss Dorsey Ewing of Nueces County and Dick Plank of Hereford, Texas, 4-H Club Members who were Co-chairmen of the 4-H Clubs of Texas to witness the signing by the Governor of the Proclamation designating 4-H Club Week.

Miss Ewing and Mr. Plank each addressed the House briefly.

RECESS

Mr. Oliver moved that the House recess until 2:30 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House, at 2:30 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The Speaker laid before the House, as pending business, on its second reading and passage to third reading, S. B. No. 95, 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 Hulen; providing that the governing body of the City of Palacios shall be agent of the State of Texas for the purpose of consummating 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 therefrom in the State Treasury for the use and benefit of the Texas National Guard Armory Board; providing for the purposes for which such proceeds may be expended; making other provisions relating thereto; providing for severability clauses; and declaring an emergency."

Committee Meetings

Mr. Harrington asked unanimous consent of the House that the Committee on Game and Fisheries be permitted to meet at this time.

There was no objection offered.

Mr. Kennard asked unanimous consent of the House that the Committee on Federal Relations be permitted to meet at this time.

There was no objection offered.

Senate Bill No. 95 on Second Reading

Mr. Huebner moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 95.

(Speaker In The Chair)

The motion to suspend the rules prevailed by the necessary two-thirds vote.

Mr. Cannon moved to reconsider the vote by which S. B. No. 60 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Oliver moved that the House recess until 2:30 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House, at 2:30 o'clock p.m., took recess until 2:30 o'clock p.m. today.

The Speaker laid before the House, as pending business, on its second reading and passage to third reading, S. B. No. 95, 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 Hulen; providing that the governing body of the City of Palacios shall be agent of the State of Texas for the purpose of consummating 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 therefrom in the State Treasury for the use and benefit of the Texas National Guard Armory Board; providing for the purposes for which such proceeds may be expended; making other provisions relating thereto; providing for severability clauses; and declaring an emergency."
The bill was read second time and was passed to third reading.

SENATE BILL NO. 95 ON THIRD READING

Mr. Huebner moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Barfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boyesen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Chapman
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
Crews
Curtington
Duff, Miss
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrett
Gibbens
Gladden
Glass
Glueck
Green
Groover
Guffey
Hale
Harding
Hartung
Harrington

Nays—23
Alanis
Bailey
Carr
Collins
Cooper
Crawford
Dewey
Dicks
Dunglison
Ehren
Folmar
Ginsburg
Groves
Hale
Hale
Hall
Hannah
Harrington
Harrington

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

Yeas—114
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Barfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boyesen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Chapman
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
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Curtington
Duff, Miss
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrett
Gibbens
Gladden
Glass
Glueck
Green
Groover
Guffey
Hale
Harding
Hartung
Harrington

Nays—23
Alanis
Bailey
Carr
Collins
Cooper
Crawford
Dewey
Dicks
Dunglison
Ehren
Folmar
Ginsburg
Groves
Hale
Hale
Hall
Hannah
Harrington
Harrington

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

Yeas—114
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Barfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boyesen
Bridges
Buchanan
Burgess
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Cannon
Chapman
Cole of Hunt
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Cook
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Duff, Miss
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Glass
Glueck
Green
Groover
Guffey
Hale
Harding
Hartung
Harrington

Nays—23
Alanis
Bailey
Carr
Collins
Cooper
Crawford
Dewey
Dicks
Dunglison
Ehren
Folmar
Ginsburg
Groves
Hale
Hale
Hall
Hannah
Harrington
Harrington

The Speaker then laid Senate Bill No. 95 before the House on third reading and final passage.

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

Yeas—114
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Barfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boyesen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Chapman
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
Crews
Curtington
Duff, Miss
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrett
Gibbens
Gladden
Glass
Glueck
Green
Groover
Guffey
Hale
Harding
Hartung
Harrington

Nays—23
Alanis
Bailey
Carr
Collins
Cooper
Crawford
Dewey
Dicks
Dunglison
Ehren
Folmar
Ginsburg
Groves
Hale
Hale
Hall
Hannah
Harrington
Harrington

The Speaker then laid Senate Bill No. 95 before the House on third reading and final passage.

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

Yeas—114
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Barfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boyesen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Chapman
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
Crews
Curtington
Duff, Miss
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrett
Gibbens
Gladden
Glass
Glueck
Green
Groover
Guffey
Hale
Harding
Hartung
Harrington

Nays—23
Alanis
Bailey
Carr
Collins
Cooper
Crawford
Dewey
Dicks
Dunglison
Ehren
Folmar
Ginsburg
Groves
Hale
Hale
Hall
Hannah
Harrington
Harrington

The Speaker then laid Senate Bill No. 95 before the House on third reading and final passage.
MESSAGE FROM THE SENATE

Austin, Texas, January 25, 1961

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 passed the following:

C. S. H. B. No. 2, Defining and regulating the business or lending money at rates of interest exceeding ten per cent (10%) per annum; and declaring an emergency. (with amendments)

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

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. 28, "An Act amending Section 1 or 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 emergency."

H. B. No. 29, "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 to a doe tag; making it unlawful to use in any season more than one (1) doe tag issued under this Act or to use any such doe tag not issued to the user, 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

<table>
<thead>
<tr>
<th>Bills</th>
<th>Resolutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. B. No. 28</td>
<td>&quot;An Act amending Section 1 or 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 emergency.&quot;</td>
</tr>
</tbody>
</table>
| H. B. No. 29 | "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 to a doe tag; making it unlawful to use in any season more than one (1) doe tag issued under this Act or to use any such doe tag not issued to the user, 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
January 25, 1962

HOUSE JOURNAL 833

exemptions; providing penalties for the violation of any of the provisions of this Act; repealing all laws in conflict herewith; and declaring an emergency.

H. B. No. 39, "An Act amending paragraph (c) of Section 2 of Chapter 86, General Laws of the 41st Legislature, Second Called Session, 1933, as amended (compiled as Article 6675-2, Vernon's Texas Civil Statutes), so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars ($5) instead of the regular registration fee, and declaring an emergency."

H. B. No. 44, "An Act making an appropriation from the General Revenue Fund to the Unemployment Compensation Clearance Account, Fund No. 598, for the purpose of reimbursing the Unemployment Compensation Clearance Account for warrants issued and erroneously transferred to the credit of the General Revenue Fund; and declaring an emergency."

H. B. No. 52, "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 divorce 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, 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 Commission 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."

