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SEVENTEENTH DAY
(Monday, January 29, 1962)

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

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

Mr. Speaker
Glissing
Adams of Lubbock
Green
Adams of Titus
Alaniz
Allen
Andrews
Atwell
Bailey
Ballman
Barnfield, Mrs.
Barlow
Barnes
Bartram
Bass
Berry
Blaine
Boyessen
Bridges
Buchanan
Burgess
Butler
Caldwell
Carriker
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Craven
Cowan
Crow
Crow
Crews
Creighton
de la Garza
Dawley
Duff, Miss
Dunn
Eickhardt
Ehrl
Eskendrel
Fairchild
Fletcher
Floyd
Foreman
Garrigan
Gibbens
Glidden
Glass

Nugent
Oliver
Oliver
Osburn
Parsons
Pearcy
Peeler
Peery
Pieart
Pipkin
Preston
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Roberts of Hill
Ross
Rossen
Sandahl
Sharam
Shannon
Shipley
Black

Absent

Struve

Roberts of Dawson

Absent—Excused

A quorum of the House was announced present.

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

"Heavenly Father, help us to find the proper way to act and vote in this last week of this Special Session that at times will try our strength and test our nerves as we work under pressure. Teach us to better understand other people that we may view their shortcomings with love, their virtues with appreciation and their kindnesses to us with gratitude. Bless the leaders of our State with wisdom, love, and ability to do their jobs so that our State will be blessed. We ask all this in Jesus' name—Amen."

LEAVE OF ABSENCE GRANTED

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

Mr. Struve for today on motion of Mr. Barlow.
MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 181, By Mr. Moore: In memory of K. V. Northington.
H. S. R. No. 184, By Mr. Koliba: In memory of Joseph F. Masoch and Mrs. Rosalie Cernosek.
H. S. R. No. 185, By Mr. Koliba: In memory of John Krenek.
H. S. R. No. 186, By Mr. Koliba: In memory of Mrs. Bennie Glueck.
H. S. R. No. 188, By Mr. Koliba: In memory of Mrs. Emma Brieger.
H. S. R. No. 189, By Mr. Koliba: In memory of Mrs. Fanny Kveton Werlla.
H. S. R. No. 190, By Mr. Koliba: In memory of Rudolph Frank Mica.
H. S. R. No. 191, By Miss Isaacks: In memory of Miss A. Louise Die­
H. S. R. No. 192, By Mr. Cory: In memory of Hans L. Weigand.

RESOLUTIONS SIGNED BY THE SPEAKER

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

H. C. R. No. 17, To grant Connecticut General Life Insurance Company permission to sue the State.
H. C. R. No. 23, To grant Claude Keeton, et al, permission to sue the State.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL No. 3

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 3:

Messrs. Cole of Travis, Chairman; Keegard, McGregor of El Paso, Stewart of Wichita and Townsend.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 180, By Messrs Jones of Travis, Foreman and Sandahl: Recognizing the third grade of Highland Park Elementary School.
H. S. R. No. 188, By Mr. Watson: Congratulating Baylor University on its 117th birthday.
H. S. R. No. 183, By Messrs. Cannon and Martin: Congratulating Dr. Jack R. Cox on receiving the Scouting Silver Beaver Award.
H. S. R. No. 187, By Mr. Koliba: Recognizing a Civics Class of Eagle Lake High School, Colorado County.
H. S. R. No. 191, By Messrs. Jones of Travis, Sandahl and Foreman: Recognizing the Pioneer Girls Club of Crestview Free Church, Austin, Texas.
H. S. R. No. 194, By Mrs. Danfield and Mr. Stewart of Galveston: Recognizing the Senior Class of Needville High School, Needville, Texas.

CREATING A COMMITTEE TO STUDY CERTAIN PROBLEMS OF THE OIL AND GAS INDUSTRY

Mr. Hinson offered the following resolution:

H. S. R. No. 193

Whereas, For many years the Railroad Commission of Texas has followed certain rules in establishing field and well allowances, such rules being designed to implement the decision in the Hawkins Case; and

Whereas, The court held in the Hawkins Case that the Railroad Commission should set an allowable for each well on a basis which would permit the recovery of all costs and expenses plus a reasonable profit; and

Whereas, The Supreme Court of Texas in the Normanna Case over­

Whereas, Thousands of producers and many thousands of royalty owne-
ers as well as the economy of this State will continue to be vitally affected by the Normanna decision, foreign imports and our low monthly production allowances if allowed to continue as at present; and

Whereas, a thorough study should be made to ascertain the exact nature of the problems created by the Normanna Case and these other problems mentioned herein to determine if any action by the Legislature should be taken to alleviate existing conditions in the Industry; now, therefore, be it

Resolved by the House of Representatives of the State of Texas That an Interim Committee be appointed by the Speaker of the House to make a thorough and complete study of conditions in the Oil and Gas Industry resulting from the Normanna Case, monthly production allowances, and foreign imports, to determine whether or not action is desirable or necessary by the Legislature to insure the continued growth and development of this Industry which is so vital to the economy of Texas, and to make recommendations to the 58th Legislature with respect to the matters studied by the Committee. Such committee shall consist of five (5) members to be appointed by the Speaker of the House who shall also name the chairman and such other officers as may be deemed necessary. Said Committee shall meet, organize and promulgate the rules and regulations by which it shall function. It shall have authority to determine the times and places it shall meet. It shall initiate and conduct studies and hearings relating to conditions in the Oil and Gas Industry resulting from the Normanna Case, monthly production allowances and foreign imports, and make such recommendations as it deems warranted to the 58th Legislature. Such Committee shall have the same authority and powers as are vested in Standing and Special Committees of the House by the Legislative Reorganization Act of 1961 and by the rules of procedure of the House of Representatives. The Committee is authorized and empowered to request the assistance and cooperation of all necessary State Departments and Agencies, and it shall be the duty of such Departments and Agencies to assist the Committee when requested to do so. Members shall be reimbursed for their actual and necessary expenses incurred while engaged in the work of the Committee and while traveling between the places of residence and the places where meetings of the Committee are held. These and all other expenses of the Committee shall be paid out of the Appropriation for mileage and per diem and contingent expense of the 57th Legislature.

The resolution was referred to the Committee on Rules.

TO GRANT C. G. WAY ET AL, PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time, H. C. R. No. 28, Granting C. G. Way, 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.

Mr. Richards offered the following amendment to the resolution:

Amend H. C. R. No. 28, by striking the name "Dendy" on line three thereof the following: "Kenty"

The amendment was adopted.
H. C. R. No. 28, as amended, was adopted.

TO MAKE CERTAIN STUDY RELATIVE TO MEDICAL CARE PAYMENTS FOR CERTAIN NEEDY CITIZENS

The Speaker laid before the House for consideration at this time, H. C. R. No. 24, To make certain study relative to medical care payments for certain needy citizens.

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

Mr. Watson offered the following committee amendment to the resolution:
Committee Amendment No. 1:

Whereas, The Constitution of the State of Texas gives the Legislature the power to provide medical care for needy aged, needy blind, needy children and the permanently and totally disabled; and

Whereas, Despite this authorization, there is still a forgotten segment of Texas Indigent for whom no medical benefits have been provided by the Legislature, nor are they available from other sources; and

Whereas, Population growth in Texas has brought with it an increase in the needy people who are unable to work because of illnesses which could be cured or improved if they could afford adequate care and treatment; and

Whereas, The demands for an enlightened citizenship to meet and solve the problems incident to supplying medical aid to the Texas needy places a tremendous responsibility upon legislators and health and welfare officials and administrators; and

Whereas, It is imperative that a long-range program be developed whereby the needs of these citizens may be met, so that they may enter the areas of employment which would be open to them if they were physically able to meet the demands of jobs available; now therefore be it

Resolved, That the Committee is empowered to effect its own organization and adopt such procedure as may be necessary to carry out the purposes provided herein; and be it further resolved, That the Committee shall make such recommendations to the Governor, to the Fifty-eighth Legislature, and the people of the State as it may determine the facts and conditions warrant; these recommendations to be filed with the Governor, the Lieutenant Governor, and the Speaker of the House, and copies given to the press and all State-wide organizations interested in medical care for Texas Indigent.

The amendment was adopted.

H. C. R. No. 26, as amended, was adopted.

Relative to Participation of Texas in the New York World's Fair of 1964-65

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


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

Mr. Hughes of Dallas offered the following amendment to the resolution:

Amend H. C. R. No. 10 by adding the words:

"Resolved, That no state money or funds shall be allocated or appropriated for the purposes set out herein" immediately before the words "Resolved that the commission be instructed to report its findings" on page 1 of the resolution.

The amendment was adopted.

H. C. R. No. 10, as amended, was adopted.
SENATE BILL NO. 35 ON SECOND READING

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

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 35. A bill to be entitled "An Act amending Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended, codified as Article 5421m, Vernon's Texas Civil Statutes, and Article 3.50 of the Insurance Code of the State of Texas, Acts 55th Legislature, 1957, page 891, Ch. 336, as amended, by adding thereto new sections so as to authorize the Veterans Land Board to enter into a master agreement with one or more life insurance companies to provide mortgage cancellation life insurance coverage for purchasers indebted to the Veterans Land Board; prescribing administration, powers and duties; prescribing certain limitations; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1 to S. B. 35

Amend S. B. 35 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended, codified as Article 5421m, Vernon's Texas Civil Statutes, is amended by adding thereto a new section to read as follows:

"Section 16 (B). The Board may enter into a master contract or agreement with one or more life insurance companies authorized to do business in Texas to provide group life insurance coverage canceling upon death the indebtedness due the Board of persons purchasing land under the Texas Veterans' Land Program. Such contract shall not prohibit cancellation by the insurer of the entire contract upon reasonable notice to the Board but shall prohibit cancellation of individual coverage except as hereinafter expressly authorized. The master contract or agreement shall provide, in addition to those provisions of Article 3.50 of the Insurance Code of the State of Texas, that the life insurance coverage will be offered by the writing insurance company or companies to all such persons without a physical examination and that no such person shall be denied coverage because he is disabled at the time of application for such coverage. The policy contract shall express and control the contractual relationship between all parties thereto and shall be approved by the State Board of Insurance in accordance with the provisions of the Insurance Code of Texas, as amended. It shall not be mandatory that any person purchasing land under the Texas Veterans' Land Program accept the offer of such coverage, and refusal by such person to accept the offer of such coverage shall not be a ground for the Board to decline to enter into a contract of sale and purchase with any such person. Such coverage shall be terminated as to any person of the group upon: (1) the satisfaction of the indebtedness due the Board; or (2) upon the Board's approval of a transfer of interest in the land being purchased from the Board; or (3) upon failure to make timely payment of the premium to be paid for such coverage; such master contract may provide that coverage will terminate upon the person purchasing land under the Texas Veterans' Land Program attaining the age of sixty-five (65) years. When coverage has been terminated as to any member of the group for failure to make timely payment of the premium renewal of coverage shall be automatic upon payment of the premium due plus any penalty that may be provided. The total insurance coverage as to any person of the group shall not at any time exceed the indebtedness due the Board. The Board may collect, or provide for the collection of, the premium for such coverage in any reasonable manner. If the death of a person of the group occurs while the insurance coverage is in force, the benefits of such coverage shall be paid to the Veterans Land Board for credit to the Veteran.
The following words and phrases shall have the meaning indicated:

a. "persons purchasing land under the Texas Veterans' Land Program" shall mean any person or persons, and his or their successors or assigns, who are buying land from the Veterans' Land Board under contract of sale and purchase, whether such land has been sold by the Board under Section 12, Section 14, or Section 19(A) of this Act.

b. "person of the group" shall mean any person purchasing land under the Texas Veterans' Land Program, as defined above, who has elected to accept the offer of the insurance coverage provided for in Section 16(B) of this Act.

c. "the indebtedness due the Board" shall mean the principal and interest thereon necessary to pay in full the obligation set forth in any contract of sale and purchase under which any person of the group, as defined above, is purchasing land from the Veterans' Land Board, exclusive of delinquent principal, interest, and penalties.

Section 2. Article 3.56, Section 1, of the Insurance Code of the State of Texas, as amended, is hereby amended by adding a new subsection after Subsection 6, said new subsection to be known as subsection 7, and Section 1, of said Article 3.56 of the Insurance Code of the State of Texas, as amended, shall hereafter read as follows:

"Section 1. Definitions—No policy of group life insurance shall be delivered in this State unless it conforms to one of the following descriptions:

1. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term 'employees' shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term 'employees' shall include the individual proprietor or partner of the employer if he is an individual proprietor or a partnership. The policy may provide that the term 'employees' shall include retired employees.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's fund or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five (75%) per cent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which in part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least ten (10) employees at date of issue.

(d) The amount of insurance under the policy must be based upon some plan predating individual selection either by the employees or by the employer or trustees. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policies issued to the employer or to the trustees of a fund established by the employer exceeds Twenty Thousand Dollars ($20,000.00), unless one hundred and fifty per cent
(150%) of the annual compensation of such employee from his employer or employers exceeds Twenty Thousand Dollars ($20,000.00), in which event all such term insurance shall not exceed Forty Thousand Dollars ($40,000.00), or one hundred and fifty per cent (150%) of such annual compensation, whichever is the lesser, except that this limitation shall not apply to group insurance on other than the term plan where such insurance is to be used to fund the benefits under a pension plan and the amount of such insurance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amounts provided by the policy which it replaces, or the amounts provided above, whichever are greater.

(2) A policy issued to a labor union, which shall be deemed the employer and policyholder, to insure the members of such union who are actively engaged in the same occupation and who shall be deemed to be the employees of such union within the meaning of this article.

(3) A policy issued to any association of employees of the United States government or any subdivision thereof, provided the majority of the members of such association are residents of this state, an incorporated city, town or village, an independent school district, common school district, state colleges or universities, any association of state employees, any association of state, county and city, town or village employees, and any association of any combination of state, county or city, town or village employees and any department of the state government which employee or association shall be deemed the policyholder to insure the employees of any such incorporated city, town or village, of any such independent school district, of any common school district, or of any such state college and university, of any such department of the state government, members of any association of state, county or city, town or village or of the United States government or any subdivision thereof, provided the majority of such employees reside in this state, employees for the benefit of persons other than the policyholder subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer or all of any class or classes thereof determined by conditions pertaining to their employment.

(b) The premium for the policy shall be paid by the policyholder wholly from funds contributed by the insured employees, provided, however, that any moneys or credits received by or allowed to the policyholder pursuant to any participation agreement contained in or issued in connection with the policy shall be applied to the payment of future premiums and to the pro rata abatement of the insured employees contributions therefor; and provided further, that the employer may deduct from the employees salaries the required contributions for the premiums when authorized by the respective employees so to do; and provided further, the premium for the policy may be paid by the policyholder wholly or partly from funds contributed by any incorporated city, town or village, or by any independent school district, in counties having a population of over one hundred fifty thousand (150,000) according to the most recent United States Government census. Such policy may be placed in force only if at least seventy-five per cent (75%) of the eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required premium contributions and become insured thereunder.

(c) The policy must cover at least ten (10) employees at date of issue.

(4) A policy issued to a creditor, who shall be deemed the policyholder, to insure debts of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall all be members of a group of persons numbering not less than fifty (50) at all times, who became borrowers, or purchasers of securities, mer-
chandise or other property under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise or other property, purchased to the extent of their respective indebtedness, or the face amount of any loan or loan commitment, totally or partially executed, made to a debtor with seasonal income by a creditor in good faith for general agricultural or horticultural purposes, secured or unsecured, where the debtor becomes personally liable for the payment of such loan, but not to exceed Ten Thousand Dollars ($10,000.00) on any one life.

(b) The premium for the policy shall be paid by the policyholder either from the creditor’s funds or from charges collected from the insured debtors, or both.

(c) The insurance issued shall not include annuities or endowment insurance.

(d) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment; provided that in the case of a debtor with seasonal income, under a loan or loan commitment for general agricultural or horticultural purposes of the type described in paragraph (a), the insurance in excess of the indebtedness to the creditor, if any, shall be payable to the estate of the debtor or under the provisions of a facility of payment clause.

(b) The premium for the policy shall be paid by the trustee wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, by both, or partly from such funds and partly from funds contributed by the insured persons, except that in no event shall the contribution of an insured person toward the cost of his insurance exceed forty cents per thousand per month. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent (75\%) of the then eligible persons of each participating employer unit, exclusive of any to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at date of issue at least one hundred (100) persons, unless the policy is issued to the trustees of a fund established...
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by employers which have assumed obligations through a collective bargaining agreement or as a method of providing insurance for other classes of their employees, or unless the policy is issued to the trustees of a fund established by one or more labor unions.