H. C. R. No. 21, In memory of Frank Lee Moffett.

H. C. R. No. 7, To grant E. R. Hinson, et al, permission to sue the State.

H. C. R. No. 8, To provide for the appointment of an interim committee to work in conjunction with the Southwest Animal Health Research Foundation.

H. C. R. No. 12, To grant Sam McCollum, III, permission to sue the State and the Veterans Land Board.

H. C. R. No. 11, To grant the Christian and Missionary Alliance of the Southwest District permission to sue the State.

H. C. R. No. 13, To grant the City of Big Spring permission to sue the State.

H. C. R. No. 19, To grant Mrs. Annie Lou Stapleton permission to sue the State.

MESSAGE FROM THE GOVERNOR

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

To The Members of the 57th Legislature, Third Called Session:

I hereby submit as additional subjects for the Special Session the following legislation:

1. Authority for the Texas Employment Commission to enter into a compact with other States.

2. Appropriating the balance in the Prepaid Funeral Contract Fund (No. 76) to the Department of Banking, as requested by the Banking Commissioner.

3. Amendments to Article 527 of the Penal Code, as amended, relating to the definition of "obscene," re-
There was no objection offered.

SENATE BILL NO. 84 ON SECOND READING

Mr. Hughes of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 84.

The motion prevailed by the necessary two-thirds vote.

The Chair laid before the House on its second reading and passage to third reading.

S. B. No. 84, A bill to be entitled "An Act to provide for the registration and protection of trademarks and service marks, to define certain terms, to define marks registrable and marks not registrable, to define the requirements for an application for registration, to instruct the Secretary of State as to handling of applications for registration and issuance of certificates of registration, to define the rights and privileges dependent from a registration of a mark, to constitute a registration of a mark as constructive notice of a claim of ownership, to provide for judicial review of actions of the Secretary of State concerning marks and applications therefor, to define the term of registrations of marks and provide for renewal thereof, to provide for notification of necessity of renewal, to provide for the assignment of marks and the recordation of such assignments, to provide for cancelling of registrations of marks under conditions defined, to provide for a civil action for the cancellation of a registration of a mark, to define classifications of goods and services in connection with which marks may be used and registered on a single application, etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill 84 by striking out Section 16 (b) and substituting in lieu thereof the following:

"(b) without the consent of registrant, reproduces, counterfeits, copies or colorably imitates any such registered mark and applies such re-
production, counterfeit, copy of colorable Imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements, intended to be used upon or in conjunction with the sale or other distribution in this State of such goods or services. Provided, however, that no person engaged in business as the owner or operator of a radio or television station or as the owner or publisher of a newspaper, magazine, telephone or other directory or publication shall be liable hereunder for, or subject to, any of the remedies provided in Section 16 hereof for the use of any mark furnished to such person by one of its advertisers or customers."

The amendment was adopted.

Mr. Trevino offered the following amendment to the bill:

Amend Senate Bill No. 34, Section 14, by changing the period at the end of the first sentence to a comma, and adding the following:

"and nothing in this Act shall apply to the registration or use of livestock brands or marks."

The amendment was adopted without objection.

S. B. No. 34 was passed to third reading.

SENATE BILL NO. 34 ON THIRD READING

Mr. Hughes of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112
Adams of Lubbock, Buchanan
Adams of Titus
Allen
Alwell
Balcom
Bannister, Mrs.
Barlow
Barnes
Bass
Berry
Blaine
Boysen
Dewey
Duff, Miss
Duncan
Dickard
Eguirel
Fairechild
Floyd
Foreman
Garrison
Gladden
Glass
Guising
Green
Grover
Harding
Harrington
Haynes
Hefflin
Hefton
Hollowell
Husner
Hughes
Hughes of Dallas
Hughes of Grayson
Hughes of Dallas, Mrs.
James
Jannion
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Kohler
Koliba
Kothmann
Lack
Lary
Leavenworth
Lawcy
Longoza
Longoria
McCoplin
McGregor
McGregor, J.
McElhany

Nays—20
Allen
Andrews
Bartram
Bartley
Bauserman
Bauserman, Mrs.
Barlow
Barnes
Bass
Berry
Blaine
Boysen

Mays—20
Allen
Andrews
Bartram
Bartley
Bauserman
Bauserman, Mrs.

Present—Not Voting

Yeak

In The Chair

Hale
The Chair then laid Senate Bill No. 34 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Hughes of Dallas moved to reconsider the vote by which S. B. No. 34 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 88 ON SECOND READING

Mr. Yezak moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 88.

The motion prevailed without objection.

The Chair laid before the House on its second reading and passage to third reading.

"S. B. No. 88, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County by authorizing the county to issue certificates of indebtedness for certain stated purposes; etc., and declaring an emergency."

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

SENATE BILL NO. 88 ON THIRD READING

Mr. Yezak moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 88 be placed on its third reading and final passage.

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

Yeas-138
Adams of Lubbock
Adams of Titus
Allen
Allen
Allen
Bailey
Bailey
Ballman
Barlow
Barrett
Bartram
Bass
Berry
Blaine
Blackett
Bledsoe
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Collins
Conns
Cook
Cory
Cotten

Nays-4
Korkmas
Nugent

In The Chair

Absent
Cole of Hunt
Cowen
Ehrle
Jarvis

Absent—Excused
Niemeyer

The Chair then laid Senate Bill No. 88 before the House on third reading and final passage.

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

Yeas-138

Nays-2
Crews

In The Chair

Absent

H. B. NO. 99 LAID ON THE TABLE SUBJECT TO CALL

Mr. Yezak moved that House Bill No. 99 be laid on the table subject to call.
There was no objection offered and it was so ordered.

SENATE BILL NO. 93 ON PASSAGE TO THIRD READING

The Chair laid before the House, as postponed business, on its passage to third reading, S. B. No. 93, relative to medical assistance for recipients of public assistance while such recipients are temporarily outside of the State.

The bill was read second time on today and further consideration was postponed.

S. B. No. 93 was passed to third reading.

SENATE BILL NO. 93 ON THIRD READING

Mr. Hollowell moved that the constitutional rule requiring bill to be read on three several days be suspended and that Senate Bill No. 93 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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<tbody>
<tr>
<td>Adams of Lubbock</td>
<td>137</td>
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<tr>
<td>Adams of Titus</td>
<td>2</td>
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<tr>
<td>Alainz</td>
<td>Crain</td>
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<tr>
<td>Allen</td>
<td>de la Garza</td>
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<tr>
<td>Atwell</td>
<td>Dewey</td>
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<tr>
<td>Bailey</td>
<td>Duff, Miss</td>
</tr>
<tr>
<td>Ballman</td>
<td>Dungan</td>
</tr>
<tr>
<td>Bannister, Mrs.</td>
<td>Echard</td>
</tr>
<tr>
<td>Barlow</td>
<td>Etiwka</td>
</tr>
<tr>
<td>Barnes</td>
<td>Fletcher</td>
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<td>Bartram</td>
<td>Floyd</td>
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<td>Bass</td>
<td>Foreman</td>
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<tr>
<td>Berry</td>
<td>Garrison</td>
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<td>Blaine</td>
<td>Gibbons</td>
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<td>Boyer</td>
<td>Gladson</td>
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<tr>
<td>Bridges</td>
<td>Glass</td>
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<td>Buchanan</td>
<td>Glazier</td>
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<td>Burgess</td>
<td>Green</td>
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<td>Butler</td>
<td>Grover</td>
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<tr>
<td>Caldwell</td>
<td>Guffey</td>
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<td>Cannon</td>
<td>Harding</td>
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<td>Carricker</td>
<td>Harton</td>
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<tr>
<td>Chapman</td>
<td>Harrington</td>
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<tr>
<td>Cole of Harris</td>
<td>Hayes</td>
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<tr>
<td>Collins</td>
<td>Healy</td>
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<td>Connell</td>
<td>Hefton</td>
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<td>Cory</td>
<td>Hinson</td>
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<td>Cotton</td>
<td>Hollowell</td>
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<td>Cowen</td>
<td>Hughes</td>
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<tr>
<td>Cowiew</td>
<td>of Grayson</td>
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<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hughes of Dallas</td>
<td>2</td>
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<tr>
<td>Jackson, Miss</td>
<td>Preston</td>
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<tr>
<td>James</td>
<td>Price</td>
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<tr>
<td>Jamison</td>
<td>Quilliam</td>
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<tr>
<td>Johnson of Dallas</td>
<td>Rapp</td>
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<tr>
<td>Johnson of Bexar</td>
<td>Ratliff</td>
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<tr>
<td>Johnson of Bell</td>
<td>Read</td>
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<tr>
<td>Jones of Dallas</td>
<td>Richards</td>
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<td>Jones of Travis</td>
<td>Roberts of Hill</td>
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<tr>
<td>Kennard</td>
<td>Robertsof Dawson</td>
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<tr>
<td>Kilpatrick</td>
<td>Rossa</td>
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<tr>
<td>Kohler</td>
<td>Rouson</td>
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<tr>
<td>Koliba</td>
<td>Sandahl</td>
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<td>Korhman</td>
<td>Shannon</td>
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<td>Kothmann</td>
<td>Shipley</td>
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<td>Lack</td>
<td>Slick</td>
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<tr>
<td>Larry</td>
<td>Slider</td>
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<td>Latimer</td>
<td>Smith of Bexar</td>
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<td>Leaverton</td>
<td>Smith of Jefferson</td>
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<tr>
<td>Lewis</td>
<td>Sloan</td>
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<td>Longoria</td>
<td>Springer</td>
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<td>McConkin</td>
<td>Stewart</td>
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<td>McGregor</td>
<td>of Galveston</td>
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<td>McGregor</td>
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<tr>
<td>McGibany</td>
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<td>Markgraf</td>
<td>Thurmond</td>
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<td>Martin</td>
<td>Townsend</td>
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<td>Miller</td>
<td>Trevino</td>
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<td>Moore</td>
<td>Tunnell</td>
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<tr>
<td>Mullen</td>
<td>Walker</td>
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<td>Murray</td>
<td>Ward</td>
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<td>Nutcher</td>
<td>Watson</td>
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<td>Oliver</td>
<td>Wels</td>
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<td>Osborn</td>
<td>Wheatley</td>
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<td>Parsons</td>
<td>Whitefield</td>
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<td>Peary</td>
<td>Wilson</td>
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<td>Peeler</td>
<td>Woods</td>
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<td>Petty</td>
<td>Yearn</td>
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<table>
<thead>
<tr>
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<th>Nays</th>
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<tbody>
<tr>
<td>Andrews</td>
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<td>Huebner</td>
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<tr>
<td>Cole of Hunt</td>
<td>Jarvis</td>
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<td>Ehrle</td>
<td>Richardson</td>
</tr>
<tr>
<td>Fairchild</td>
<td>Schram</td>
</tr>
<tr>
<td>Hoechner</td>
<td>Spilman</td>
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</tbody>
</table>

The Chair then laid Senate Bill No. 93 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
Yeas—141

Adams of Lubbock
Adams of Titus
Adams
Allen
Andrews
Averill
Bailey
Balman
Banfield, Mrs.
Barlow
Barnes
Bartram
Bass
Bilbey
Boyd
Boyle
Boyd
Bridges
Buchanan
Burgess
Butler
Burt
Caldwell
Cannon
Carriker
Chapman
Cole of Hunt
Collins
Connell
Cook
Cort
Cotten
Cowles
Craw
Cross
Carriagton de la Garza
Dewey
Duff, Miss
Dungan
Enckardt
Esquivel
Fitts
Floyd
Foreman
Garceas
Gibbons
Giddens
Glenn
Glass
Gutierrez
Green
Grover
Guflfey
Harding
Harral
Harrington
Hays
Heatly
Hetton
Hillsen
Hollowell
Huebner
Hughes
Hughes of Grayson
Hughes of Dallas

Isaacks, Miss
James
Jarvis
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kennard
Kiplpatrick
Koehler
Koehn
Kochman
Koch
Kendall
Kerry
KotlU:n
Lack
Larue
Larimer
Leaverton
Lewis
Longoria
McKoy
McGregor
McLennan
McMillan
Marksgraf
Martin
Miller
Monroe
Mullen
Murray
Mueller
Negrant
Oliver
Osborn
Parnes
Pearcy
Peeler
Peery
Pieratt
Pitkin
Preston
Price
Quilliam
Rapp
Ratcliff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Rosen
Sandahl
Shannon
Shipley
Slack
Smith of Bexar
Smith of Jefferson

Steele
Springer
Stewart
Stewart
Stewart
Stewart
Stewart
Sturgis
Thurman
Tidman
Townsend
Trevino

In The Chair

Hale

Absent

Cole of Harris
Cowen

Ehrle

Absen—Excused

Niemeyer

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of the day, on account of important business:

Mr. Slack, on motion of Mr. Buchanan.
Mr. Larry, on motion of Mr. Cannon.
Mr. Rosas, on motion of Mr. Trevino.