The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured person or by the policyholder or employer. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to trustees or employers exceeds Twenty Thousand Dollars ($20,000.00), unless one hundred fifty per cent (150%) of the annual compensation of such person from his employer or employers exceeds Twenty Thousand Dollars ($20,000.00) in which event all such term insurance shall not exceed Forty Thousand Dollars ($40,000.00) or one hundred fifty per cent (150%) of such annual compensation, whichever is the lesser.

The limitation as to amount of group insurance on any person shall not apply to group insurance on other than the term plan where such insurance is to be used to fund the benefits under a pension plan and the amount of such insurance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amount provided by the policy which it replaces, or the amounts provided above whichever is greater.

No policy may be issued (1) to insure employees of any employer whose eligibility to participate in the fund as an employer arises out of considerations directly related to the employer being a commercial correspondent or business client or patron of another employer (regardless of whether such other employer is or is not participating in the fund); or (2) to insure employees of any employer which is not located in this state, unless the majority of the employers whose employees are to be insured are located in this state, or unless the policy is issued to the trustees of a fund established by one or more labor unions.

(6) No policy of wholesale, franchise or employee life insurance, as hereinafter defined, shall be issued or delivered in this state unless it conforms to the following requirements:

(a) Wholesale, franchise or employee life insurance is hereby defined as a term life insurance plan under which a number of individual term life insurance policies are issued at special rates to a selected group. A special rate is any rate lower than the rate shown in the issuing insurance company's manual for individually issued policies of the same type and to insureds of the same class.

(b) Wholesale, franchise or employee life insurance may be issued to (1) the employees of a common employer or employers, covering at date of issue not less than five employees; or (2) the members of a labor union or unions covering at date of issue not less than five members; or (3) the members of a credit union or credit unions covering at date of issue not less than five members.

(c) The premium for the policy shall be paid either wholly from funds contributed by the employer or employers of the insured persons, or by the insured persons, or by both, or partly from funds contributed by the insurer, except that in no event shall the contribution by an insured person toward the cost of his insurance exceed forty cents per thousand per month.

(d) No policy may be issued on a wholesale, franchise or employee life insurance basis which, together with any other term life insurance policy or policies issued on a whole sale, franchise, employee life insurance or group basis, provides term life insurance coverage for an amount in excess of Twenty Thou-
sand Dollars ($20,000.00) unless one hundred fifty per cent (150%) of the annual compensation of such person from his employer or employer exceeds Twenty Thousand Dollars ($40,000.00), in which event all such term insurance shall not exceed Forty Thousand Dollars ($40,000.00), or one hundred fifty per cent (150%) of such annual compensation, whichever is the les­ser. An Individual application shall be taken for each such policy and the insurer shall be entitled to rely upon the applicant’s other coverage upon his life.

(e) Each such policy of insurance shall contain a provision of substantially as follows:

A provision that if the insurance on an insured person ceases because of termination of employment or of membership in the union, such per­son shall be entitled to have issued to him by the insurer, without evidence of insurability an individual policy of life insurance without dis­ability or other supplementary bene­fits, provided application for the in­dividual policy shall be made, and the first premium paid to the insur­er, within thirty-one (31) days after such termination.

(f) Each such policy may contain any provision substantially as fol­lows:

A provision that the policy is renewable at the option of the insurer only;

A provision for termination of coverage by the insurer upon ter­mination of employment by the insu­red employee;

A provision requiring a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as condi­tion to coverage.

A provision as to amount of group and wholesale, franchise or employer life insurance on any person shall not apply to group in­surance on other than the term plan where such insurance is to be used to fund benefits under a pension plan and the amount of such insur­ance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amounts provided by the policy which it replaces, or the amounts provided above, whichever are greater.

(b) Nothing contained in this subsection (6) shall in any manner alter, impair or invalidate (1) any policy heretofore issued prior to the effective date of this Act; nor (2) any such plan heretofore placed in force and effect provided such prior plan was at date of issue legal and valid; nor (3) any policy issued on a salary savings franchise plan, bank deduc­tion plan, pre-authorized check plan or similar plan of premium col­lection.

(7) A policy issued to the Veterans Land Board of the State of Tex­as, who shall be deemed the policy holder to insure persons pur­chasing land under the Texas Veterans’ Land Program as provided in Section 16 (18) of Article 5421m, Vernon’s Texas Civil Statutes (Chapter 318, Acts of the 61st Legislature, Regu­lar Session, 1949, as amended).’’

Section 2. If any Section, para­graph or provision of this Act is declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remain­ing Sections, paragraphs or provi­sions of this Act, but the same shall remain in full force and effect, and to this end the provisions of this Act are declared to be severable.

Section 3. The importance of this legislation and the crowded condi­tion of the calendar in both houses create an emergency and an impas­sible public necessity that the Con­stitutional Rule requiring bills to be read on three several days in each house be suspended, and that this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted with­out objection.

S. B. No. 35 was then passed to third reading.

SENATE BILL NO. 35 ON THIRD READING

Mr. Murray moved that the con­stitutional rule requiring bills to be read on three several days be sus-
The motion prevailed by the following vote:

Yea-125


Nay-15


Hinson

Absent

Cotten  Roberts of Dawson  Ehrie  Slack  Johnson of Dallas  Spelman  Ratcliff

Absent—Excused

Struve

The Speaker then laid Senate Bill No. 35 before the House on third reading and final passage.

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

Yea-127


Nay-15


Hinson

Absent

Cotten  Roberts of Dawson  Ehrie  Slack  Johnson of Dallas  Spelman  Ratcliff

Absent—Excused

Struve
Mr. Murray moved to reconsider the vote by which Senate Bill No. 35 was passed and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Murray and by unanimous consent of the House, the caption of Senate Bill No. 35 was ordered amended to conform with the body of the bill.

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

S. B. No. 81 to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

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

January 29, 1963

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

In order to clear up possible delays in consideration of a bill relating to second primaries, I herewith submit amendments to Article 13.92 of the Election Code as well as Article 240 of the Penal Code previously submitted.

Respectfully submitted,

PRICE DANIEL,
Governor.

BILLS SIGNED BY THE SPEAKER

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

S. B. No. 24, “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 descended from a...
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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 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, to provide a civil action against persons obtaining registrations by making false or fraudulent statements, to provide for the preservation of some common law rights in marks and to exempt livestock brands or marks from the provisions of this Act, to define acts which are wrongful as against the owner of a registered mark, to provide for and define remedies for wrongful acts with respect to marks, to provide certain advertising media with immunity from liability; amending Articles 843 of the Revised Civil Statutes, to include certain registration features and certain county registration therewith and otherwise rewrite; repealing Articles 844 through 851—B inclusive, Revised Civil Statutes of Texas, as amended; repealing Articles 1061, 1063 and 1066, Penal Code of Texas, 1925; amending Article 1058, Penal Code of Texas, 1925, to define trademark features and certain county registration features thereof and otherwise rewrite; and declaring an emergency.

S. B. No. 52, "An Act amending Section 1 of Chapter 59, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to include the wildlife resources of Kimble and Schleicher Counties within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

S. B. No. 79, "An Act validating Wise County Water Control and Improvement District No. 1; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders, or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds herebefore voted; validating the appointment or election of Directors and declaring an emergency."

S. B. No. 89, "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 1955, 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."

ADDRESS BY THE HONORABLE TERRY TOWNSEND

The Honorable Terry Townsend, speaking on personal privilege, ad-
Mr. Speaker, Ladies and Gentlemen of the House:

This month begins my eighth year sitting on the floor of the House—four years as an employee at the side of Desk 71 and four years as its occupant. During that time, I have seen and heard many personal privilege speeches. Enough that I had resolved to myself that I would never make such a speech unless it became absolutely necessary. Such is the case this morning. In order that all might better understand my necessity in speaking this morning, it is necessary that I acquaint you with some facts concerning the irresponsible action of the Texas Game and Fish Commission and its effect upon the people of my home county of McCulloch.

Eleven years ago, McCulloch County was the center of one of the worst deer-selling rings in the history of Texas. It was the usual thing to violate the game laws and the unusual to obey them. At that time, a new game warden named Bill Bennett was sent to our county. After 11 years of hard work by Warden Bennett, there are fewer violations in McCulloch County than almost any major deer county in Texas. There is a high respect for the game laws and the conservation of wildlife. This situation culminated in the last regular session in a petition representing 76,500 acres of land, requesting that McCulloch County be placed under regulatory authority of the Game and Fish Department. Such was the trust that Warden Bennett had built through out the years for the integrity and ability of the Department.

The thing that I must make clear at the outset is that Warden Bennett is not one of my closest friends; since he is almost 20 years my senior, we have a different circle of friends.

Also, my record has consistently been favorable towards good game and fish conservation, management, and the Texas Game and Fish Commission which until the last several weeks, I had always thought were above reproach. This type of record is natural due to my district, which contains some of the best deer, turkey, and quail hunting, and the best fishing, by virtue of the Highland Lakes, in the State of Texas.

Warden Bennett’s services locally as a game warden have been exemplary. In fairness to the hierarchy of the Texas Game and Fish Department, I must point out that in his eleven years of service, his personal judgment on two occasions has been found at fault: one of which occurred about 7 years ago, and involved purely personal judgment, and the other about 5 years ago, when, during lambing season, he killed a “bawr” that had been killing lambs and kid goats, which turned out to be an eagle. These matters, after investigation have been “dead letters” in the Department files until the present situation arose.

Recently, via gossip only, Warden Bennett was allegedly linked with the involvement of another matter which caused his Regional Director to start to dismiss him last October. The Regional Director’s dismissal action was based on innuendo, gossip, was completely unsupported by any true fact, and was in the face of strong evidence presented to the District Warden Supervisor and the Regional Director, that Warden Bennett was without fault and had no direct tie-in with the matter at hand. His alleged involvement existed because of his kindness in attempting to assist a neighbor and friend of the family in distress, who was seeking her husband whose whereabouts were, to her, unknown. Later Warden Bennett’s unsuccessful attempt to locate the missing husband, the Warden and his family left the county to visit relatives. Later in the same day, the wife located her missing husband, and following a family “squabble,” the husband shot his wife. Because of this gossip, investigations of the facts were made by the prosecution, the defense, the President of the local bar association, and myself, and in all instances, the gossip was found to be not based on fact. The results of some of these investigations indicating that Warden Bennett was without fault were presented to the District Warden Supervisor and the Regional Director, but neither would abide by the true facts and persisted in seeking Warden Bennett’s discharge. Only a few days later, by some interested citizens of McCulloch County, based upon the results of some of such investigations, prevailed upon the Executive Secretary to prevent the firing of Warden
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Bennett before the trial, the impression being given to those people by the Executive Secretary, that if the trial proved the gossip to be unfounded, then no further action would be taken by the Commission. The Regional Director unjustly presumed the Warden guilty without giving him any opportunity to prove his innocence, and objected to the decision of the Executive Secretary in the matter. At the time of the trial, Warden Bennett was not called as a witness by either the defense or the prosecution. His name did not appear and no appearances were cast upon his character or integrity, or upon the Game Department, thereby proving that the actions of the Regional Director were unjustified.

Then three months later, the Game Department pulled a "Pearl Harbor" on McCulloch County, and without any forewarning, our Warden, with 11 years of expensive training and service, was given on January 5th, eleven days notice that he had been fired—one days notice for each year he had worked. That's pretty rough when you are 44 years old, have a wife, two young daughters, and an aged mother and father to support, and the life of a game warden is the only work you know and love.

What was, and still is, the feeling at home? The people in McCulloch County are acquainted with the old "ghosts" in the Warden's file—they know his effectiveness as a Warden better than anyone else. They said, this is a democracy and government still serves the people, doesn't it? And so phone calls, letters, telegrams, and personal visits in the support of Warden Bennett have descended upon these elected representatives and upon the Game and Fish Commission. This all culminated in a hearing in which the Regional Director, District Warden Supervisor, a representative from the office of the Executive Secretary, myself, and many interested citizens from McCulloch County (appearing in person or by letter) attended. It was obvious to all of the McCulloch County people present, that from the beginning and throughout the meeting their minds were closed on this matter and that this "kangaroo court" of the Game Department had a predetermined verdict; thanks again to the Regional Director, our Warden was "sacked" despite all of the favorable testimony. The Regional Director (prior to and at the hearing) stated that in his opinion the Warden should have been fired at the time of the two incidents years ago and that he was not going to change his mind. Obviously, there is no such thing in his mind as double jeopardy—just try a man until you hang him!

It was apparent to everyone at the hearing from the reception that we received that Warden Bennett's future had become merely a pawn in a play of power within the Commission itself. How much authority actually exists with the Regional Director—Are his recommendations alone to be followed by the Executive Secretary—Who has the right to hire and fire—Who is the god in the Department—These because the primary issues—Not what was good in the Warden's file and what was bad—Not the local sentiment—But rather, who could come out with the utmost advantage in the apparently endless sparring within the Department as to who can keep what he has and who can move up.

The delay in my bringing this matter to your attention has occurred because many of my local people wanted the Commissioners to know how they feel. This is probably the first time in a long time, I suppose, that hundreds of names have been signed to petitions to KEEP a Warden, rather than to transfer or fire him. You will note, these names representing every walk of life on these petitions; others are on the way, for these were gathered in only three days. They know he is an effective Game Warden.

I speak out today to warn you that the same thing could occur in your own district despite what your local sentiment might be, particularly if you are dealing with men as ambitious as some of those we have had to deal with.

If in these few minutes that I have diverted your attention from other matters, you, the public, and the nine Commissioners of the Texas Game and Fish Department have become more fully aware of the situation which currently exists within the Game and Fish Department, then our time, and perhaps even, Warden Bennett's apparent sacrifice, may not have been in vain, I herewith challenge the Texas
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Game and Fish Commission to make a thorough investigation of this complete disregard of local sentiment, fair play, and the true facts in this matter.

Thank you.

REMARKS ORDERED PRINTED

On motion of Mr. Oliver and by unanimous consent of the House, the remarks made by the Honorable Terry Townsend addressing the House on personal privilege on today were ordered printed in the Journal.

REASON FOR VOTE

I object to the printing of Mr. Townsend's remarks in the Journal for two reasons:

1. This is a local matter not of State importance and I have full faith in the judgment of the Game Commission in such matters.

2. The matters discussed by Mr. Townsend are not within the purview of Rule IX as affecting the safety, dignity or integrity of the House or the rights, reputation and conduct of Members individually.

CORY.

SENATE BILL NO. 40 ON SECOND READING

Mr. Lewis moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 40.

The motion prevailed by unanimous consent.

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

S. B. No. 40. A bill to be entitled "An Act amending Section 2 of Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, page 506, (codified as Article 4437f of Vernon's Annotated Civil Statutes of Texas), in regard to the definition of 'hospital'; containing the severance clause; and declaring an emergency."

The bill was read second time.

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

Amend S. B. 40, Section 2, subsection (b), so that the same will hereafter read as follows:

"(b) The term 'general hospital' means any establishment offering services, facilities, and beds for use beyond twenty-four (24) hours for two (2) or more non-related individuals requiring diagnosis, treatment or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintaining at least clinical laboratory services, diagnostic X-ray services, treatment facilities which would include surgery and/or obstetrical care and other definitive medical or surgical treatment of similar extent.

1. This means any establishment offering services, facilities, and beds for use beyond twenty-four (24) hours for two (2) or more non-related individuals requiring diagnosis, treatment or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintaining at least clinical laboratory services, diagnostic X-ray services, treatment facilities which would include surgery and/or obstetrical care and other definitive medical or surgical treatment of similar extent.

2. The definition of 'hospital' does not include those facilities licensed pursuant to the provisions of Article 4442c, Acts 1953 Legislature, page 1005, Chapter 413.

The definition of 'hospital' does not include those institutions licensed pursuant to Articles 5547-88 to Articles 5547-89 of the Mental Health Code.

The definition of 'hospital' does not include facilities maintained or operated by the Federal Government or agencies thereof, nor does it include facilities maintained or operated by the State of Texas or agencies thereof. The definition of 'hospital' does, however, include those facilities maintained or operated by 'governmental' or 'governmental unit' as those terms are defined in Section 2, subsection (d) of this Act."

The amendment was adopted without objection.

Senate Bill No. 40 was then passed to third reading.

SENATE BILL NO. 40 ON THIRD READING

Mr. Lewis moved that the constitutional rule requiring bills to be
January 29, 1962

read on three several days be sus­
pended and that Senate Bill No. 40 be placed on its third reading and final passage.