The following Member was granted leave of absence for the remainder of the day on account of illness:

Mr. Bridges, on motion of Mr. Peeler.

MOTION TO PLACE HOUSE BILL NO. 70 ON SECOND READING

Mr. James moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 70.

Mr. Dewey raised a point of order on further consideration of H. B. No. 70 at this time on the ground that a motion to suspend the rules to take up a House Bill on Senate Bill Day is not in order, since there are Senate Bills on the Calendar for today that have not been considered.

The Chair overruled the point of order.
A record vote was requested on the motion to suspend the rules to take up and consider H. B. No. 70. The motion was lost by the following vote: (not receiving the necessary two-thirds vote)

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>49</td>
</tr>
</tbody>
</table>

- Alaniz
- Andrews
- Bailey
- Barlow
- Barnes
- Bartram
- Bass
- Berry
- Blaine
- Boysen
- Burgess
- Butler
- Caldwell
- Cannon
- Carriker
- Chapman
- Collins
- Connell
- Cotton
- Crain
- Crews
- Duncan
- Eckhardt
- Ecuadret
- Fairchlld
- Glass
- Gluson
- Groun
- Guest
- Haring
- Hartman
- Haynes
- Hollowell
- Hughes
- Hughes of Dallas
- James
- Johnson of Dallas
- Jones of Dallas
- Jones of Travis
- Kennard

- Nay
- Adams of Lubbock
- Adams of Titus
- Allin
- Atwell
- Ballman
- Baasfield, Mrs.
- Bridges
- Buchanan
- Cole of Harris

- Gibbons
- Grover
- Harding
- Healy
- Helton
- Hinson
- Husebner
- Imacka, Miss
- Jamison
- Jarvis
- Johnson of Bexar
- Johnson of Bell
- Kohler
- Koliba
- Kothmann
- Longoria
- Mcllhany
- Markgraf
- Martin
- Miller
- Moore
- Mutchler
- Neal
- Nesbit
- Nickel
- Niswonger
- Nix
- Nixon
- O'Fallon
- Oliver

- Yeas
- Bannister
- Barlow
- Barnes
- Bartram
- Bass
- Berry
- Blaine
- Boysen
- Burger
- Butler
- Caldwell
- Cannon
- Carriker
- Chapman
- Collins
- Connell
- Cotton
- Crain
- Crews
- Duncan
- Eckhardt
- Ecuadret
- Fairchlld
- Glass
- Gluson
- Groun
- Guest
- Haring
- Hartman
- Haynes
- Hollowell
- Hughes
- Hughes of Dallas
- James
- Johnson of Dallas
- Jones of Dallas
- Jones of Travis
- Kennard

- Nay
- Adams of Lubbock
- Adams of Titus
- Allin
- Atwell
- Ballman
- Baasfield, Mrs.
- Bridges
- Buchanan
- Cole of Harris

- Gibbons
- Grover
- Harding
- Healy
- Helton
- Hinson
- Husebner
- Imacka, Miss
- Jamison
- Jarvis
- Johnson of Bexar
- Johnson of Bell
- Kohler
- Koliba
- Kothmann
- Longoria
- Mcllhany
- Markgraf
- Martin
- Miller
- Moore
- Mutchler
- Neal
- Nesbit
- Nickel
- Niswonger
- Nix
- Nixon
- O'Fallon
- Oliver

MESSAGE FROM THE SENATE

Austin, Texas, January 25, 1961

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 concurred in House Amendments to Senate Bill No. 72 by the following vote: Yeas 27, Nays 1.

The Senate concurred in House amendments to S. B. No. 7 by the following vote: 28 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 19 by the following vote: 26 yeas, 0 nays.

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

H. B. No. 77, Authorizing the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corpo-
ration created or designated by the United States of America; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

SENATE BILL NO. 17 ON SECOND READING

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

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 17. A bill to be entitled "An Act authorizing the Boards of Education of Public Schools of Texas and the Governing Boards of State-supported institutions of higher education to purchase annuities for their employees and declaring an emergency."

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

SENATE BILL NO. 17 ON THIRD READING

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

The motion prevailed by the following vote:

Year—127

Yeas—127

Adams of Lubbock
Adams of Tarrant
Alana
Allen
Atwell
Bailey
Ballman
Backfield, Mrs.
Barlow
Barrows
Bartram
Basin
Berry
Blaine
Bogren
Burgess
Butler
Caldwell
Fairchild
Fletcher
Floyd
Garrison
Gibbens
Glass
Green
Grove
Guffey
Harding
Haring
Harrington
Hays
Healy
Heften
Hinson
Hughes of Grayson
Hughes of Dallas
Isaacks, Miss
James
Jamison
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Travis
Kennard
Klipatrick
Kohler
Koliba
Korkmas
Kothmann
Lack
Latimer
Leaverton
Lewis
Longoft
McGoplin
McGregor
McGregor
McGregor
McGovern
McGovern
McGovern
Mcllhany
Markgraf
Martin
Miller
Moore
Molen
Mullen
Murray
Muters
Oliver
Pasadena
Pearcy
Pender
Petty
Pieratt
Pipkin
Prince
Quilliam
Rapp
Ratchef
Richards
Richardson
Robert of Hill
Robert of Dawson
Rosson
Sandhills
Schram
Shipley
Shider
Smith of Bexar
Smith of Jefferson
Snelson
Sprinager
Stewart
Stewart
Stewart
Stewart
of Wichita
Terry
Thurmond
Townsend
Trevino
Tunnell
Walker
Ward
Watson
Wells
Wheatley
Whitfield
Wilson
Woods
Yeak