The motion prevailed by the fol­
lowing vote:

Yeas—133
Adams of Lubbock  
Hinson  
Allen  
Andrews  
Atwell  
Bailey  
Ballman  
Banks, Mrs.  
Barlow  
Barne  
Bartram  
Bass  
Berry  
Blaine  
Boyson  
Bridges  
Buchanan  
Burgess  
Butler  
Caldwell  
Cannon  
Carriker  
Collins  
Connell  
Cook  
Cory  
Cowen  
Cowles  
de la Garza  
Dewey  
Duff, Miss  
Dungan  
Eckhardt  
Ehrle  
Esquivel  
Fairchild  
Fletcher  
Floyd  
Foreman  
Garrision  
Gibbons  
Gladden  
Glass  
Gleason  
Green  
Grover  
Grooms  
Harding  
Harrington  
Haynes  
Heflin  
Rosson  
Sandahl  
Schram  
Shannon  
Shipley  
Stack  
Sider  
Smith of Bexar  
Smith of Jefferson  
Simon  
Springer  
Stewart of Galveston  
Stewart of Wichita

Nays—7

Crews  
Carlington  
Jarvis  
Martin  
Struve  

The Speaker then laid Senate Bill No. 40 before the House on third reading and final passage.

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

Yeas—139
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Banks, Mrs.
Barlow
Barne
Bartram
Bass
Berry
Blaine
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Sandahl
Schram
Shannon
Shipley
Stack
Sider
Smith of Bexar
Smith of Jefferson
Simon
Springer
Stewart of Galveston
Stewart of Wichita

Nays—7

Crews
Carlington
Jarvis
Martin
Struve

The Speaker then laid Senate Bill No. 40 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
The Speaker laid before the House for the purpose of taking up and considering, and declaring an emergency...
Mr. Sandahl moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 45 be placed on its third reading and final passage. The motion prevailed by the following vote:

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The Speaker then laid House Bill No. 45 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

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Mr. Sandahl moved to reconsider the vote by which House Bill No. 45 was passed and to table the motion to reconsider.

The motion to table prevailed.

The motion prevailed without objection.

Mr. Dewey moved that the House recess until 2:00 o'clock p.m. today.

In accordance with the motion to recess, the House met at 12:30 o'clock p.m., took recess until 2:00 o'clock p.m. today.

Mr. Stewart of Galveston moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 108.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 108, "An Act creating the Old Galveston Quarter in order to preserve certain historically significant areas; providing a Commission to effectuate this purpose and granting the Commission certain powers and authorities in order to carry out this purpose; providing for revenue bonds; providing that the Commission may bring an action for a declaratory judgment in certain district courts; providing when certain features of the Act will become operative; providing a severability clause; and declaring an emergency."

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

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 108, "An Act creating the Old Galveston Quarter in order to preserve certain historically significant areas; providing a Commission to effectuate this purpose and granting the Commission certain powers and authorities in order to carry out this purpose; providing for revenue bonds; providing that the Commission may bring an action for a declaratory judgment in certain district courts; providing when certain features of the Act will become operative; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.
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HOUSE BILL NO. 108 ON
THIRD READING

Mr. Stewart of Galveston moved
that the constitutional rule requir­
ing bills to be read on three several
days be suspended and that House
Bill No. 108 be placed on its third
reading and final passage.

The motion prevailed by the fol­
lowing vote:

Yeas--129

Adams of Lubbock     Haynes
Adams of Titus       Healy
Alamia              Helton
Allen               Hinson
Andrews             Hollowell
Atwell             Huesner
Bailey              Hughes
Bailman            of Grayson
Banfield, Mrs.      Issacks, Miss
Barlow             James
Bartram             Jannin
Bass                Johnson of Dallas
Blaine              Johnson of Bexar
Boyson              Johnson of Bell
Buchanan           Jones of Dallas
Burgess            Jones of Travis
Butler              Kilpatrick
Caldwell           Kohler
Cannon             Kollor
Carriker           Kothmann
Chapman            Kovacs
Cole of Harris      Lack
Cole of Hunt       Larry
Collins            Latimer
Connel              Leaverton
Cook               Lewis
Cory                Longoria
Cowie              Mc Coppin
Cowles             McGreggor
Crews              of El Paso
Carrington         McIlhauy
de la Garza        Markgraf
Dewey              Martin
Duff, Miss         Miller
Dungan             Moore
Eckhardt           Mollen
Ehrle               Murray
Fletcher           Mutscher
Foreman            Niemeyer
Floyd              Oliver
Foreman            Parsons
Gibbens            Peeler
Gladden            Petty
Glass               Pierrat
Glusing            Pipkin
Green              Preston
Grover             Quilliam
Guffey            Rapp
Haie                Ratliff
Harrington         Read
Richards          Stewart
Richardson       of Wichita
Roberts of Hill   Struve
Rossas            Thurmond
Rosson            Townsend
Sandskii          Trevino
Schram            Turnell
Shannon            Walker
Shipley            Ward
Slack              Waton
Sliker            Wells
Smith of Bexar    Wootley
Springer           Whitfield
Stewart         of Galveston
Stewart            Yezak

Nays--5

Barnes            Nugent
Haring             Thurman
Jarvis            Absent
Berry              McGregor
Bridges            of McLennan
Coten              Percy
Crain              Price
Ehrle              Roberts of Dawson
Harding            Smith of Jefferson
Hughes of Dallas  Spellman
Keinard            Woods

The Speaker then laid House Bill
No. 108 before the House on third
reading and final passage.

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

Yeas--116

Adams of Lubbock     Cook
Adams of Titus       Cory
Alamia              Cowen
Allen               Cowles
Andrews             Crain
Atwell             Crews
Bailey              Curlington
Ballman            de la Garza
Banfield, Mrs.      Dewey
Barlow             Duff, Miss
Barnes             Dungan
Bartram             Eckhardt
Bass                Ehrle
Blaine             Esquivel
Boysen             Failechild
Bridges            Fletcher
Burgess            Ford
Butler              Foreman
Caldwell           Garrison
Cannon            of Gibbens
Carriker            Gladden
Chapman            Glass
Cole of Harris      Glusing
Cole of Hunt       Green
Collins            Grover
Connel              Guffey
The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 98, A bill to be entitled "An Act amending Article 87th-1 of the Penal Code of Texas, as last amended, so as to authorize an open archery season, or period of time, when it shall be lawful to hunt, take and kill solely with bows and arrows, wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina in Nueces County, Texas."

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

HOUSE BILL NO. 98 ON THIRD READING

Mr. Peeler moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 98 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—132

Adams of Lubbock de la Garza
Adams of Titus Dewey
Allen Allen Deff, Mize
Andrews Duncan Ehrle
Atwell Eckhardt Esquivel
Bailey Ehrie Esquivel
Balmann Esquivel Fairchild
Barlow Fletcher Barnes Floyd
Barron Foreman Bales Garrison
Blaine Gibson Boyen Glidden
Bridge Glass Burgess Glass
Butler Green Caldwell Grover
Carroll Glass Cannon Guay
Chapman Hais Carrizales Hais
Cole of Harris Harrington Cole of Hunt Harness
Collins Healy Connell Hefton
Cooke Hinson Cory Hollowell
Covacs Hughes Crow Hughes of Graysen

HOUSE BILL NO. 98 ON SECOND READING

Mr. Peeler moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 98.
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Isaacks, Miss  Preston
James  Price
James  Quilliam
Johnson of Dallas  Rapp
Johnson of Bexar  Ratchel
Johnson of Bell  Richards
Jones of Dallas  Richardson
Jones of Travis  Roberts of Hill
Kippatrick  Ross
Kohler  Ross
Koliba  Sandahl
Korkmas  Schram
Lack  Shannon
Lary  Shipley
Laffliner  Slick
Leaverton  Sluder
Longoria  Smith of Bexar
McCoppin  Smith of Jefferson
McGregor of El Paso  Stidah
McElhaney  Stewart
Markgraf  of Galveston
Martin  Stewart
Miller  of Wichita
Moore  Struve
Mullen  Thurmond
Murray  Townsend
Musicher  Trevis
Nichols  Tunnell
Oliver  Walker
Osborn  Ward
Parnons  Watson
Peece  Wells
Peele  Wimsley
Petty  Whitfield
Pieratt  Wilson
Pippita  Yeak

Nays—6

Curington  Nugent
Jarvis  Read
Lewis  Thurman

Present—Not Voting

Alaniz  Kothmann

Absent

Berry  McGregor
Buchanan  of McLennan
Cotten  Roberts of Dawson
Harding  Spilman
Kennard  Woods

Record of Vote

Mr. Bridges requested to be recorded as voting Nay on the final passage of H. B. No. 86.

Senate Bill No. 23 on Second Reading

Mr. Sandahl moved that the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 23.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passed to third reading.

S. H. No. 23, A bill to be entitled "An Act amending Section 9 of Chapter 136, Acts of the 42nd Legislature, Regular Session, 1941, to allow the County Judge of Travis County to sit and act for the Judge of the County Court at Law of Travis County in the event of his absence or incapacity; and declaring an emergency."

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

Senate Bill No. 23 on Third Reading

Mr. Sandahl moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—134

Adams of Lubbock  Cannon
Adams of Titus  Carriker
Allen  Chapman
Allen  Cole of Harris
Andrews  Cole of Hunt
Atwell  Collins
Bailey  Cozby
Ballman  Cook
Barned, Mrs.  Cowen
Bartram  Cowies
Blair  Crane
Blaine  Crees
Boyce  Curington
de la Garza  Dewey
Bridges  Diehl
Burgess  Dugan
Butler Enghardt
Caldwell  Fendley

RECORD OF VOTE

Mr. Hale requested to be recorded as voting Nay on the third reading and final passage of H. B. No. 96.
The Speaker then laid Senate Bill No. 23 before the House on third reading and final passage. The bill was read third time and was passed.

TO CONGRATULATE THE HONORABLE JOE CANNON

Mr. Wells offered the following resolution:

H. S. R. No. 198

Whereas, The House of Representatives has a glad word this morning for our colleague, Joe Cannon of Mexia, instead of vice versa; and

Whereas, That word is "Happy Birthday," for the wit from Mexia has reached the doddering old age of 27 on this 29th day of January, 1962; and

Whereas, Joe Cannon's hometown is certain some day to erect a monument to this young attorney, a graduate of North Texas State College and the University of Texas Law School; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature, Third Called Session, extends congratulations to its colleague and may his wisdom as well as his wit continue to grow with the years to come.

WELLS, COLLINS.

The resolution was read. (Mr. Watson In The Chair)

H. S. R. No. 198 was adopted.

SENATE BILL NO. 31 ON SECOND READING

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

The motion prevailed by unanimous consent.

The Chair laid before the House on its second reading and passage to third reading, S. B. No. 31, A bill to be entitled "An Act creating Brazoria County Road District No. 36, of Brazoria County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purposes of the construction, maintenance and operation of macadamized, gravelled or paved..."
roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries said district and including provisions relating thereto; granting said district the authority to issue bonds and containing provisions relating to said bonds and the issuance thereof; providing that the fact that said district may include or overlap other road districts shall not affect said district or the powers granted by this Act; containing provisions relative to the assumption by the district hereby created of the indebtedness of other districts included within its boundaries; 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. 31 ON THIRD READING

Mr. Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 31 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-132
Adams of Lubbock Cory
Adams of Titus Cowen
Alanis Cowles
Allen Crain
Andrews Crews
Atwell de la Garza
Bailey Dewey
Ballman Duff, Miss
Banfield, Mrs. Dungan
Barlow Eckhardt
Barnea Ehrle
Bartram Esquivel
Bass Fairchild
Blaine Fletcher
Boysen Floyd
Bridges Foreman
Butler Garcia
Calwell Gladem
Cannon Glenn
Carricker Gilson
Chapman Green
Cole of Harris Grover
Cole of Hunt Gusky
Collins Hale
Connell Harding
Cook Harding

Harrington Oliver
Haynes Osborn
Healy Peary
Hefton Peeler
Hinons Pettit
Hollowell Pfyatt
Huehner Pipkin
Hughes Preston
Hughes of Grayson Price
Hughes of Dallas Quilliam
Smack, Miss Ratcliff
James Richards
Jamison Richardson
Johnson of Dallas Roberts of Hill
Johnson of Bexar Rosas
Johnson of Bell Rosson
Jones of Dallas Sandahl
Jones of Travis Schram
Kennard Shannon
Kilastrick Shapley
Koliba Slack
Korkmaz Smith of Bexar
Kothmann Smith of Jefferson
Lack Snelson
Larry Sprigger
Lattimer Stewart
Leawerton of Galveston
Loncoria Stewart
McCoppin of Wichita
McGrew Strange
McLennan Thurmond
McNiel Townend
McNiel of El Paso Trevino
McPherson Tunnell
Markgraf Walker
Martin Ward
Miller Wells
Moore Wheatley
Molina Whitley
Murray Woods
Mutschler Yerxa
Niemeyer

Nays-6
Jarvis Read
Nugent Slider
Paxson Tewman
In The Chair

Watson

The Chair then laid Senate Bill No. 31 before the House on third reading and final passage.

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

Yeas-132
Adams of Lubbock Cory
Adams of Titus Cowen
Alanis Cowles
Allen Crain
Andrews Crews
Atwell de la Garza
Bailey Dewey
Ballman Duff, Miss
Banfield, Mrs. Dungan
Barlow Eckhardt
Barnea Ehrle
Bartram Esquivel
Bass Fairchild
Blaine Fletcher
Boysen Floyd
Bridges Foreman
Butler Garcia
Calwell Gladem
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Chapman Green
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Cole of Hunt Gusky
Collins Hale
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Cook Harding

Harrington Oliver
Haynes Osborn
Healy Peary
Hefton Peeler
Hinons Pettit
Hollowell Pfyatt
Huehner Pipkin
Hughes Preston
Hughes of Grayson Price
Hughes of Dallas Quilliam
Smack, Miss Ratcliff
James Richards
Jamison Richardson
Johnson of Dallas Roberts of Hill
Johnson of Bexar Rosas
Johnson of Bell Rosson
Jones of Dallas Sandahl
Jones of Travis Schram
Kennard Shannon
Kilastrick Shapley
Koliba Slack
Korkmaz Smith of Bexar
Kothmann Smith of Jefferson
Lack Snelson
Larry Sprigger
Lattimer Stewart
Leawerton of Galveston
Loncoria Stewart
McCoppin of Wichita
McGrew Strange
McLennan Thurmond
McNiel Townend
McNiel of El Paso Trevino
McPherson Tunnell
Markgraf Walker
Martin Ward
Miller Wells
Moore Wheatley
Molina Whitley
Murray Woods
Mutschler Yerxa
Niemeyer

Nays-6
Jarvis Read
Nugent Slider
Paxson Tewman
In The Chair

Watson

The Chair then laid Senate Bill No. 31 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
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Present—Not Voting

Lewis        | Thurman        |

Watson       | Absent         |

Alanis       | Oliver         |

Berry        | Quillian       |

Buchanan     | Rapp           |

Cotter       | Roberts of Dawson |

Ehrle        | Black          |

Geffey       | Smith of Brazoria |

Hughes       | Spilman        |

of Grayson    | Wilson         |

SENATE BILL NO. 46 ON SECOND READING

Mr. Tunnell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 46.

The motion prevailed by unanimous consent.

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

S. B. No. 46. A bill to be entitled "An Act validating the action of certain junior college districts relating to the conduct of bond elections, validating bonds issued and to be issued, bond taxes and maintenance taxes and providing this Act shall have no application to litigation now pending questioning the matters hereby validated, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a savings clause; and declaring an emergency."

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

SENATE BILL NO. 46 ON THIRD READING

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

<table>
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<th>Yeas</th>
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<td>Adams of Lubbock Hughes</td>
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The bill was read third time and was passed by the following vote:

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The Chair then laid Senate Bill No. 48 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:
Mr. Eckhardt moved that all the necessary rules be suspended for the purpose of taking up and consider-
ing at this time Senate Bill No. 68.

The motion prevailed by unanimous consent.

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

S. B. No. 68, A bill to be entitled "An Act prohibiting the possession or use of any seine, net, or trawl in or around the waters of Lake Houston in Harris County; providing for the use of certain tackle for catching bait in such waters; providing a penalty for the violation of any provision of this Act; granting the Game and Fish Commission the power to seize and hold certain tackle as evidence; repealing all laws or parts of laws in conflict, with certain exceptions; and declaring an emergency."

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

SENATE BILL NO. 68 ON THIRD READING

Mr. Eckhardt moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

YEAS-130
Adams of Lubbock
Connell
Adams of Titus
Alan
Allen
Atwell
Batley
Ballman
Banfield, Mrs.
Barlow
Barnea
Bartram
Bass
Blaine
Blaine
Boyesen
Bridges
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cola of Hunt
Cook
Cory
Cowen
Cowles
Cran
Crawford
Crawford
de la Garza
Drew
DuRán
Dugan
Eckhardt
Ehlert
Ehrle
Esquivel
Fairchild
Fletcher
Floyd
Foreman
Garrard
Gibbens
Giddens
Glass
Glus!ng & Niemeyer
Green & Oliver
Grover & Osborn
Guffey & Parsons
Hale & Peeler
Harding & Peeler
Haring & Petty
Harrington & Pieratt
Haynes & Pipkin
Healy & Preston
Heflin & Price
Hill & Quilliam
Hollis & Quilliam
Hughes & Ratcliff
Hugan, Miss & Richardson
Isaacks, Miss & Richardson
James & Rosas of Hill
Jamison & Rosas
Johnson of Dallas & Rosas
Johnson of Bexar & Sandahl
Johnson of Bell & Schram
Jones of Dallas & Shannon
Jones of Travis & Shipley
Kendall & Smith
Kilpatrick & Smith of Jefferson
Kohler & Snell
Koliba & Springer
Korckman & Stewart
Kothmann & of Galveston
Lack & Stewart
Lary & of Wichita
Leaverton & Strue
Longoria & Thurmond
McCoppin & Townsend
McGregor & Townsend
McLennan & Tunnel
McGregor & Walker
of El Paso & Ward
McLainy & Wells
Markgraf & Wheatley
Martin & Whitley
Miller & Wilson
Moore & Woods
Mullen & Yezak
Mutschler & Yates

Nays—7

Andrews & Nugent
Hughes of Dallas & Sudder
Jarvis & Thurman
Lattimer &

Present—Not Voting

Lewis & In The Chair

Watson & Absent

Berry & Murray
Buchanan & Read
Cole of Harris & Roberts of Dawson
Cotton & Smith of Bexar
Huebner & Spellman

The Chair then laid Senate Bill No. 68 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 Haynes
Adams of Titus Heflin
Alatis Heflin
Allen Hissom
Andrews Hollowell
Atwell Hughes
Bailey of Grayson
Ballman Hughes of Dallas
Banchfield, Mrs. Isaacks, Miss
Barlow James
Barnes Jamison
Barram Jarvis
Bass Johnson of Dallas
Boydend Johnson of Bell
Burgess Jones of Dallas
Butler Jones of Travis
Calwell Kilpatrick
Carriker Kohler
Chapman Kothmann
Cole of Harris Kothmann
Cole of Hunt Lack
Collins Lary
Cooks Latimer
Cook Lazey
Cory Lewis
Cowen Longoria
Cowles McCoppin
Crain McLennan
Crews McLennan
Curington de la Garza
DeWey McLainh
Duff, Miss Martin
Dungan Martinez
Eckhardt Miller
Elbre Moore
Eqvilval Mullen
Fairchild Murray
Fidchel Mutschler
Floyd Niemeyer
Foreman Nugent
Garrison Oliver
Gibbens Osborn
Gladding Parsons
Glass Peeler
Glus!ng Peeler
Green Peeler
Grover Pieratt
Guffey Pipkin
Hale Preston
Harding Price
Haring Quitil
Harrington Rapp
SENATE BILL NO. 71 ON SECOND READING

Mr. Cory moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 71.

The motion prevailed by unanimous consent.

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

S. B. No. 71, A bill to be entitled "An Act amending Section 3 of Chapter 10, Acts of the 57th Legislature, First Called Session, 1961, so as to authorize the State Parks Board to grant concessions to certain concessionaires to charge for the use of a pier to be constructed in Lavaca Bay; and declaring an emergency."

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

SENATE BILL NO. 71 ON THIRD READING

Mr. Cory moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—188

Adams of Lubbock
Hinson
Adams of Titus
Hollowell
Allen
Hughes
Allen
Hughes of Dallas
Alwine
Issacks, Miss
Bailey
James
Balman
Jamison
Banfield, Mrs. Johnson of Dallas
Barlow
Johnson of Bexar
Barrows
Johnson of Bell
Barram
Jones of Dallas
Blaine
Jones of Travis
Boysen
Kennard
Bridges
Kilpatrick
Burges
Kohler
Butler
Kohlba
Caldwell
Korkman
Cannon
Kothmann
Carrker
Lack
Chapman
Lary
Cole of Harris
Latimer
Cole of Hunt
Leaverton
Collins
Lewis
Connell
Longoria
Cook
McCrpin
Cory
McGregor
Cowen
of McLennan
Cowles
of El Paso
Craw
McIlhany
Crews
Markgraf
Curington
Martin
de la Garza
Miller
Dewy
Mullen
Duncan
Murray
Richardt
Nisemeyer
Ehrke
Oliver
Esquivel
Osborn
Fairchild
Painter
Fletcher
Perez
Ford
Peery
Foreman
Peeler
Garrision
Pettin
Gibbons
Pieratt
Gladding
Pitkin
Glusling
Preston
Green
Groover
Price
Guffey
Quilliam
Hair
Rapp
Hargis
Ratliff
Nathan
Read
Hart
Hargis
Richardson
Haynes
Richardson
Healy
Roberts of Hill
Hefston
Roea
The Chair then laid Senate Bill No. 71 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

Yes—132
Adams of Lubbock  Cotten  McGregory of McLennan  Thurmond
Adams of Titus  Coten  McGregor of El Paso  Trevino
Alane  Coven  McRaney  Turner  Wheatley
Allen  Cowies  Moore  Nielson  Whitfield
Andrews  Crews  Osborn  Nisley  Woods
Atwell  Curington  Price  Nusscher  Yezak
Blalock  de la Garza  Rapp  Nugent  Yezak
Ballman  Dewey  Ratcliff  Yezak  Yezak
Barnes  Dungan  Read  Yezak  Yezak
Bartram  Ekardt  Richards  Yezak  Yezak
Bass  Eble  Richburg  Yezak  Yezak
Blaine  Equivel  Roque  Yezak  Yezak
Boysen  Fairchild  Roque  Yezak  Yezak
 Bridges  Fletcher  Roque  Yezak  Yezak
Burgess  Floyd  Roque  Yezak  Yezak
Butler  Foreman  Roque  Yezak  Yezak
Cannon  Garrison  Roque  Yezak  Yezak
Carriker  Gibbons  Roque  Yezak  Yezak
Cole of Harris  Glueing  Roque  Yezak  Yezak
Cole of Hunt  Green  Roque  Yezak  Yezak
Collins  Grover  Roque  Yezak  Yezak
Connell  Guffey  Roque  Yezak  Yezak
Cook  Haie  Roque  Yezak  Yezak
Cory  Harding  Roque  Yezak  Yezak

Present—Not Voting
Thurman  In The Chair
Watson  Absent

Mr. Gibbens moved that all the necessary rules be suspended for
the purpose of taking up and considering at this time Senate Bill No. 72.

The motion prevailed by unanimous consent.

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

S. B. No. 72, A bill to be entitled "An Act conveying whatever right, title or interest the State of Texas may have in certain lands to the City of Mineral Wells; and declaring an emergency."

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

SENATE BILL NO. 72 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. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—124

Yeas--124

Adams of Titus
Alazin
Allen
Atwell
Bailey
Balman
Bassfield, Mrs.
Barnes
Bartram
Bass
Blaine
Boysen
Bridges
Burgess
Butler
Caldwell
Carriker
Chapman
Cole of Harris
Cole of Hunt
Connell
Cook
 Cory
Cotten
Cowen
Cowies
Cranin
Crews
Curlington
Dewey

Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Kohler
Koliba
Korkman
Korhmann
Kraush
Lack
Larry
Lattimer
Leaverton
Lewis
Lewis
Lowery
McCoppin
McGregor
McLennan
McGregor
of El Paso
Mehlsay
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutschler
Niemeyer
Oliver
Parsons
Peeler
Peet
Perrett

Pipkin
Preston
Price
Quilliam
Rapp
Radcliff
Richards
Richardson
Roberts of Hill
Ross
Rossen
Sandahl
Shannon
Shipley
Smith of Jefferson
Snelson
Springer
Stewart
of Galveston
Stewart
of Wichita
Struve
Thurmond
Townsend
Truxton
Tunnell
Walker
Ward
Wells
Wheelley
Whitfield
Wilson
Woods
Yank

Nays--8

Andrews
Cannon
Collins
Helton

Jarvis
Nugent
Slider
Thurman

In The Chair

Watson

Absent

Adams of Lubbock
Longoria
Barlow
Berry
Buchanan
Buchanan
Buena
Brown
Burns
Byrd
Carr
Carrasco
Carrasco
Carrasco
Davis
Eads

Longoria
Osborn
Red
Roberts of Dawson
de la Garza
Schram
Sick
Smith of Bexar
Spilman

The Chair then laid Senate Bill No. 72 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
Mr. Caldwell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 57. The motion prevailed by unanimous consent. The bill was read second time.

Mr. Caldwell offered the following amendment to the bill:

Amend Senate Bill 57 by deleting from Section 5 the words "or without" in the last sentence; by deleting from Section 8 the word "face."
In the last sentence; and by adding to Section 12 the following sentence: "The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The amendment was adopted without objection.

Senate Bill No. 67 was then passed to third reading.

SENATE BILL NO. 67 ON THIRD READING

Mr. Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—126

Adams of Lubbock
Adams of Titus
Allen
Allen
Atwell
Ballman
Bantinfield, Mrs.
Barlow
Barrett
Bass
Blaine
Boyce
Briga
Brewer
Butler
Cameron
Carroll
Chapman
Cole of Harris
Cole of Hunt
Connell
Cook
Corry
Cotten
Cowen
Cox
Cowles
Crews
Curtis
de la Garza
Dewey
Duff, Miss
Dungan

Nay—6

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

Ye—128

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MESSAGE FROM THE SENATE
Austin, Texas, January 29, 1962
Hon. James A. Thurman, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendment to Senate Bill No. 53 by the following vote:
Yeas 27, Nays 1.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 39 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.
The following have been appointed on the part of the Senate:
Senators: Rogers, Hazlewood, Smith, Moffett and Spears.

Respectfully submitted,
CHARLES A. SCHNABEL,
Secretary of the Senate.
REQUEST OF SENATE GRANTED

On motion of Mr. Wells, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 39.

HOUSE BILL NO. 37 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as unfinished business on its passage to engrossment,

H. B. No. 37. A bill to be entitled "An Act establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidating certain annexations; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; declaring an emergency."

The bill was read second time on January 26 with Committee Amendment No. 1 offered by Mr. Lewis pending.

Committee Amendment No. 1 was adopted.

Mr. Boyesen offered the following amendment to the bill:

Amend Section 2 of House Bill 37 by striking out paragraph c and inserting in lieu thereof the following:

"c. All structures used for agricultural purposes including human dwelling units on agricultural property located in the area under the extraterritorial jurisdiction of a city or town shall be exempt from the provisions of any ordinance, including but not limited to zoning or sanitation ordinances, made applicable in such extraterritorial jurisdiction."

Mr. Danan moved to table the amendment offered by Mr. Boyesen.

A record vote was requested on the motion to table.

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

Yes—81
Adams of Lubbock Kilpatrick
Adams of Titus Kohler
Alaun Korkmas
Allen Kothmann
Atwell Lack
Bankfield, Mrs. Barry
Barnes Leaverton
Bridges Lewis
Butler Longoria
Carriker McGregor
Chapman McLeans
Conwell Markgraf
Cook Martin
Cowles Moore
Crawn Mullen
de la Garza Murray
Dewey Muschcr
Duff, Miss Nugent
Duncan Oliver
Erhardt Peeler
Esquivel Petty
Fairchild Pipkin
Floyd Preston
Gladden Price
Glass Rapp
Glasing Read
Green Richards
Grover Sandahl
Hale Shannon
Harding Slider
Harling Smith
Harrington Smith
Hays Snelson
Hinson Springer
Hollonwell Thurmond
Hughes Townsend
Hughes of Grayson Trevino
Hughes of Dallas Tunnell
Isacks, Miss Wells
Jamison Whitfield
Johnson of Dallas Woods
Jones of Dallas

Nays—43
Andrews Boyesen
Barlow Burgess
Bartram Caldwell
Blaine Cannon
Mr. Wilson offered the following amendment to the bill:

Amend H. B. 37 by striking Section 2(a) and renumber the following subsections accordingly.

Mr. Dungan moved to table the amendment offered by Mr. Wilson.

A record vote was requested on the motion to table.

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

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McGregor of El Paso

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Amend House Bill No. 37 by adding a new paragraph to Section 1, to read as follows:

"(a) Any city or town having had within its city limits for a period of five (5) years or more prior to the effective date of this Act a particular area to which it has not provided the inhabitants of such area with the following municipal services: water, light, power, sewage, fire protection, then such city or town shall within one (1) year from the effective date of the Act provide the inhabitants of such area with the following municipal services: water, light, power, sewage, fire protection, as are substantially equivalent to the standard and scope of such services furnished or caused to be furnished by the city to comparable areas of such city or town. In the event a city or town fails or refuses to provide any of such services to the inhabitants of such annexed area or portion thereof within the time specified herein, a majority of the qualified voters who reside within such an area or portion thereof may petition the governing body of such city or town to disannex such area. In case there are not three (3) or more qualified voters, the owners of fifty percent (50%) or more of the acres within such area may petition the governing body of such city or town to disannex such area. Should the governing body of such city or town fail to disannex such particularly annexed area, any one or more of the signers of such petition may, after ninety (90) days after the filing of such petition, file in District Court of the district to which such city or town is located, a petition praying that the particular area be disannexed, which cause shall be tried in accordance with the Texas Rules of Civil Procedure in effect at the time of said trial. At the trial of said cause the only issue of fact shall be whether or not at the expiration of one (1) calendar year after the effective date of this Act, that all of the municipal services set forth above are substantially equivalent to the standard of such services furnished or caused to be furnished by the city to comparable areas of such city or town were provided the inhabitants of such annexed area by the city. Whether the trial be to a Court or a Jury, if it is found to be a fact that any of the above listed services are not being provided inhabitants of such area on such date by the city, the Court shall enter an order disannexing such annexed area, and from and after the date of such order such disannexation shall be effective, and such disannexed area shall not be annexed to such city or town after the date of such order unless the petition requesting such annexation signed by a majority of the qualified voters who reside within such an area."
"(c) The provisions of this paragraph shall only apply to those municipalities whose boundaries at the time of this Act are contained in one (1) county. Should any proposed annexation by the municipality extend into another county, it shall be required that the municipality conduct an election in the territory proposed to be annexed so as to permit the qualified resident voters thereof, by plurality, approve or disapprove such annexation. Such election shall be conducted in accordance with the general election procedure followed in annexation by general law by municipalities. Provided notice of such election shall be published in a newspaper of general circulation of the county wherein the territory proposed to be annexed is situated at least thirty (30) days prior to the election. Should the voters of such territory approve the proposed annexation, the annexation shall be completed by the municipality within ninety (90) days of the date of the election. Annexation proceedings conducted in accordance with the provisions of this paragraph shall, wherever applicable, be conducted in accordance with other provisions of this Act. Any subsequent proposed annexation of additional territory by such municipalities as provided herein shall be conducted according to the provisions of this paragraph."

COMMITTEE MEETING

Mr. Kennard asked unanimous consent of the House that the House Conferees on H. B. No. 39, Messrs. Wells, Chairman; Buchanan, McIlhany, Osborn and Quilliam, be permitted to meet at this time with the Senate Conferees on S. B. No. 39.

There was no objection offered.

CONSIDERATION OF HOUSE BILL NO. 37 CONTINUED

Mr. Dungan moved to table the above amendment offered by Mr. Walker.

A record vote was requested on the motion to table.

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

**Yeas-99**

Adams of Lubbock
Adams of Titus
Allen
Allen
Atwell
Bailey
Ballman
Banfield, Mrs.
Bartow
Barnes
Bartram
Bass
Blaine
Bridges
Burgess
Cannon
Carricker
Champion
Crawford
Crews
Curington
de la Garza
Dewey
Duff, Miss
Duncan
Kirchard
Fletcher
Floyd
Foreman
Garrison
Gilbros
Gladden
Glass
Glusing

**Consensus-5**

Adams of Deafman
Allen
Allen
Allen
Atwell
Bailey
Ballman
Banfield, Mrs.
Bartow
Barnes
Bartram
Bass
Blaine
Bridges
Burgess
Cannon
Carricker
Champion
Crawford
Crews
Curington
de la Garza
Dewey
Duff, Miss
Duncan
Kirchard
Fletcher
Floyd
Foreman
Garrison
Gilbros
Gladden
Glass
Glusing

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 39:

Messrs. Wells, Chairman; Buchanan, McIlhany, Osborn and Quilliam.
Mr. Struve offered the following amendment to the bill:

Amend H. B. No. 37 by adding after the word “health” on line 6 of page 3 the following words “public utility regulation.”