Nays—11

Andrews
Buchanan
Cotten
Cowen
Holowell
Huebner

In The Chair

Hale

Absent

Dungan
Ehrle
Foreman

Jones of Dallas
Spilman
The Chair then laid Senate Bill No. 17 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
  - Haynes
  - Adams of Titus
  - Heatly
  - Alaniz
  - Hughes
  - Andrews
  - Atwell
  - Bailey
  - Ballman
  - Banfield, Mrs.
  - Barlow
  - Barrow
  - Barnes
  - Barram
  - Bass
  - Berry
  - Blalke
  - Boyles
  - Burgess
  - Butler
  - Caldwell
  - Cannon
  - Carrillo
  - Chapman
  - Cole of Harris
  - Cole of Hunt
  - Collins
  - Connell
  - Cook
  - Cory
  - Cowen
  - Cowles
  - Crane
  - Crews
  - de la Garza
  - Dewey
  - Duff, Miss
  - Eckhardt
  - Escueved
  - Fishel
  - Foresman
  - Garrison
  - Gibbens
  - Gladon
  - Glass
  - Glosing
  - Green
  - Groover
  - Guernsey
  - Harding
  - Harling
  - Harrington
  - Ratliff
  - Stewart
  - Read
  - Richards
  - Richardason
  - Roberts of Hill
  - Roberts of Dawson
  - Ramon
  - Sandall
  - Schram
  - Shannon
  - Shippley
  - Shippley
  - Slade
  - Smith of Bexar
  - Smith of Jefferson
  - Sleaux
  - Springer
  - Stewart

- Nays: 5
  - Cotten
  - Hollowell
  - Huesbner

In The Chair

Mr. Gibbens moved to reconsider the vote by which S. B. No. 17 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Chair laid before the House, on its second reading and passage to engrossment, "An Act to amend Section 2, Article 4 of Chapter V of Chapter 97, Acts of the 48th Legislature, Regular Session."
sion, 1943, as amended, codified as Section 2 of Article 342-504, Von- 
non's Texas Civil Statutes, relating to the conditions upon which State 
banks may make loans upon security of real estate or invest funds in ob-
ligations secured by real estate, so as to liberalize the limitation of percentage of appraised value of resid-
dential real estate' which may be in-
cluded in the total 'net balance' ow-
ing upon the indebtedness secured by such lien: repealing conflicting 
laws; and declaring an emergency."

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

HOUSE BILL NO. 81 ON THIRD 
READING

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

The motion prevailed by the fol-
lowing vote:

Yeas—122

Adams of Titus
Alam
Alma
Andrews
Atwell
Bakerfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boysts
Buchanan
Burges
Butler
Caldwell
Canion
Carriker
Cole of Harris
Cole of Hunt
Collins
Council
Cook
Cory
Coy
Cowen
Cowsis
Crews
Cunnington
De la Garza
Dewey

Kilpatrick
Kohler
Koliba
Korkman
Kolkmann
Lack
Lairner
Leaverton
Lewis
Longoria
McCoppin
McGregor
of McLennan
McGregor
of El Paso
McLain
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutscher
Oliver
Parsons
Perry
Pielert
Petty
Pieratt
Pitse
Price

Quilliam
Rapp
Ratchig
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Rosson
Sandahl
Schrarm
Shannon
Shipley
Smith of Bexar
Sneed
Smith of Travis

Nays—11

Adams of Lubbock
Osborn
Ballman
Garrison
Garrigan
Haring
Jarvis
Nugent

In The Chair

Hale

Absent

Berry

Gingin

Chairman

Chapman

Cotton

Ehrle

Fairchild

Absent—Excused

Bridge

Rosas

Lacy

Niemeyer

The Chair then laid House Bill 
No. 81 before the House on third 
reading and final passage.

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

Yeas—122

Adams of Titus
Alam
Alma
Andrews
Atwell
Bakerfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boysts
Buchanan
Burges
Butler
Caldwell
Canion
Carriker
Cole of Harris
Cole of Hunt
Collins
Council
Cook
Cory
Coy
Cowen
Cowsis
Crews
Cunnington
De la Garza
Dewey

Kilpatrick
Kohler
Koliba
Korkman
Kolkmann
Lack
Lairner
Leaverton
Lewis
Longoria
McCoppin
McGregor
of McLennan
McGregor
of El Paso
McLain
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutscher
Oliver
Parsons
Perry
Pielert
Petty
Pieratt
Pitse
Price

Quilliam
Rapp
Ratchig
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Rosson
Sandahl
Schrarm
Shannon
Shipley
Smith of Bexar
Sneed
Smith of Travis

Nays—11

Adams of Lubbock
Osborn
Ballman
Garrison
Garrigan
Haring
Jarvis
Nugent

In The Chair

Hale

Absent

Berry

Gingin

Chairman

Chapman

Cotton

Ehrle

Fairchild

Absent—Excused

Bridge

Rosas

Lacy

Niemeyer
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. 55.

The motion prevailed by unanimous consent.

The bill was read second time and passed to engrossment.

H. B. No. 55, A bill to be entitled "An Act amending Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, Vernon's Texas Civil Statutes, so as to provide that lands added to water control and improvement districts shall be subject to certain taxation and assessments so as to pay, pro rata, existing or future indebtedness; validating certain acts of districts; and declaring an emergency."

The bill was read second time and was passed to engrossment.
suspended and that House Bill No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—129

Adams of Lubbock
Hinson
Adams of Titus
Hollowell
Allen
Hughes
Andrews
of Grayson
Atwell
Bailey
Ballman
Banfield, Mrs.
Barnes
Bartram
Blais
Boyeen
Buchanan
Butler
Caldwell
Cannon
Carriker
Cole
Collins
Connell
Cook
Cory
Cotten
Cowen
Crain
Crews
Curington
de Ia Garza
Duff, Miss
Dungan
Eckhardt
Esquivel
Fairchild
Fletcher
Ford
Foreman
Gibbens
Gladden
Glass
Glasing
Green
Grover
Hafer
Harding
Haring
Harrington
Hayes
Heady
Heffon
Shannon
Shipley
Smith of Bexar
Smith of Jefferson
Smollett
Snelson
Springer
Stewart
of Galveston
Stewart
of Wichita
Struve
Thurmond

Nays—7

Dewey
Jarvis
Nugent
Read

In The Chair

Absent

Bass
Richardson
Berry
Spilman
Ehrle
Wheatley
Kehnard

Absent—Excused

Bridges

Larry
Black
Niemeyer

The Chair then laid House Bill No. 55 before the House on third reading and final passage.

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

Year—135

Adams of Lubbock
Collins
Adams of Titus
Connell
Allen
Cook
Cory
Cotten
Cowen
Crain
Crews
Curington
de Ia Garza
Duff, Miss
Dungan
Eckhardt
Esquivel
Fairchild
Fletcher
Ford
Foreman
Gibbens
Gladden
Glass
Glasing
Green
Grover
Hafer
Harding
Haring
Harrington
Hayes
Heady
Heffon
SENATE BILL NO. 89 ON SECOND READING

Mr. Thurmond moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 89.