Mr. Dungan moved to table the amendment offered by Mr. Struve.

The motion to table prevailed by the following vote:

Yeas--104

Adams of Titus
Allen
Andrews
Atwell
Bailey
Ball
Bandelier, Mrs.
Barlow
Barrows
Bartram
Bass
Battle
Blaine
Boyd
McCoy
Bridges
Buchanan
Burgess
Butler
Cason
Carroll
Cole of Hunt
Coulter
Coy
Peeler
Cowies
Crain
Curtin
Dewey
Quilliam
Duff, Miss
Rapp
Dungan
Eckhardt
Fletcher
Fuller
Floyd
Foreman
Gibbons
Glass
Gushing
Green
Grover
Guffey
Hale
Harding
Hastily
Hollowell
Huebner
Hughes
Yazoo
Walls
Saacks, Miss
Wheatley
James
Watson

Nays--30

Adams of Lubbock
Alvarez
Berry
Caldwell
Chapman
Collins
de la Garza
Esquivel
Gladden
Haring
Hartington
Haynes
Crews
Hinson

Absent--Excused

Lary

Mr. Struve offered the following amendment to the bill:

Amend H. B. No. 37 by adding after the word “health” on line 6 of page 3 the following words “public utility regulation.”

Mr. Dungan moved to table the amendment offered by Mr. Struve.

The motion to table prevailed by the following vote:

Yeas--104

Adams of Titus
Allen
Andrews
Atwell
Bailey
Ball
Bandelier, Mrs.
Barlow
Barrows
Bartram
Bass
Battle
Blaine
Boyd
McCoy
Bridges
Buchanan
Burgess
Butler
Cason
Carroll
Cole of Hunt
Coulter
Coy
Peeler
Cowies
Crain
Curtin
Dewey
Quilliam
Duff, Miss
Rapp
Dungan
Eckhardt
Fletcher
Fuller
Floyd
Foreman
Gibbons
Glass
Gushing
Green
Grover
Guffey
Hale
Harding
Hastily
Hollowell
Huebner
Hughes
Yazoo
Walls
Saacks, Miss
Wheatley
James
Watson

Nays--30

Adams of Lubbock de la Garza
Alvarez
Berry
Caldwell
Chapman
Collins
de la Garza
Esquivel
Gladden
Haring
Hartington
Haynes
Crews
Hinson
Mr. Smith of Bexar, Stewart of Galveston.

(Speaker In The Chair)

COMMITTEE MEETING

Mr. Colten asked unanimous consent of the House that the Committee on Appropriations be permitted to meet at this time.

There was no objection offered.

Mr. Dungan moved to table the amendment offered by Mr. Smith of Bexar.

The motion to table prevailed.

Mr. Richardson offered the following amendment to the bill:

Amend Section 9 of House Bill No. 37 by adding a new sentence after Section "b" on line 32 as follows:

The fact that the area contiguous to the outer boundaries of the city was annexed at the effective date of this Act shall not defeat the right of the inhabitants thereof to petition for disannexation if the city shall not afford service within the time and under the conditions set out in paragraph "2" above.

The amendment was adopted without objection.

Mr. Wilson offered the following amendment to the bill:

Amend H. B. 37 by striking subsections (1) and (2) of Section 1 and amend subsection 3 to read as follows:

The extraterritorial jurisdiction of any city or town having a population of from 30,000 and one (30,001), etc.
Mr. Dungan moved to table the amendment offered by Mr. Wilson. The motion to table prevailed.

COMMITTEE MEETING

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

There was no objection offered.

Mr. Richardson moved the previous question on the passage of H. B. No. 37 to engrossment with amendments on the Speaker's desk, and the motion was not seconded.

Mr. Wilson offered the following amendment to the bill:

Amend H. B. 37 by striking Section 2B and renumbering all other sections accordingly.

Mr. Dungan moved to table the amendment offered by Mr. Wilson. A record vote was requested on the motion to table.

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

Yeas—90

Adams of Lubbock
Adams of Titus
Allen
Allen
Andrews
Atwell
Ballman
Barnes
Bean
Blanks
Bridges
Buchanan
Burgess
Cannon
Chapman
Connell
Crai
de la Garza
Dungan
Eckhardt
Elizer
Eruvel
Fairchild
Fischer
Giddens
Glass
Green
McIlhany
Martin
Moore
Moilen
Murray
Mutterer
Nemec
Nugent
Parsons
Peeler
Petty
Pipkin
Preston
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Sandahl
Shannon
Shipley
Slifer
Smith of Jefferson
Snelson
Thurmond
Tennemond
Trevino
Tunnell
Walcott
Walls
Whitfield
Woods

Nays—37

Bailey
Berry
Boycen
Butler
Caldwell
Carriker
Collins
Cook
Corby
Cox
Cowles
Crow
Curtin
Floyd
Foreman
Garrison
Gibbons
Giddens
Gucler
Johnson of Dallas
Johnson
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Mr. Dungan moved to table the amendment offered by Mr. Latimer.

The motion to table prevailed.

RECORD OF VOTE

Mr. Bailey requested to be recorded as voting Nay on the motion to table the amendment by Mr. Latimer.

LEAVE OF ABSENCE

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

Mr. Hale offered the following amendment to the bill:

Amend H. B. 37 by striking all of the third sentence in Section 2(a).

The amendment was adopted without objection.

Mr. Ballman offered the following amendment to the bill:

Amend H. B. 37 by striking out Subsection (1) of Sec. 1(a) and re-numbering the following subsection accordingly.

Mr. Dungan moved to table the amendment offered by Mr. Ballman.

A record vote was requested on the motion to table.

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

Yeas—78

Adams of Lubbock
Allen of Travis
Andrews
Atwell
Barlow
Bass
Blaine
Bridges
Caldwell
Cannon
Chapman
Counsel
Cowen
Dewey
Dungan
Hughes of Dallas
Innack, Miss
Jarnagin
Jarvis
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kohler
Koliba
Korthmann
Ladd
Lewis
Mcfarlin
McGregor
McMillan
Martrong
Martin
Mullen
Niemeyer
Parsons
Peeler
Price
Quilliam
Read
Richardson
Sandhill
Schaum
Shannon
Shipley
Sidner
Snodgrass
Thurmond
Townsend
Tunnell
Wares
Wells
Whitfield
Woods

Nays—52

Bailey
Ballman
Barnes
Berry
Brady
Buchanan
Burgess
Butler
Cariker
Collins
Cory
Cowles
Craie
Crews
Culverton
De la Garza
Duff, Miss
Fairchild
Garrison
Gibbons
Guffey
Haring
Harshner
Hefoon
Hobble
Humphreys
James
Latimer
Leaverton
Leaverton
Longoria
Longoria
Niemeyer
Parsons
Peeler
Price
Quilliam
Read
Richardson
Sandhill
Schaum
Shannon
Shipley
Sidner
Snodgrass
Thurmond
Townsend
Tunnell
Wares
Wells
Whitfield
Woods

Present—Not Voting

Yeak

Absente
Amend Bill No. 37 by striking out the word "jurisdiction," the following:

"Section 1. (a) In order to promote and protect the general health, safety and welfare of persons residing within and adjacent to the cities and towns of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city or town, which is contiguous to the perimeter of any city or town, to the extent described herein, shall comprise and be known as the extraterritorial area of such city or town. The extent in area of the extraterritorial area of the various classes of cities and towns in the State shall be as follows:

1. (a) The extraterritorial area of any city or town having a population of less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, one-half (½) mile in distance beyond the perimeter of such city or town.

2. (b) The extraterritorial area of any city or town having a population of from five thousand (6,000) to twenty-five thousand (25,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, one (1) mile in distance beyond the perimeter of such city or town.

3. (c) The extraterritorial area of any city or town having a population of from twenty-five thousand (25,001) to fifty thousand (50,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, one mile (1 mile) in distance beyond the perimeter of such city or town.
the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, two (2) miles in distance beyond the perimeter of such city or town.

(4) The extraterritorial area of any city or town having a population of from fifty thousand and one (50,000) to one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area not a part of any other city or town, three and one-half (3½) miles in distance beyond the perimeter of such city or town.

(5) The extraterritorial area of any city or town having a population of over one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, five (5) miles in distance beyond the perimeter of such city or town.

(b) In the event that on the effective date of this Act, the extraterritorial area of a city or town overlaps extraterritorial area of one or more other cities or towns, the area so overlapped shall be apportioned by the mutual agreement of the governing bodies of the cities and towns concerned. Such agreement shall be in writing and shall be approved by ordinance or resolution, by such governing bodies, State of Washington, if the governing bodies of such cities and towns be unable to reach an agreement concerning the apportionment of the overlapping area in question within six (6) months, each area shall then be apportioned among such cities and towns in the same ratio as the respective populations, according to the last preceding Federal Census, of the cities and towns concerned bear to one another; however, if the population ratio between the cities or towns exceeds ten (10) to one (1), in such apportionment the extraterritorial area of the smaller city or town shall not be reduced to less than one-fourth (¼) mile distance from the perimeter of such smaller city or town, unless such one-fourth (¼) mile distance would extend beyond and include more than one-tenth (1/10) of the total overlapping area, in which event ten percent (10%) of the total overlapping area shall be apportioned to the smaller city or town. Such apportionment according to these rules shall be in writing and shall be approved, by ordinance or resolution, by the governing bodies of such cities and towns. In the event the governing bodies of the cities and towns concerned cannot reach an agreement on apportionment of overlapping territory consistent with the rules set out herein, one or more of the cities or towns may request the district judge in the judicial district involved or, in the event that more than one judicial district is involved, the senior district judge in the district having the smaller number, to appoint three (3) arbitrators to apportion such overlapping territory. Such apportionment by such arbitrators shall be in a manner consistent with and in accordance to the rules set out herein. The arbitrators' findings of apportionment shall be reduced to writing and filed with the city or town secretary of the cities and towns concerned.

(c) Once established as provided in Section 1 (a) and (b), the extraterritorial area of a city or town may never without the consent of the governing body of such city or town, be diminished due to the expansion of the territorial limits or extraterritorial area of any other city or town. However, the extraterritorial area of a city or town may be expanded beyond the distance limitations imposed by Section 1 (a) of this Act to include therein any land contiguous to the otherwise extraterritorial area of such city or town, provided that the owner or owners of such land request such expansion and provided that the same does not conflict with existing boundaries or extraterritorial area of another city or town.

(d) When a city or town shall annex additional territory, the extraterritorial area of such city or town shall expand in conformity with such additional annexation and shall comprise an area around the new boundaries of the city or town consisting of the same area, as was created by the laws in Section 1 (a) hereof, as if such city or town had included the additional area at the time this Act became effective. Provided, however, that such expansion shall occur only to the extent that the ex...
provided, however, this restriction shall not apply to the annexation of an area outside, but contiguous to, the boundaries of the extraterritorial area of a city or town, when such city or town owns such area, or when such annexation is requested by a petition of a majority of the qualified voters residing in such territory, where there are three (3) or more such qualified voters, and by the owner or owners of fifty per cent (50%) or more of the acreage in the territory. If there are less than three (3) qualified voters residing in such territory, the petition for annexation shall be by the owners of fifty per cent (50%) or more of the acreage in such territory. Under no circumstances, however, may a city or town annex territory which lies within the extraterritorial area of any other city or town without the express written consent of the governing body of such other city or town.

Section 5. (a) A city or town may annex in any one (1) calendar year, only territory equivalent in site to ten per cent (10%) of the total area of such city or town as of the first day of that calendar year. In computing the total amount of territory which may be annexed in such territory annexed at the request of a majority of the qualified voters residing in such territory, then the petition for annexation shall be by the owners of fifty per cent (50%) or more of the acreage in such territory. Under no circumstances, however, may a city or town annex territory which lies within the extraterritorial area of any other city or town without the express written consent of the governing body of such other city or town.

Section 6. (a) A city or town may annex in any one (1) calendar year, only territory equivalent in site to ten per cent (10%) of the total area of such city or town as of the first day of that calendar year. In computing the total amount of territory which may be annexed in such territory annexed at the request of a majority of the qualified voters residing in such territory, then the petition for annexation shall be by the owners of fifty per cent (50%) or more of the acreage in such territory. Under no circumstances, however, may a city or town annex territory which lies within the extraterritorial area of any other city or town without the express written consent of the governing body of such other city or town.

Section 6. (b) In the event a city or town falls in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in a subsequent calendar year or years. Under no circumstances, however, may a city or town, utilizing the power granted under this subsection, annex in any one (1) calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of that calendar year.

Section 6. No city, town or village may be incorporated within the area of the extraterritorial area of any city, town or village.
city or town without the written consent, officially recorded, of the governing body of such city or town. Should such governing body refuse to grant permission for the incorporation of such proposed city, town or village, a majority of the qualified voters residing in such proposed city, town or village, may petition the governing body of such city or town and request annexation by such city or town. Should the governing body of such city or town fail or refuse to annex the area of such proposed city, town, or village within sixty (60) months from the date of receipt of such petition, such failure or refusal shall constitute expressed authorization for the incorporation of such proposed city, town or village, and partly without the extraterritorial area of such city, town or village insofar as the extraterritorial area of such city, town or village is located. Provided, however, that any city, town, or village, which is located in two (2) or more counties as of the effective date of this Act, shall have the right to annex territory which is located in each of such counties.

Section 7. (a) The governing body of any city or town proposing to annex any area to such city or town must give at least thirty (30) days notice of its intention to annex such area in a newspaper or newspapers having general circulation in such city or town and in the area proposed to be annexed. The governing body shall provide an opportunity for all interested residents of such city or town and persons living in or owning property in the area proposed to be annexed to be heard at a public hearing to be held within such thirty (30) day period. Notice of such public hearing shall be included within the notice of intention to annex and shall be given at least ten (10) days prior to the date of such public hearing. Annexation of an area by a city or town must be brought to legal completion within ninety (90) days of the date on which the governing body of such city or town signifies its intention to annex the area. Should an annexation fail to be completed legally within this period of time, the proposed annexation shall be null and void.

(b) All annexation proceedings by cities and towns which were in the process of completion, but not finally completed by Feb. 1, 1962, and all such annexation proceedings begun on or after Feb. 1, 1962, are invalidated unless said proceedings meet the limitations as to size and extent of area imposed by Section 5 of this Act. All annexation proceedings in process of completion and which are not invalidated by this Subsection 7(b) and which have not been completed on the effective date of this Act must be brought to completion within six (6) months of such date. Failure to complete a pending annexation within such period of time shall render such proposed annexation proceeding void.

(c) From and after the effective date of this Act, no city, town, or village of this State shall be allowed to annex any territory which is located in a county other than the one in which such city, town, or village is located. Provided, however, that any city, town, or village, which is located in two (2) or more counties as of the effective date of this Act, shall have the right to annex territory which is located in each of such counties.

(d) Provided, however, this Act shall not prevent any city, town, or village from annexing any territory outside the county or counties in which such city, town, or village is located if a majority of the qualified voters residing in any such territory proposed to be annexed shall vote for such annexation, at an election to be held in accordance with the election procedure provided for by Article 974 of the Revised Civil Statutes of Texas of 1925, the same being the election procedure followed in annexation by general law in cities and towns.

Section 8. The request and petition for annexation provided for in Section 5 and Section 6 of this Act shall be made by the qualified voters and landowners signing and presenting to the city or town secretary a written petition requesting annexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an
official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the last name and present number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall attach thereto opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed and have attached to it a plat of the territory. Prior to circulating the petition for annexation among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory. Proof of posting of the notice shall be made by attaching to the petition presented to the city or town council the sworn affidavit of any qualified voter who signed the petition, stating the places where and the dates when the petition was presented. If there be that many, stating the total number of qualified voters residing in the territory and the approximate total acreage within the territory.

Section 9. From and after the effective date of this Act, any city or town annexing a particular area shall provide the following municipal services: water, light, power, sewer, fire protection, then such city or town shall within one (1) year from the effective date of the Act create or provide the inhabitants of such area with the following municipal services: water, light, power, sewerage, fire protection. In the event a city or town fails to provide any such service to the inhabitants of such area or portion thereof within the time specified herein, a majority of the qualified voters who reside within such an area or portion thereof may petition the governing body of such city or town to disannex such area. Should the governing body of such city or town fail to disannex such particular area, any one or more of the signers of such petition may, after ninety (90) days after the filing of such petition, file in District Court of the district in which such city or town is located, a petition praying that the particular area be disannexed, which shall be tried in accordance with the Texas Rules of Civil Procedure in effect at the time of said trial. At the trial of said cause the only issue of fact shall be whether or not at the expiration of two (2) calendar years from the first reading of the annexation ordinance of such area, all of the municipal services set forth above were provided the inhabitants of such area by the city. Whether the trial be to a Court or a Jury, if it is found to be a fact that any of the above-mentioned services are not being provided to the inhabitants of such area within such area, the Court shall enter an order disannexing such annexed area, and from and after the date of such order such disannexed area shall not be annexed by the city, and in any future date without a petition requesting such annexation signed by a majority of the qualified voters who reside within such an area.

Section 10. Any city or town having had within its city limits for a period of five (5) years or more prior to the effective date of this Act a particular area to which it has not provided the inhabitants with the following municipal services: water, light, power, sewerage, fire protection, then such city or town shall within one (1) year from the effective date of this Act create or provide the inhabitants of such area with the following municipal services: water, light, power, sewerage, fire protection. In the event a city or town fails or refuses to provide any such service to the inhabitants of such area or portion thereof within the time specified herein, a majority of the qualified voters who reside within such an area or portion thereof may petition the governing body of such city or town to disannex such area. In case there are not three (3) or more qualified voters, the owners of fifty (50%) percent or more of the acreage within such area may petition the governing body of such city or town to disannex such area. Should the governing body of such city or town fail to disannex such particular area annexed area, any one or more of the signers of such petition may, after ninety (90) days after the filing of such petition, file in District Court
of the district in which such city or town is located, a petition praying that the particular area be disannexed, which case shall be tried in accordance with the Texas Rules of Civil Procedure in effect at the time of said trial. At the trial of said cause the only issue of fact shall be whether or not at the expiration of one (1) calendar year after the effective date of this Act, that all of the municipal services set forth above were provided the inhabitants of such annexed area by the city. Whether the trial be to a Court or a Jury, if it is found to be a fact that any of the above listed services are not being provided inhabitants of such area on such date by the City, the Court shall enter an order disannexing such annexed area, and from and after the date of such order such disannexation shall be effective, and such disannexed area shall not be annexed by the city at any future date without a petition requesting such annexation signed by a majority of the qualified voters who reside within such an area.

Section 11. The request and petition for disannexation provided for in Sections 9 and 10 of this Act shall be made by the qualified voters and landowners signing and presenting to the city or town secretary a written request for disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to the circulating of the petition for disannexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area. Proof of posting of the notice shall be made by attaching to the petition presented to the city or town secretary the sworn affidavit of any qualified voter who signed the petition, stating the places where and the dates when the petition was posted. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

Section 12. If any part of any territory annexed to a city or town under the provisions of this Act, or heretofore or hereafter annexed to any such city or town under the provisions of any other law or charter, is claimed by some other city or town to be lawfully included within the limits of such other city or town, then either of the cities or towns having such conflicting claims may file a petition in a court of competent jurisdiction under the Uniform Declaratory Judgments Act seeking a declaration as to which city or town has lawful jurisdiction over the disputed territory. In any such proceeding, the court may consider the respective claims of the parties, and decide the issues, without regard to whether such claims might otherwise be regarded as collateral attacks on the validity of the annexation ordinances involved, and determine the validity of the annexation ordinance, and shall be binding on the cities or towns which were parties to such proceeding in any other proceeding involving the same ordinance or ordinances.

Section 13. Subdivision 3 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"3. The power to fix the boundary limits of said city, the annexed area, the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, not in-
consistent with the procedural rules prescribed by this Act."

Section 14. The provisions of this Act shall not repeal any law or part of law upon the subject of which the provisions of this Act relate unless they are especially inconsistent. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

Section 15. If any section, sentence, clause, or provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other sections, sentences, clauses, provisions, or applications 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 severable.

Section 16. This Act shall not apply to any annexation proceeding directly involved in litigation between cities or towns on the effective date of this Act where such litigation is ultimately determined against the legality of such proceeding; nor shall it apply to annexations which were directly involved in litigation that was pending on May 1, 1961, between cities or towns and persons, private corporations or governmental officials regardless of the outcome of such litigation.

Section 17. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule regarding bills to be read on three (3) several days in each House be suspended and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Dungan moved to table the amendment offered by Mr. Wilson.

A record vote was requested on the motion to table.

The motion to table the amendment offered by Mr. Wilson prevailed by the following vote:
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House Bill No. 37 was then passed to engrossment.

**RECORD OF VOTE**

Mr. Watson requested to be recorded as voting "Yea" on the passage of H. B. No. 37 to engrossment.

**HOUSE BILL NO. 37 ON THIRD READING**

Mr. Dungan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—118**

Adams of Lubbock  Carriker  Chapman  Cole of Harris  Collins  Connell  Cook  Cory  Cowles  Crews  Cvetog  de la Garza  Dewey  Duff, Miss  Dunn  Eidgardt  Fatle

**Nays—25**

Balman  Beeler  Buchanon  Buchanan  Carriker  Carver  Coburn  Collins  Curtis  de la Garza  Dewey  Duff, Miss  Dunn  Eidgardt  Fatle

**Absent**

Cotten  Spilman
The Speaker then laid House Bill No. 37 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

**Yeas--133**

Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barneis
Barrett
Berry
Blaine
Bridges
Buchanan
Burruss
Butler
Calwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Corx
Craws
Curington of El Paso
de la Garza
Dewey
Duff, Miss
Duncan
Dunn
Eckhardt
Esquivel
Fairchild
Fletcher
Floyd
Foreman
Garica
Feibbens
Gladken
Glass
Gusting
Green
Greger
Gueffy
Hale
Quilliam
Rapp
Batcliff
Head
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Tunnell
Ross
Sandahl
Schrarn
Shannon
Shleyer
Slier
Smith of Bexar
Stiles
Snellen
Yeak

**Nays--9**

Boyesen
Jarvis
Pieratt
Rosen
Slack
Walker

Absents--Excused

Bartram
Lary

On motion of Mr. Dungan and by unanimous consent of the House, the caption of House Bill No. 37 was ordered amended to conform with the body of the bill.

Mr. Dungan moved to reconsider the vote by which House Bill No. 37 was passed and to table the motion to reconsider. The motion to table prevailed.

**REASON FOR VOTE**

Reasons for vote against H. B. 37.

I have consistently voted against H. B. 37 because the bill, as passed, does not include the amendment to protect the small towns in the surrounding counties from being swallowed up by the wild annexation of big cities.

Another reason I voted against it is that the provision allowing tax immunity for industrial districts applies only to industrial districts located outside the city limits.

In the rush to pass this city bill the amendment by Stanford Smith...
and myself to place Industries now located within the city limits on an equal basis with Industries outside of towns was defeated. Another very apparent danger of the bill as passed is that it allows city councils to contract for tax exemptions for Industries located outside the city limits without submitting such a tax immunity to the voters of the city. In other words, a city council can give away the future taxes of the city and possibly receive their cut thereof. I believe in giving industry tax advantages equally, both to existing Industries within the city limits as well as Industries outside of the limits when such a contract for tax advantages has been ratified by a majority vote of the people.

MACK STEWART.

REASON FOR VOTE

I have not voted on the measures up for consideration today because I have been working on the appropriation bill and have not been at my desk.

JAMES COTTEN.

MESSAGE FROM THE GOVERNOR

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

January 29, 1962

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

At the request of Members with pending bills, I herewith submit the subject of amending S. B. 192, Chapter 292, Regular Session of the Fifty-Seventh Legislature, to provide for the abolishment of the office of County School Superintendent in certain counties, effective upon vote of the people on this question. I also submit the subject of registration fees for liquid fertilizer trailers.

Respectfully submitted,

PRICE DANIEL,
Governor.

SENATE BILL ON FIRST READING

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

S. B. No. 47 to the Committee on State affairs.

HOUSE BILLS ON FIRST READING

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

By Messrs. Caldwell, Stewart of Wichita and Connell:

H. B. No. 105. A bill to be entitled “An Act abolishing the office of county school trustee and the office of county superintendent in any county in this State having a population of not less than seventy-five thousand (75,000) and not more than one hundred twenty-five thousand (125,000) according to the last preceding Federal Census which has not more than one (1) common school district and whose county ad valorem evaluation is in excess of One Hundred Forty Million Dollars ($140,000,000); providing that the present county superintendents of such counties shall serve out their terms to which elected or appointed; and that thereafter the duties of the county board of school trustees and of county superintendents shall be performed by the county judges of such counties, without additional compensation; repealing all laws and parts of laws that conflict herewith; and declaring an emergency.”

Referred to the Committee on Education.

By Messrs. Johnson of Bexar and Alaniz:

H. B. No. 110. A bill to be entitled “An Act providing that at the next general election the electorate shall determine whether the office of the county superintendent shall be abolished in any county of this State having a population of not less than six hundred thousand (600,000) according to the last preceding Federal Census, and wherein there are four (4) or more common school districts; providing for the compensation to be paid the county judge for performing such duties in an ex-officio capacity; and declaring an emergency.”

Referred to the Committee on Education.
H. B. No. 111, A bill to be entitled "An Act relating to public school education programs and administration in counties having a population in excess of One Million Two Hundred Thousand (1,200,000) inhabitants according to the last preceding Federal Census; abolishing the office of county superintendent and board of county school trustees in such counties effective July 31, 1962; vesting in the County Judge in such counties the duties, powers and authority of the county superintendent; amending Chapter 182, Acts of the 44th Legislature, Regular Session, 1935, as amended, so as to provide that from and after January 1, 1962, it shall not apply to any county having a population in excess of One Million Two Hundred Thousand (1,200,000) inhabitants according to the last preceding Federal Census; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency." 

Referred to the Committee on Education.

By Messrs. Grover, Shiple, Floyd, Miller, Garrison, Whitfield, and Cole of Harris:

H. B. No. 112, A bill to be entitled "An Act to abolish the office of county superintendent in certain counties; delegating any duties of the county superintendent in such counties to the county judge; and declaring an emergency."

Referred to the Committee on Education.

MESSAGE FROM THE SENATE

Austin, Texas, January 29, 1962
Hon. James A. Turman, Speaker of the House of Representatives.

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

H. B. No. 98, Changing the name of the Runnels County Water Improvement District to the "Runnels County Water Authority;" and declaring an emergency.

H. B. No. 93, Establishing a juvenile board in Runnels County; and declaring an emergency.

H. B. No. 88, Relating to the hunting of antlerless deer in Travis County; and declaring an emergency.

H. B. No. 101, Relating to the hunting of deer in Hopkins, Delta, and Panola Counties; and declaring an emergency.

S. C. R. No. 23, Authorizing Board of Control to remove certain furnishings from the Governor's Mansion.

H. B. No. 53, Validating and confirming certain bonds hereinafter authorized by any Home Rule City in the State of Texas; and declaring an emergency.

H. B. No. 86, Authorizing the trustees of certain independent school districts to fix the date of election of such trustees on the first Saturday in April or on the first Saturday in October; and declaring an emergency.

H. B. No. 91, Placing the wildlife resources of Mills County under the authority of the Game and Fish Commission; and declaring an emergency.

H. B. No. 17, Creating a conservation and reclamation district to be known as "Dayton Drainage District;" and declaring an emergency.

H. B. No. 19, Creating a conservation and reclamation district to be known as "Memorial Villages Water Authority;" and declaring emergency.

H. B. No. 24, Validating Liberty County Water Control and Improvement District No. 5; and declaring an emergency.

H. B. No. 23, Creating a conservation district to be known as "Henderson County Municipal Water Authority;" and declaring an emergency.

H. B. No. 25, Ratifying, confirming and validating the El Paso County Water Control and Improvement District-Westway; and declaring an emergency.

H. B. No. 48, Providing that persons or institutions given custody of
children adjudged dependent and neglected by courts of competent jurisdiction shall be responsible for the child's education and maintenance and physical welfare; and declaring an emergency.

H. B. No. 81. Relating to the conditions upon which State banks may make loans upon security of real estate or invest funds in obligations secured by real estate; and declaring an emergency.

H. B. No. 82. Authorizing the exchange and conveyance of certain State-owned realty for certain realty owned by the United States contingent upon Federal legislation authorizing such transfer; and declaring an emergency.

H. B. No. 58. Authorizing the appointment of an Investigator by the District Attorney of the 118th Judicial District to serve as investigator in that judicial district; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 40 by the following vote:

Yea 27, Nays 1.

Respectfully submitted,
CHARLES A. SCHNADEL, Secretary of the Senate.

RELATIVE TO EXPENSES OF THE TEXTBOOK INVESTIGATING COMMITTEE OF THE HOUSE

Mr. Bass offered the following resolution:

H. S. R. No. 205

Whereas, Through H. S. R. No. 736 of the Regular Session of this Legislature, the House of Representatives created a Textbook Investigating Committee to investigate textbooks currently being used in Texas schools as they relate particularly to the proper teaching of Americanism in all of its aspects; and

Whereas, This Committee has held a number of meetings and hearings and is in receipt of numerous telegrams and letters from individual Texas citizens and organizations interested in the matter, who are requesting additional hearings and investigations; and

Whereas, Since initiating the study, the Committee has come to recognize the complexity of the problem and the diligence and time-consuming efforts which must be devoted to the study if the purposes envisioned in the creation of the Committee are to be accomplished; now therefore be it

Resolved, By the House of Representatives of the State of Texas, That the Textbook Investigating Committee of the House, created by H. S. R. 736, Fifty-seventh Legislature, Regular Session, be authorized to receive all necessary expenses incident to the work of the Committee from the date of passage of this Resolution, such expenses to be paid from the Legislative Expense Fund of the Fifty-seventh Legislature.

BASS, J. V. ADAMS, ALLEN, MARKGRAF, CONNELL.

The resolution was referred to the Committee on Rules.

PROVIDING FOR THE APPOINTMENT OF AN INTERIM COMMITTEE TO MAKE CERTAIN STUDY RELATIVE TO DIVORCE LAWS, ETC.

Respectfully submitted, Mr. Haring offered the following resolution:

H. S. R. No. 204

Whereas, Divorce is a serious social problem in Texas as well as in the United States as a whole; and

Whereas, During 1960, the most recent year for which statistics are available, over 22,900 divorces were granted in the State, and more than 68,000 divorce cases were on Texas court dockets during that year; and

Whereas, Texas has the fifth highest divorce rate in the nation; and

Whereas, The fact that it is conservatively estimated that more than one out of every four marriages in this country is now ending in divorce has serious implications for our society, especially in its effect on the lives of the thousands of children of such divorced parents; and

Whereas, The economic, social, moral and emotional problems posed by this situation are enormous in scope, and, especially in cases where children are involved, their impact
Resolved, That the Speaker be authorized to appoint an interim committee of five members to make comprehensive study of divorce and the laws relating thereto, giving special attention to the rights of children, methods for promoting the public welfare by preserving, promoting and protecting family life and the institution of marriage, and to the possible methods which might encourage the reconciliation of spouses and the amicable settlement of domestic and family controversies; and be it further resolved, That the Speaker shall designate the chairman and vice-chairman of the committee, and that it be instructed to report its findings and recommendations to the Regular Session of the 58th Legislature.


The resolution was referred to the Committee on Rules.

TO REQUEST CERTAIN STUDY RELATIVE TO THE CARE OF THE MENTALLY ILL

Mr. Smith of Jefferson offered the following resolution:

H. S. R. No. 202

Resolved, That the Texas State hospitals for the mentally ill are badly overcrowded, and patients must sometimes be detained and confined for days, weeks or months in their counties of residence before they are transported and admitted to the State hospitals; and

Whereas, The cities and counties of this state do not have adequate facilities for the confinement and care of these mentally ill, court committed, non-paying patients; and

Whereas, Many of these unfortunate persons are detained in windowless cells in county jails which are completely unfit for the care of mentally ill human beings; and

Whereas, The responsibility of county officials in dealing with these patients and in providing facilities for their temporary care is not clearly defined; and

Whereas, Funds must be provided from some source if adequate provision is to be made for the confinement and care of mentally ill persons who have been committed to State hospitals for the mentally ill but who cannot be admitted immediately; now therefore be it

Resolved, That the House of Representatives of the State of Texas request the Texas Legislative Council to study the problems related to the local care and confinement of mentally ill, court-committed non-paying patients with special attention to possible methods of improving the present system and to the provision of adequate financing for the necessary temporary confinement and care of these patients; and be it further

Resolved, That the Council be requested to report its findings, together with such recommendations as it may deem desirable, to the Regular Session of the 58th Legislature.

The resolution was referred to the Committee on Rules.

COMMITTEE MEETING

Mr. Adams of Titus asked unanimous consent of the House that the Committee on Education be permitted to meet at this time.

There was no objection offered.

SENATE BILL NO. 2 SET AS SPECIAL ORDER

Mr. Dewey moved to suspend all necessary rules for the purpose of setting Senate Bill No. 2 as a Special
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.

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

MOTION TO PLACE HOUSE BILL NO. 105 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. 105.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 105, A bill to be entitled "An Act amending Sections 3 and 5 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 articles; and declaring an emergency."