The motion prevailed by unanimous consent.

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

S. B. No. 89, A bill to be entitled "An Act to amend Chapter 483, Page 902, 51st Legislature, Acts 1949 as amended by Chapter 284, Section 1, Page 861, 54th Legislature, Acts 1965, Revised Civil Statutes of Texas, compiled as Article 5248g, Vernon's Annotated Civil Statutes, to provide for the granting by deed executed by the Governor of the State of Texas to the United States of certain portions of the beds and banks of the Pecos and Devils Rivers for the purposes of storage and flood control projects in accordance with the functions of the International Boundary and Water Commission, United States and United Mexican States; and declaring an emergency."

The bill was read second time.

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

Amend Senate Bill 89 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. Sections 1 & 2 Chapter 483, Page 902, 51st Legislature, Acts 1949 as amended by Chapter 284, Section 1, Page 861, 54th Legislature, Acts 1965, Revised Civil Statutes of Texas, compiled as Article 5248g, Vernon's Annotated Civil Statutes is amended to read as follows:

"Section 1. The Governor of the State of Texas is hereby authorised to grant to the United States of America in accordance with the conditions hereinafter set out, such of those portions of the beds and banks of the Pecos and Devils Rivers in Val Verde County and the Rio Grande in Brewster, Cameron, Hidal-
January 25, 1962  HOUSE JOURNAL  347

Section 1. When the United States Commissioner, International Boundary and Water Commission, United States and Mexico, shall make application to the Governor of the State of Texas describing the area which is deemed necessary or expedient for use under said Treaty, the Governor shall issue a grant for and on behalf of the State of Texas to the United States of America conveying to it the area described in the application, which said grant shall reserve unto the State of Texas all minerals except rock, sand and gravel needed by the United States in the operation or construction by the United States or its agents of any of the works described in Section 1 of this Act subject to the proviso that the minerals so reserved to the State shall not be explored for, developed or produced in a manner which will at any time prevent or interfere with the operation or construction by the United States of America of any of the works described in Section 1 of this Act; and providing further, that prior to exploration or developing such reserved minerals the written consent of the United States, Section, International Boundary and Water Commission, United States and Mexico, or its successor agency, shall be obtained as to the proposed area sought to be explored or developed by the State of Texas, including, but not by way of limitation, the exploration of and production facilities for oil and/or gas wells. Successive applications may be made by the said United States Commissioner, and successive grants may be made to the United States of America by the Governor for and on behalf of the State of Texas, embracing various tracts within the limits herein specified, and no time limit shall be imposed upon such grants; provided, however, that nothing herein shall be construed as divesting, limiting or otherwise affecting the property rights, including, but not by way of limitation, the riparian rights, under the laws of the State of Texas, of the private owners of land abutting the Pecos, Devils, and Rio Grande Rivers in the counties herein referred to. The authority herein granted to the Governor of the State of Texas extends only to the bed and banks of the Pecos, Devils, and Rio Grande Rivers to the extent that title to such bed and banks is by law vested in the State of Texas whether under the civil law, or common law, or Court decisions of the State of Texas, or otherwise; provided, however, that any grant or grants made to the United States of America in accordance with this authority shall contain a reservation that in the event any part of the property so granted shall ever cease to be used for the purposes set out within this Act for a continuous period of five years after the beginning of such use, the part or parts of said property which are not so used shall immediately and automatically revert to the State of Texas after the expiration of said five year period.”

Sec. 2. 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 application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 4. The importance of water shortage and flood control projects to the people of the State of Texas and the necessity for cooperation with the International Boundary and Water Commission, United States and United Mexican States create an emergency and imperative public necessity that the Constitutional Rule that bills 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. Thurmond offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to Senate Bill No. 89 by striking all of line 30 of the printed bill and substituting in lieu thereof the following:

"§248g. Vernon's Annotated Civil Statutes are amended to read as follows:

"6248g. Vernon's Annotated Civil Statutes are amended to read as follows:"

Amendment No. 1 was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

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

Amend the caption of Senate Bill No. 89 to read as follows:

"An Act to amend Sections 1 and 2 of Chapter 483, Page 902, 51st Legislature, Acts 1949 as amended by Chapter 324, Section 1, Page 861, 54th Legislature, Acts 1956, Revised Civil Statutes of Texas, compiled as Article 6248g, Vernon's Annotated Civil Statutes, to provide for the granting by deed executed by the Governor of the State of Texas to the United States of certain portions of the beds and banks of the Pecos and Devils Rivers for the purposes of storage and flood control projects in accordance with the functions of the International Boundary and Water Commission, United States and United Mexican States; and declaring an emergency."

The amendment was adopted without objection.

S. B. No. 89 was passed to third reading.

SENATE BILL NO. 89 ON THIRD READING

Mr. Thurmond moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 89 be placed on its third reading and final passage. The motion prevailed by the following vote:
Thurmond  Watson
Townsend  Wells
Turpin  Wallsfield
Tunnell  Wilson
Walker  Woods
Ward  Yeak

Nays—3

Jarvis  Thurman
Nugent  In The Chair

Bass  Harris
Cole of Harris  Lewis
Cotten  Spilman
Ehrle  Wheatley
Fairchild  

Absent—Excused

Bridges  Rosas
Larry  Slack
Niemeyer  

The Chair then laid Senate Bill No. 89 before the House on third reading and final passage.