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

Committee Amendment No. 1

Committee Substitute for HB 105

Amend HB 105, by striking out all after the enacting clause and substituting the following:

Section 1. Sections 3 and 5 of Article 27 of the Penal Code of Texas, 1925, as last amended by Chapter 461, Acts of the 57th Legislature, Regular Session, 1961, are amended to read as follows:

"Sec. 5. It shall be a defense to any charges brought hereunder if such prohibited matter or act shall be regularly in use in any bona fide religious, educational or scientific institution or the subject of a bona fide scientific investigation."

The provisions of this Act shall not apply to any daily or weekly newspaper."

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

NUGENT, BARLOW.

The amendment was adopted without objection.

HOUSE BILL NO. 105 ON THIRD READING

Mr. James moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 105 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—115

Adams of Lubbock
Andrews
Adams of Titus
Atwell
Akins
Bailey
Alice
Balman
Bansfield, Mrs.
Barlow
Barrow
Bass
Barry
Blaine
Boyse
Briggs
Buchanan
Burgess
Butler
Caldwell
Cannon
Carrick
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cory
Cotten
Cowen
Cowles
Craw
Crews
Curtin
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrlé
Esquivel
Fairchild
Fitcher
Floyd
Foreman
Foreman
Garrison
Gibbons
Gladden
Glass
Glossing
Green
Grover
Guttry
Hale
Harling
Harrington
Haynes
Heasty
Hefton
Hinze
Hollowell
Hubbard
Hughes
of Grayson
Hutches of Dallas
Isaacks, Miss
James
Johnson of Dallas
Johnson of Bexar
Johnson of Hall
Jones of Dallas
Jones of Travis
Kilpatrick
Kohlmann
Rothmann
Lock
Lattimer
Leaverton
Lewis
Lougear
McCoppin
McCreary
McGregor
McMullen
McElwain
Markgraf
Martin
Miller
More
Mollen
Mullen
Mutchler
Niemeyer
Oliver
Osborn
Parron
Peeley
Pety
Pierat
Pipkin
Preston
Price
Quinlan
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Rosson
Sandahl
Schram
Shannon
Shipley
Blier
Blythe
Boettcher
Springer
Hill
Little
of Galveston
Stewart
Struve
Thurman
Tharmond
Townsend
Trevino
Tunnell
Walker
Watson
Yeas—115

Adams of Lubbock
Andrews
Adams of Titus
Atwell
Akins
Bailey
Alice
Balman
Bansfield, Mrs.
Barlow
Barrow
Bass
Barry
Blaine
Boyse
Briggs
Buchanan
Burgess
Butler
Caldwell
Cannon
Carrick
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cory
Cotten
Cowen
Cowles
Craw
Crews
Curtin
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrlé
Esquivel
Fairchild
Fitcher
Floyd
Foreman
Foreman
Garrison
Gibbons
Gladden
Glass
Glossing
Green
Grover
Guttry
Hale
Harling
Harrington
Haynes
Heasty
Hefton
Hinze
Hollowell
Hubbard
Hughes
of Grayson
Hutches of Dallas
Isaacks, Miss
James
Johnson of Dallas
Johnson of Bexar
Johnson of Hall
Jones of Dallas
Jones of Travis
Kilpatrick
Kohlmann
Rothmann
Lock
Lattimer
Leaverton
Lewis
Lougear
McCoppin
McCreary
McGregor
McMullen
McElwain
Markgraf
Martin
Miller
More
Mollen
Mullen
Mutchler
Niemeyer
Oliver
Osborn
Parron
Peeley
Pety
Pierat
Pipkin
Preston
Price
Quinlan
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Rosson
Sandahl
Schram
Shannon
Shipley
Blier
Blythe
Boettcher
Springer
Hill
Little
of Galveston
Stewart
Struve
Thurman
Tharmond
Townsend
Trevino
Tunnell
Walker
Watson
Wells
Wheatley
Whitfield
Jamison
Jarvis
Nugent
Absent
Cook
Harding
Kendall
Kollba
Absent—Excused
Bartram
Lary
The Speaker then laid House Bill No. 105 before the House on third reading and final passage.

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

Yeas—139

Adams of Lubbock
Adams of Titus
Aldrans
Alvarens
Andrews
Arrows
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bass
Berry
Blaine
Boysen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Carrigan
Cole of Harris
Cole of Hunt
Collins
Connell
Cort
Counts
Cowen
Cowles
Craw
Crawford
Curington
de la Garza
Dewey
Duff, Miss

Kohlhe
Koliba
Korkman
Kothman
Lack
Lalimer
Leaverton
Lewis
Longoria
McCoplin
McGregor
McGregor of El Paso
McLemore
Markgraf
Martin
Miller of Galveston
Moore
Mullen
Murray
Niemeyer
Nugent
Oliver
Osborn
Parsons
Perry
Peeler
Perre
Pieratt
Pipkin
Preston
Price
Quilliam
Rapp
Absent
Cook

Nays—1

Adams of Titus
Aldrans
Alvarens
Andrews
Arrows
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bass
Berry
Blaine
Boysen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Carrigan
Cole of Harris
Cole of Hunt
Collins
Connell
Cort
Counts
Cowen
Cowles
Craw
Crawford
Curington
de la Garza
Dewey
Duff, Miss

Kohlhe
Koliba
Korkman
Kothman
Lack
Lalimer
Leaverton
Lewis
Longoria
McCoplin
McGregor
McGregor of El Paso
McLemore
Markgraf
Martin
Miller of Galveston
Moore
Mullen
Murray
Niemeyer
Nugent
Oliver
Osborn
Parsons
Perry
Peeler
Perre
Pieratt
Pipkin
Preston
Price
Quilliam
Rapp

Nays—1

On motion of Mr. James and by unanimous consent of the House, the caption of House Bill No. 105 was ordered amended to conform with the body of the bill.

HOUSE BILL NO. 95 ON SECOND READING

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

A record vote was requested on the motion to suspend all necessary rules.
The motion to suspend all necessary rules to take up and consider H. B. No. 95 at this time prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>93</th>
</tr>
</thead>
</table>

Adams of Lubbock Kilpatrick
Alans
Allen
Andrews
Bailey
Ballman
Bastfield, Mrs.
Barnes
Bass
Boyesen
Bridges
Butler
Chapman
Cole of Harris
Collins
Connell
Cook
Cory
Cowen
Cowles
Craia
de la Garza
Duff, Miss
Dungan
Ehrlie
Esquivel
Fairchild
Filler
Floyd
Garrison
Gibbens
Glass
Glausing
Green
Grover
Guest
Hale
Ham
Harrington
Harrington, Mrs.
Hart
Holliswell
Hughes of Dallas
Isaacks, Miss
Jarvis
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Nays | 43 |

Adams of Titus
Arwell
Barlow
Blaine
Buchanan
Burgess
Caldwell
Gladden
Hart
Henderson
Hinson
James
Jamison
Johnson of Bexar
Jones of Travis
Koliba
Krut
Lewis
Longoria
Lack
Leaverton
McGregor
McGregor of El Paso
Mcllhany
Markgraf
Moore
Murray
Mutcher
Osborn
Perry
Perritt
Pipkin
Preston
Price
Racifff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Rone
Sandahl
Shannon
Shelby
Shipley
Black
Slider
Smith of Jefferson
Soehlen
Springer
Stewart
of Galveston
Stewart
Stewart
Thurman
Trevino
Tunell
Walker
Watson
Whitfield
Whitfield
Wheatley
Yezak

Miller
Mullen
Mealy
Nemec
Nugent
Parsons
Quilliam
Rapp
Rosson
Srave
Thurmond
Townsend
Wells
Whitney
Woods
Yezak

Absent

Berry
Carricker
Curlington
Deen
Heuesser
Smith of Bexar
Hughes
Spillman
Wilson

Absent—Excused

Bartram
Lary

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

H. B. No. 95, A bill to be entitled "An Act relating to the creation of a State Disaster Council charged with the duty of carrying out the State's responsibility to its citizens in the event of a public calamity by making certain determinations and taking certain prescribed actions; and relating further to the powers and duties of and acts to be performed by the Governor in cases of public calamity; providing for the financing of actions taken to effectuate the purposes of the Act by the creation of a special fund and allocation of certain revenues thereof, by making certain appropriations and by authorizing investment of funds and reciprocal loan compacts with other states; providing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Shipley offered the following amendment to the bill:

Amend H. B. 95 by striking all of Sect. 9 and inserting in lieu thereof the following:

Whereas, Texans have received $163.7 million in grants from the
Federal Government in 1959 and in Internal Revenue Collections alone paid $2,682,478,000 in Federal Taxes and in 1960 received $415,225,000 in Federal Grants and paid $2,973,000,000 in Internal Revenue Collections alone and in 1961 paid $3,110,047,000 in Internal Revenue Collections alone and Whereas 75 years ago the State of Texas without aid fulfilled the responsibility in cases of public calamity laid down in Art. III Sect. 51 of the Constitution of the State of Texas; and the fact that State's rights means State's responsibilities rather than blind obedience to the Federal will whereby the citizens of Texas have paid out far, far, more than they will ever receive from Federal benefits, and that this situation creates an Imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this act take effect and be in force from and after its passage, and be it so enacted.

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 95 to engrossment.

House Bill No. 95 was passed to engrossment by the following vote:

**Yeas—97**
- Adams of Lubbock Crews
- Alana
- Allen
- Andrews
- Bailey
- Ballman
- Banfield, Mrs.
- Barnes
- Barnes, Mrs.
- Bennett
- Berry
- Blackin
- Boyse
- Bridges
- Butler
- Chapman
- Cole of Harris
- Cole of Hunt
- Collins
- Connell
- Cook
- Cory
- Cowen
- Craft
- Huebner
- Hughes of Dallas
- Hays, Miss
- Johnson of Dallas
- Klipper
- Kohler
- Kochmann
- Leaverton
- Longoria
- Markgraf
- Moore
- Murray
- Nutter
- Oliver
- Osborn
- Pennyc
- Petty
- Pipkin
- Price
- Ratcliff
- Read
- Richards
- Richardson
- Roberts of Hill
- Roberts of Dawson
- Ross
- Schram
- Shannon
- Shoup
- Slack
- Smith of Bexar
- Smith of Jefferson
- Solson
- Springer
- Stewart
- Sibley
- Smith of Wichita
- Thurman
- Trexno
- Walker
- Watson
- Whitefield
- Wilson
- Woods

**Nays—42**
- Adams of Titus
- Atwell
- Barlow
- Buchanan
- Burgess
- Caldwell
- Cannon
- Carriker
- Cotten
- Cowles
- Dawey
- Dickard
- Foreman
- Gladden
- Harrington
- Hughes
- Hughes
- Johnson of Bexar
- Johnson of Bell
- Jones of Travis
- Koliba
- Lack
- Latimer
- McCoppin
- McGregor
- McTague
- Molen
- Motscher
- Oliver
- Osborn
- Pearson
- Peeler
- Quilliam
- Rapp
- Schueller
- Struve
- Thurmond
- Townsend
- Ward
- Wheatley
- Yezak

**Absent—Excused**
- Heatly
- James
- Jamison
- Kennard
- Koram

**Absent**
- Bartram
- Lary
MOTION TO PLACE HOUSE BILL 
NO. 95 ON THIRD READING

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

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

Yea—85
Adams of Lubbock Jones of Dallas
Alaniz Kohler
Allen Leaverton
Andrews Longoria
Bailey McGrew
Barnes of El Paso Melihany
Berry Markgraf
Binne Moore
Boyd Mutchler
Bridges of Galveston Osborn
Butler Peavy
Chapman Pieratt
Cole of Harris Pipkin
Collins Preston
Connell Price
Cook Ratchiff
Craig Read
Crews Richards
Curington of Galveston Richardson
de la Garza Roberts of Hill
Duff, Miss Roberts of Dawson
Dungan Sandahl
Eskelt Schram
Fairchild Shipley
Floyd Slack
Garrison of Bexar Seelso
Gibbons of Galveston
Glover of Galveston
Green of Galveston
Hale of Wichita
Harding Trevino
Harrington Tunnell
Heflin Walker
Hollowell Watson
Hughes of Dallas Whitfield
Imazek, Miss Wilson
Johnson of Dallas Woods

Nay—53
Adams of Titus Buchanan
Atwell Burgess
Barlow Caldwell

Cannon McGregor
Carroll of McLennan
Cole of Hunt Martin
Cotien Miller
Cowies Matien
Dawey Murray
Eckhardt Niswanger
Ehrle Nugent
Foreman Oliver
Giddens Parsons
Goffey Peeler
Haring Quilliam
Healy Rapp
Hinsom Ross
Hughes Rosson
of Grayson Siler
Jarvis Sweat
Johnson of Bexar Tharman
Johnson of Bell Thurmond
Jones of Travis Townsend
Koliba Ward
Lack Wells
Latimer Wheatley
Lewis Vanek

Absent
Cowen Kennard
Haynes Kirkman
Huehner Smith of Jefferson
James Spilman
Jamison

Absent—Excused
Bartram Lary

HOUSE BILL NO. 32 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business on its passage to engrossment, H. B. No. 32, A bill to be entitled "An Act to provide that no person who has participated as a voter in a party primary for one political party may participate in a run-off primary for another political party, amending Art. 13.49 of the Election Code to this effect, and declaring an emergency."

The bill was read second time on January 26 with Committee Amendment No. 1 offered by Mr. Lewis pending.

Further consideration was postponed until 10:00 o'clock a.m. today.

Mr. Johnson of Dallas raised a point of order on further consideration of the Committee Amendment
No. 1 offered by Mr. Lewis on the ground that It is not germane to the bill.

The Speaker sustained the point of order, stating his reason, as follows:

"The original bill dealt with an amendment to the Election Code. The Committee Amendment moved into the Penal Code. The Chair considered such an amendment definitely not to be germane."

Mr. Ehrle raised a point of order on further consideration of House Bill No. 3 on the ground that the Committee Amendment No. 1 was printed and laid on the Members' desks but the bill was not printed; therefore it is not in order to consider the bill.

The Speaker overruled the point of order.

Mr. Ehrle raised a further point of order on further consideration of House Bill No. 3 on the ground that there is inconsistency in the caption and the body of the bill.

The Speaker overruled the point of order.

Mr. Walker offered the following amendment to the bill:

Amend H. B. 32 so that Sec. 1 shall read as follows:

Participating in conventions of more than one political party.

It shall be unlawful for any person who votes in a convention of one political party to vote or offer to vote in a convention of another political party held on the same day. Whoever violates any provision of this article shall be fined not less than one hundred ($100) nor more than five hundred dollars ($500)."

Mr. Barlow moved to table the amendment offered by Mr. Walker.

A record vote was requested on the motion to table.

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

Year—79

Yeas—79

Bridges, McCoppin
Butler, McGregor
Caldwell, Wolf of El Paso
Cannon, McElhany
Carriker, Markgraf
Cole of Harris, Moore
Cole of Hunt, Mullen
Collins, Murray
Cory, Mutchcher
Cotlen, Nixmey
Pease
De la Garza, Nugent
Dewey, Peary
Dugan, Peart
Erickard, Preston
Esquivel, Price
Fletcher, Rapp
Gibbons, Richards
Gladden, Robertson
Glass, Roberts of Hill
Gladding, Rosas
Green, Roasen
Guffy, Schram
Hale, Shannon
Haring, Shambaun
Harrington, Stone
Hayes, Springer
Hefston, Stewart
Hinson, Stewart
Hollowell, of Wichita
Inaacka, Miss Strove
Jamison, Townsend
Johnson of Bexar, Trevino
Johnson of Travis, Ward
Kilpatrick, Watson
Kothmann, Wells
Lack, Whitefield
Leaverton, Wilson
Longoria, Yezak

Nays—57

Adams of Lubbock, Garrison
Adams of Titus, Allen
Allen, Harding
Andrews, Hughes of Dallas
Atwell, James
Bainfield, Mrs. Jarvis
Barnes, Johnson of Dallas
Barnes, Johnson of Bell
Blaine, Jones of Dallas
Boyd, Kohler
Buchanan, Koilba
Burgess, Korkmas
Chapman, Latimer
Conwell, Lewis
Cowan, MccGregor
Cowles, Miss Mclemmon
Crain, Miller
Crews, Miller
Cushing, Oliver
Deft, Miss Parsons
Ehrle, Peeler
Fairchild, Perry
Floyd, Pipkin
Foreman, Quilliam
### HOUSE JOURNAL

January 29, 1962

KENNETH KOHLER, GEORGE F. KORKMAS.

HOUSE BILL ON FIRST READING

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

By Mr. Haynes:

H. B. No. 113, A bill to be entitled "An Act creating a permanent judicial district court to be known as the 148th Judicial Court of Texas, composed of Orange County; providing for the terms of court and the appointment and election of the judge and officers of said court; containing provisions to facilitate the incorporation of this new judicial district in the county covered; repealing all laws in conflict; providing for severability; and declaring an emergency."

Referred to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

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

January 29, 1962

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

Because of the crowded docket of the district court of Orange County and the need of County Commissioners to arrange court facilities in advance of the effective date of the creation of a new district court, I hereby submit the subject of a second district court for Orange County, effective September 1, 1963.

Respectfully submitted,
PRICE DANIEL,
Governor.

SENATE BILL NO. 84 ON SECOND READING

Mr. Smith of Bexar 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 unanimous consent.

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

S. B. No. 84, A bill to be entitled "An Act amending Article 182A, Acts 1951, 52nd Leg., Page 1997, Chapter 192, as amended by Acts 1954, 53rd Leg., First Called Session, Page 56, Chapter 96, Section 1, codified as Article 13.04A, Vernon's Texas Election Code, by changing the provision relating to counties having a population in excess of eight hundred thousand (800,000) inhabitants to apply to counties having a population in excess of six hundred thousand (600,000) inhabitants; and declaring an emergency."

The bill was read second time.

Mr. Alaniz offered the following amendment to the bill:

Amend Senate Bill No. 84, by adding after the word "separate" on line 55 of page 1 of said bill the following:

"rooms, the entrance to which shall be specifically designated as to political party designation, which identification shall be at the entrance to said separate rooms in 160 point type or larger."

The amendment was adopted without objection.

Senate Bill No. 84 was then passed to third reading.

SENATE BILL NO. 84 ON THIRD READING

Mr. Smith of Bexar moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas—118

<table>
<thead>
<tr>
<th>Name</th>
<th>Yeas</th>
<th>Adams of Lubbock</th>
<th>Johnson of Bexar</th>
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<tr>
<td>Adams</td>
<td>118</td>
<td>John</td>
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<td>Allen</td>
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<td>Johnson of Dallas</td>
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<td>Andrews</td>
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<td>Jones of Travis</td>
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<td>Atwell</td>
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<td>Kilpatrick</td>
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<td>Bailey</td>
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<td>Banfield, Mrs.</td>
<td>1</td>
<td>Lack</td>
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<td>Barlow</td>
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<td>Duff, Miss</td>
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<td>Richardson</td>
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<td>Duncan</td>
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<td>Roberts of Hill</td>
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Nays—10

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The Speaker then laid Senate Bill No. 84 before the House on third reading and final passage.

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

Yeas—132

<table>
<thead>
<tr>
<th>Name</th>
<th>Yeas</th>
<th>Adams of Lubbock</th>
<th>Carson</th>
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<tbody>
<tr>
<td>Adams of Lubbock</td>
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<td>Adams of Titus</td>
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<td>Chapman</td>
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Absent—Excused

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<th>Adams of Lubbock</th>
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<tr>
<td>Bartram</td>
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<td>Barney</td>
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| The Speaker then laid Senate Bill No. 84 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
JANUARY 29, 1962
HOUSE JOURNAL 479

Hinson
Hollowell
Hughes of Grayson
Hughes of Dallas
Isaacks, Miss
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kellba
Kothmann
Lack
Latz
Lattimer
Leaverton
Lewis
Longoria
McCoppin
McGregor of McLennan
McGregor of El Paso
Mcihany
Markgraf
Miller
Moore
Mullen
Murray
Mutscher
Niemeyer
Nugent
Oliver
Parsons;
Pearcy
Peeler
Peavy
Perry
Petty
Pieratt
Pipkin
Presion
Quilliam
Rapp
Reed
Richards
Richardson
Roberts of Hill
Ross
Schram
Shannon
Shipley
Slack
Sluder
Smith
of Bexar
Smith
of Jefferson
Smith
of Wichita
Stewart
Stewart
of Galveston
Stewart
of Wichita
Struve
Thurman
Thurmond
Townsend
Trevino
Tunnell
Walker
Ward
Watson
Wells
Whitfield
Wilson
Woods
Yezak

NAYs—2
Kohler
Korkmas
Absent—Excused
Blaine
Buchanan
Cook
Huebner
James
Keasbey
Martin
Bartram
Lary

Mr. Smith of Bexar moved to reconsider the vote by which Senate Bill No. 84 was passed and to table the motion to reconsider.

The motion to table prevailed.

I voted no on all proposed changes to the present election code. There have been some very successful and productive meetings of the group appointed to study Election Code changes. I believe that through careful study and consideration of the problems in administering elections, a comprehensive and effective Election Code can be developed. These proposals would hamper the efforts of this commission by changing the code during the course of this study.

KENNETH KOHLER,
GEORGE F. KORKMAS.
HOUSE BILL NO. 80 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 80. A bill to be entitled "An Act amending Section 24 of Article 79 of the Election Code of the State of Texas (Section 24 of Article 7.14, Vernon's Texas Election Code), relating to election officers in counties in which elections are conducted by the use of voting machines; changing the provisions relating to the method of appointment and rate of pay of the presiding officer and clerks for each election precinct, and the number of clerks which may be appointed; providing for severability; and declaring an emergency."

The bill was read second time on January 26, with an amendment offered by Mr. James pending. Further consideration was postponed until 11:00 o'clock a.m., today.

Mr. Kilpatrick moved to table the amendment offered by Mr. James.

The motion to table prevailed.

Mr. Kohler moved to table House Bill No. 80.

The motion to table House Bill No. 80 was lost.

House Bill No. 80 was then passed to engrossment.
MOTION TO PLACE HOUSE BILL NO. 80 ON THIRD READING

Mr. Kilpatrick moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 80 be placed on its third reading and final passage.

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

Year—96
Alaniz Kothmann
Allen Lack
Ballman Leaverton
Barlow Longoria
Barnes McCoppin
Bass McGregor
Berry of El Paso
Boyson McIlhaney
Bridges Markgraf
Burges Martin
Caldwell Moore
Cannon Mollen
Carriker Murray
Chapman Mutscher
Cole of Harris Niemeyer
Cole of Hunt Oliver
Collins Osborn
Cook Parsons
Cory Peary
Cotten Peeler
Cowies Petty
Crews Plumt
de la Garza Pipkin
Dewey Preston
Duff Miss Price
Dungan Rapp
Eckhardt Richards
Esquivel Richardson
Fairchild Roberts of Hill
Fletcher Ross
Foreman Rosson
Gibbons Schram
Giddens Shannon
Glass Smith of Bexar
Glueck Smith of Jefferson
Guffey Springer
Hale Stewart
Harding of Galveston
Harling
Harrington of Wichita
Haynes Struve
Hensel Thurmond
Hinson Trevino
Hollowell Ward
Hughes of Dallas Watson
Jameson Wells
Johnson of Bexar Whitefield
Jones of Travis Wison
Kilpatrick Yezak

Nays—59
Adams of Lubbock Johnson of Dallas
Adams of Titus Jones of Dallas
Allen Korkmas
Andrews Latimer
Atwell Lewis
Banfield, Mrs. McGregor
Buchanan of McLennan
Butler Miller
Connell Nugent
Cowan Ratliff
Cram Read
Curlington Shipley
Ehris Slack
Floyd Sluder
Garrison Snead
Grover Townsend
Healy Tunnell
Isaacks, Miss Walker
Jarvis Woods

Absent
Green Guilliam
Huechner Roberts of Dawson
Hughes Sandahl
of Grayson Spellman
James Thurman
Johnson of Bell Wheatley
Kennard

Absent—Excused
Bartram Lary

REASONS FOR "NO" VOTE ON H. B. NO. 80

I voted no on all proposed changes to the present election code. There have been some very successful and productive meetings of the group appointed to study Election Code changes. I believe that through careful study and consideration of the problems in administering elections, a comprehensive and effective Election Code can be developed. These proposals would hamper the efforts of this commission by changing the code during the course of this study.

January 29, 1962
KENNETH KOHLER,
GEO. F. KORKMAS.

COMMITTEE MEETING

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

There was no objection offered.
ADJOURNMENT

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

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

Mr. Lewis moved that the House adjourn until 9:00 o'clock a.m. tomorrow.

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

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

The Benediction was offered by the Honorable B. H. Dewey, Jr., as follows:

"Our Father we ask Thy blessings on all our endeavors of the day. Go with us as we leave this Hall. In Christ's name we ask.—Amen."

In accordance with the motion to adjourn, the House, at 7:32 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Appropriations: S. B. No. 3, H. B. No. 103.

Criminal Jurisprudence: H. B. No. 105.


Judiciary: H. B. No. 113, S. B. No. 48, S. B. No. 81.

State Affairs: H. B. No. 106.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 13, A bill to be entitled "An Act creating a conservation and reclamation district, under Article XVI, Section 59, Constitution of the State of Texas, located in Wood and Upshur Counties, to be known as the Wood and Upshur Counties Water District; for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing and transporting the same and for the purpose of providing or acquiring storm sewers; providing for a method of electing a Board of Directors to govern said District; providing for the annexation of additional territory thereto; authorizing the District to do all things to make available for the above-named uses underground water or water from surface sources and water it may obtain by purchase, lease, and operation of contracts with persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the District to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water for the above-named purposes; authorizing the District to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof, making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the District to be a municipal corporation within the meaning of Article 3268, Section 52; providing that the District shall bear the expenses of relocation, raising, or re-routing of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the District; enacting other provisions relating to the subject; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

Hon. James A. Turman, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 20, A bill to be entitled "An Act amending Section 1 of Chapter 60, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to include the wildlife resources of Kimble, Schleicher, Nacogdoches, and Sabine Counties within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
Austin, Texas, January 26, 1962
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 27, A bill to be entitled "An Act closing the season for hunting alligators in Orange County, Texas; providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
Austin, Texas, January 26, 1962
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 26, A bill to be entitled "An Act ratifying, confirming and validating the El Paso County Water Control and Improvement District-Westway and declaring it to be a validly existing and operating conservation and reclamation district under Section 69, Article 16, Constitution of Texas; ratifying, confirming and validating the organization of the Board of Directors, the minutes of the Board of Directors, the oaths and surety bonds of Directors, the present Board of Directors, the boundaries and area, the appointment and actions of tax assessor and collector and board of equalization, tax rolls, all proceedings and all governmental proceedings of the Board of Directors, the bond election notices, the bond election, the bond order, the sale of the bonds, and all related proceedings, contracts, orders and resolutions; ratifying, confirming and validating all acts and proceedings of the Board of Directors except orders herefore repealed by said Board; ratifying and confirming and validating the bonds, and providing that the bonds approved by the Attorney General, registered by the Comptroller, and sold and delivered to the purchaser or purchasers are and shall be irrevocable; finding and determining that the lands and other property within said District are and will be benefited; providing for a litigant's clause; providing for a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
Austin, Texas, January 26, 1962
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 58, A bill to be entitled "An Act amending Section 1 of Chapter 85, Acts of the Fifty-fourth Legislature, Regular Session, 1966 (compiled as Article 326k-27 of Vernon's Texas Civil Statutes), authorizing the appointment of an investigator by the District Attorney of the 118th Judicial District to serve as investigator in that judicial district; presiding in said judicial district; exercising his powers and duties and providing for his compensation and expenses; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
Austin, Texas, January 26, 1962
Hon. James A. Turman, Speaker of the House of Representatives.
January 29, 1962  HOUSE JOURNAL  483

exchanged; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 83, A bill to be entitled "An Act amending Sections 1, 2, 3, subsection (c) of Section 4, and Section 5 of Chapter 603, Acts of the Fifty-first Legislature, Regular Session, 1949 (Article 6252-3, Vernon's Annotated Texas Statutes), so as to provide for a Voluntary Payroll Investment Plan by officers and employees of the State of Texas or of any county or other political subdivision or municipal corporation therein in Credit Unions organised by said officers and employees; creating an Employees Credit Union Investment Account; empowering the head of any State department or the disbursing officer of any county or other political subdivision or municipal corporation in the State of Texas to withhold portions of the salary or other compensation of officers or employees when duly authorised in writing by such officers or employees for the investment for the benefit of such officers and employees in Employees Credit Unions; providing that the Comptroller or disbursing officer shall issue and the Treasurer of the State or Treasurer of any county or other political subdivision or municipal corporation of the State of Texas shall pay a proper warrant which shall be used for the purpose of investing in such Employees Credit Unions for the account of such officers or employees when authorised so to do in writing; providing that such authorisation to make such investment may be terminated; providing that any money not expended in such investment upon termination of such authorisation shall be returned to the officer or employee from whom it has been withheld; providing that the head of any State department or disbursing officer shall not be liable under any bond required of him as such official; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 85, A bill to be entitled "An Act to authorize the trustees of independent school districts having fewer than one hundred seventy-five thousand (175,000) scholastic according to the last official scholastic census, whether created by General Law or Special Act, in counties having a population of more than one million, two hundred thousand (1,200,000), according to the last preceding Federal Census, to fix the date of election of such trustees on the first Saturday in April or on the first Saturday in October as the trustees by official resolution may provide; to authorize the trustees of such independent school districts in said counties to provide by resolution for the election of such trustees by a majority vote and to provide for a second election in the event no candidate receives such vote at the first election; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 88, A bill to be entitled "An Act relating to the hunting, taking or killing of antlerless deer in Travis County; providing penalties; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 92, A bill to be entitled "An Act relating to the hunting, taking or killing of antlerless deer in Travis County; providing penalties; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 91, A bill to be entitled "An Act limiting the provisions of this Act to the County of Mills making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess any game bird or game animal in said County at any time: to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said County or to take or attempt to take any fish or other aquatic or marine animal from said County by any means or method: providing the powers, duties and authority of the Game and Fish Commission: requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources: requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits: providing for a public hearing: providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof: providing for the publication of the regulations: providing venue for suits to test the validity of this Act: or of the proclamations, rules, regulations or orders of the Commission: providing a penalty: providing for the forfeiture of licenses: defining wildlife resources: repealing certain laws: providing for the effective date of this Act: providing a saving clause: and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 91, A bill to be entitled "An Act limiting the provisions of this Act to the County of Mills making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess any game bird or game animal in said County at any time: to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said County or to take or attempt to take any fish or other aquatic or marine animal from said County by any means or method: providing the powers, duties and authority of the Game and Fish Commission: requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources: requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits: providing for a public hearing: providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof: providing for the publication of the regulations: providing venue for suits to test the validity of this Act: or of the proclamations, rules, regulations or orders of the Commission: providing a penalty: providing for the forfeiture of licenses: defining wildlife resources: repealing certain laws: providing for the effective date of this Act: providing a saving clause: and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 92, A bill to be entitled "An Act amending Section 1 of Chapter 376, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified as Article 8280·176, Vernon's Texas Civil Statutes, so as to change the name of the Runnels County Water Improvement District to the 'Runnels County Water Authority'; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred

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

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 1962

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 101, A bill to be entitled "An Act relating to the hunting, taking or killing of deer in Hopkins, Delta, and Franklin Counties: amending Subsection B of Section 1 of Chapter 362, Acts of the Fifty-seventh Legislature, Regular Session, 1961, to establish a ten-day season for the taking of deer in Hopkins, Delta and Franklin Counties; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, January 26, 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. 23, requesting the Comptroller of Public Accounts to rescind certain interpretations of the Limited Sales, Excise and Use Tax and issue new interpretations in lieu thereof.
January 30, 1962  HOUSE JOURNAL  485

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, January 28, 1962

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

Sir: Your Committee on Enrolled Bills to whom was referred

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

Has carefully compared same and finds it correctly enrolled.

DONALD K. SHIPLEY, Acting Chairman.

Austin, Texas, January 29, 1962

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 77, An Act amending Section 10 of the "Lower Colorado River Authority Act," Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the Forty-sixth Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the Fifty-first Legislature (1949), page 101, and by Chapter 166, Acts of the Regular Session of the Fifty-fourth Legislature (1952), page 532, and by Chapter 227, Acts of the Regular Session of the Fifty-sixth Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corporation created or designated by the United States of America; to acquire, install, or construct, and to operate a steam plant located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

DONALD K. SHIPLEY, Acting Chairman.

EIGHTEENTH DAY

(Tuesday, January 30, 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 Cannon
Adams of Lubbock Carriker
Adams of Titus Chapman
Aline Chapman
Allen Cole of Harris
Andrews Cole of Hunt
Atwell Collins
Bailey Cook
Balfour, Mrs. Cory
Barlow Cotten
Barnes Cowen
Bartram Owles
Bass Crain
Berry Crews
Blaine Cunningham
Boyson de la Garza
Bridges Dewey
Buchanan Duff, Miss
Burges Duncan
Butler Erbke
Caldwell