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

Yeas—136

Adams of Lubbock  Cowles
Adams of Titus  Crain
Andrews  Crews
Atwell  Carlington
Bailey  de la Garza
Ballman  Dawey
Banfield, Mrs.  Duff, Miss
Barlow  Dunagan
Barret  Eckhardt
Bartram  Ehrle
Bass  Esquivel
Berry  Fairchild
Blaine  Fieseler
Boyuen  Floyd
Buchanan  Foreman
Burgess  Garrison
Butler  Gibbons
Caldwell  Gladden
Cannon  Glass
Carriker  Gunning
Chapman  Green
Cole of Hunt  Grover
Collins  Gruener
Connally  Harding
Cook  Harding
Cory  Harrington
Couto  Harris
Cowen  Heath

Hefton  Peeler
Hineon  Petty
Hollowell  Piersatt
Huehner  Pipkins
Hughes  Preston
Hughes of Dallas  Quilliam
Jacks, Miss  Rapp
James  Ratcliff
Jenison  Real
Jarvis  Richards
Johnson of Dallas  Richardson
Johnson of Bexar  Roberts of Hill
Johnson of Bell  Roberts of Dawson
Jones of Travis  Rosson
Kennard  Sandahl
Kilpatrick  Schram
Kohler  Shonk
Kolits  Shipley
Korkmas  Slider
Kothmann  Smith of Bexar
Lock  Smith of Jefferson
Latimer  Snellson
Leaverton  Springer
Lewis  Stewart
Longoria  of Galvaston
McGuffin  Stewart
McGregor of Wichita  Struve
McGregor of El Paso  Thurmond
McIlvaine  Townsend
Markgraf  Trevino
Martin  Trenall
Miller  Walker
Moore  Ward
Mullen  Watson
Mutscher  Wells
Nugent  Whitfield
Oliver  Wilson
Osburn  Woods
Parsons  Year
Peary  

In The Chair

Hale  

Absent

Alaniz  Murray
Allen  Spilman
Cole of Harris  Wheatley
House of Dallas  

Absent—Excused

Bridges  Rosas
Larry  Slack
Niemeyer  

HOUSE BILL NO. 66 ON SECOND READING

Mr. McGregor of McLennan moved that all the necessary rules be suspended for the purpose of taking
up and considering at this time, 
House Bill No. 86, 
The motion prevailed without ob­
jection.

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

H. B. No. 66. A bill to be entitled 
"An Act creating and establishing 
a conservation and reclamation dis­
trict under Article 16, Section 59, 
Constitution of Texas, to be known 
as McLennan County Water Control 
and Improvement District-Bosque­
ville Hills; declaring District a gov­
ernmental agency, body politic and 
corporate; defining the boundaries; 
finding the field notes and bound­
aries form a closure, and related 
matters; finding a benefit to all land 
and other property within the Dis­
trict; finding that District is created 
to serve a public use and benefit; 
defining powers of District; etc., and 
declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend H. B. No. 66 by striking 
out Section 4 thereof and inserting 
in lieu thereof the following:

"Section 4. The District shall have 
an exercise, and is hereby vested 
with, all of the rights, powers, priv­
ileges, authority and duties confer­
ed and imposed by the general laws 
of this State now in force, or here­
after enacted, applicable to water 
control and improvement districts 
created under authority of Article 
16, Section 59, of the Constitution of 
Texas, but to the extent that the 
provisions of any such general law 
may be in conflict or inconsistent 
with the provisions of this Act, the 
provisions of this Act shall prevail.

Without in any way limiting the 
generality of the foregoing, it is ex­
pressly provided that the provisions of 
Article 1182c-1, Vernon's Texas 
Civil Statutes, as now or hereafter 
amended, shall apply to this District.

All such general laws are hereby 
adopted and incorporated by refer­
cence with the same effect as if in­
corporated in full in this Act. It 
shall not be necessary for the Board 
of Directors to call a confirmation 
election or to hold a hearing on the 
exclusion of lands or a hearing on 
the adoption of a plan of taxation. 
The ad valorem plan of taxation 
shall be used by the District."

The amendment was adopted with­
out objection.

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

Committee Amendment No. 2
Amend House Bill 66 by adding 
the following at the end of Section 
12:

"The term 'sole expense' shall 
mean the actual cost of such relo­
cation, raising, lowering, rerouting, 
or changing in grade or alteration of 
construction in providing compar­
able replacement without enhance­
ment of such facilities, after deduct­
ing therefrom the net salvage value 
derived from the old facility."

The amendment was adopted with­
out objection.

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

Committee Amendment No. 3
Amend House Bill 66 by inserting 
the following sentence to immedi­
ately follow Section 4 as amended:

"The power of eminent domain of 
this district shall be exercised 
only within the boundaries of 
McLennan County."

The amendment was adopted with­
out objection.

H. B. No. 66 was passed to en­
grossment.

Mr. McGregor of McLennan moved 
that the constitutional rule requiring 
bills to be read on three several 
days be suspended and that House 
Bill No. 66 be placed on its third 
reading and final passage.

The motion prevailed by the fol­
lowing vote:

Yeas---134
Adams of Lubbock
Andrews
Adams of Titus
Atwell
Allen
Bailey
The Chair then laid House Bill No. 66 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>Nays</th>
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<tbody>
<tr>
<td>135</td>
<td>3</td>
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<tr>
<th>Yea Votes</th>
<th>Nays Votes</th>
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<tbody>
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<td>Duff, Miss Allen</td>
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<td>Dickardt, Ehrle Ecuivel</td>
<td>Fairchlld</td>
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<td>Hughes of Dallas</td>
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<td>Isaacs, Miss</td>
<td>James</td>
</tr>
<tr>
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S. B. No. 15, A bill to be entitled "An Act authorizing certain cities to issue revenue bonds for the purpose of establishing, improving, enlarging, extending or repairing the airport or airports thereof, including the acquisition of land therefor, and containing provisions relating to such bonds and the revenues pledged in payment thereof; authorizing the levy and pledge of ad valorem taxes to pay operation and maintenance expenses of such airport or airports and containing provisions relating to the use thereof; authorizing the issuance of revenue refunding bonds and containing provisions relating to said bonds and the revenues pledged in payment thereof; providing that this Act is cumulative of existing laws that are applicable but providing, when a city issues bonds hereunder, the provisions hereof shall prevail and that this Act shall take precedence over city charter provisions; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

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

SENATE BILL NO. 15 ON THIRD READING

Mr. Cole of Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<tr>
<th>Yeas</th>
<th>132</th>
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SENATE BILL NO. 15 ON SECOND READING

Mr. Cole of Harris moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 15.

The motion prevailed without objection.

The Chair laid before the House, on its second reading and passage to third reading,
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<th>Yeas: 133</th>
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<td>Adams of Lubbock</td>
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Agency...

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age,

other states; conferring powers

involving obscenity; and declaring an emergency,"

"An Act providing for improvements, construction, equipment, designation of buildings, landscaping and related actions in the Capitol Area; providing for the planning, construction, equipping and operation of a parking garage in the Capitol Area and for incorporation of an emergency control center if feasible; authorizing the State Building Commission, the Texas Employment Commission and the State Board of Control to make inter-agency agreements to carry out the purposes of this Act; authorizing the State Building Commission to landscape and provide walks and passageways on the Capitol grounds adjoining the new State Insurance Building, to move usable buildings acquired in the Capitol Area purchasing program and purchase additional lots, to replace obsolete heating and cooling equipment in the Executive Mansion, and to name certain buildings in the Capitol Area; authorizing the State Board of Control to cooperate with the State Building Commission in such matters and to replace granite capstones at entrances of the Capitol grounds; providing funds for such purposes; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. James and Green:

H. B. No. 195, A bill to be entitled

"An Act amending Sections 3 and 6 of Article 527 of the Penal Code of Texas, 1925, as amended, relating to the definition of 'obscene' and defenses and exemptions applicable under the Article which provides criminal penalties for certain acts involving obscene materials; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

SENATE BILLS ON FIRST READING

The following Senate Bills received from the Senate were today

Read

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

By Messrs. Foreman, Sandahl and Jones of Travis:

H. B. No. 194, A bill to be entitled

"An Act providing for improvements, construction, equipment, designation of buildings, landscaping and related actions in the Capitol Area; providing for the planning, construction, equipping and operation of a parking garage in the Capitol Area and for incorporation of an emergency control center if feasible; authorizing the State Building Commission, the Texas Employment Commission and the State Board of Control to make inter-agency agreements to carry out the purposes of this Act; authorizing the State Building Commission to landscape and provide walks and passageways on the Capitol grounds adjoining the new State Insurance Building, to move usable buildings acquired in the Capitol Area purchasing program and purchase additional lots, to replace obsolete heating and cooling equipment in the Executive Mansion, and to name certain buildings in the Capitol Area; authorizing the State Board of Control to cooperate with the State Building Commission in such matters and to replace granite capstones at entrances of the Capitol grounds; providing funds for such purposes; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. James and Green:

H. B. No. 195, A bill to be entitled

"An Act amending Sections 3 and 6 of Article 527 of the Penal Code of Texas, 1925, as amended, relating to the definition of 'obscene' and defenses and exemptions applicable under the Article which provides criminal penalties for certain acts involving obscene materials; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.
laid before the House, read severally first time and referred to the appropriate Committees, as follows:

S. B. No. 89 to the Committee on State Affairs.

S. B. No. 72 to the Committee on State Affairs.

S. B. No. 71 to the Committee on Game and Fisheries.

S. B. No. 42 to the Committee on Municipal and Private Corporations.

S. B. No. 71 to the Committee on State Affairs.

S. B. No. 38 to the Committee on Municipal and Private Corporations.

S. B. No. 38 to the Committee on Municipal and Private Corporations.

ADJOURNMENT

Mr. Roberta of Daweon moved that the House recess until 11:00 o'clock a.m. tomorrow.

Mr. Thurman moved that the House adjourn until 11:00 o'clock a.m. next Monday.

Mr. Johnson of Bexar moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

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

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

A record vote was requested on the motion to adjourn until 10:30 o'clock a.m. tomorrow.

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

Yeas—42

Alans, Atwell, Bailey, Barlow, Berry, Beyer, Caldwell, Cannon, Cole of Harris, Collins, Cowles, Crain, Crews

Nays—96


In The Chair: Hale.
The motion to adjourn until 11:00 o'clock a.m. tomorrow then prevailed.

The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House, at 6:01 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Federal Relations: S. B. No. 99.

Game and Fisheries: H. B. No. 91, H. B. No. 101, S. B. No. 52, S. B. No. 68.


Privileges, Suffrage and Elections: H. B. No. 76.

Revenue and Taxation: H. B. No. 55, H. C. R. No. 22.


Mr. Tunell offered the following resolution:

H. B. B. No. 165, In Memory of The Honorable Tom P. Cooper.

Whereas, The Texas Legislature must share the grief of the City of Tyler and Smith County at the death Wednesday, January 17, 1962, of Tom P. Cooper, a man of rare ability committed to public service; and

Whereas, Mr. Cooper spent most of his life as a newspaperman and editor and as such became deeply interested in the affairs and problems of his community and his State. Growing up in Lindale, where his father, the late Thomas Peyton Cooper, Sr., had founded the Lindale News, he had entered the newspaper business at an early age and had been for 20 years its editor and publisher. Since June 1949 he had been a member of the staff of the Tyler Morning Telegraph and Tyler Courier-Times, as city hall reporter and Oll Editor; and

Whereas, A member of the House of Representatives of the Forty-fourth Legislature, he was the author of Texas' first drivers' license law. Though this was his only term in State Office, he was active in political leadership most of his life. He served as mayor of Lindale for four years and when the Nation needed his services in its military force during war time he was quick to turn his energies in this direction. A veteran of World War II and the Korean War, he served eleven years in the Army Signal Corps, four years of which were in the European theater. He became a Signal Corps procurement officer when he returned to inactive duty. He had been recently promoted to the rank of lieutenant colonel in the Army Reserve; and

Whereas, A charter member of the Lindale American Legion Post, he had been elected commander three times. He also had been a member of the Veterans of Foreign Wars; and

Whereas, Death came to Mr. Cooper at the early age of 55. He was born at Colorado City September 29, 1906, but moved to Smith County as a boy. He is survived by his wife, Mrs. Veda Barnes Cooper; his mother, Mrs. Eugenia B. Cooper of Lindale; three sisters, Mrs. Steve Miller and Mrs. Isabel Chapman of Tyler and Mrs. A. G. Cassity of Carthage, and three nieces and a nephew. Pallbearers at funeral services Thursday, January 18th, at Lindale Baptist Church, where Mr. Cooper had been a member for many years, were William M. Steger, Thomas E. Wall, Ernest Christian, Carl Wallace, William H. Doody, Jr., and Cone Wade. Honorary pallbearers were Joe Clyde, Jr., Judge Otis T. Dunagan, Earl C. Andrews, Edwin Russell, Johnny Wright and Henry Cox of Tyler, Jack Crook and Jack Fleming of Lindale and all members of the editorial department of the Tyler newspapers; now, therefore, be it
Resolved by the House of Representatives of the Fifty-seventh Legislature, Third Called Session, That it extends to Tyler, Lindale, and Smith County its deeply felt regret at the death of this public leader, that it expresses its heartfelt sympathy to Mrs. Cooper, and that a copy of this Resolution be sent her; and, be it further

Resolved, That a page in the House Journal be set aside in memory of Tom P. Cooper and that when the House adjourns this day it do so in respectful memory to him.

TUNNELL, JARVIS.

The resolution was unanimously adopted by a rising vote.