Lamar County Hospital District; and declaring an emergency. 

Has carefully compared same and finds it correctly enrolled.
JONES of Dallas, Acting Chairman.

SENT TO GOVERNOR
February 20, 1961
H. B. No. 80
H. B. No. 82
H. B. No. 452

TWENTY-FIFTH DAY
(Continued)
(Tuesday, February 21, 1961)

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

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

"Heavenly Father, hear our voice this day as we ask not for justice, but mercy, from Thee. Help each Member in this Legislative body to have wisdom and compassion and understanding. May every measure be considered on merit and not on personalities. Bless the Speaker and each Member that their actions of this day might be for the good of the people. In Christ's Name we pray.—Amen."

Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General's Department

The Speaker laid before the House for consideration at this time, H. C. R. No. 31, Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General's Department.

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

The resolution was read and was adopted.

House Bill No. 96 on Passage to Engrossment

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

H. B. No. 96, A bill to be entitled "An Act relating to the regulation of the manufacture, sale, or distribution, of commercial fertilizers; repealing Articles 1709 through 1720, inclusive, Title 19, Chapter 12, Texas Penal Code, as amended, and Articles 94 through 108, inclusive, Title 4, Chapter 5, Texas Revised Civil Statutes (1925) as amended; and declaring an emergency."

The bill having been read second time on Friday, February 17, and further consideration of same having been postponed at that time until 10:00 o'clock a.m., February 20,

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

Committee Amendment No. 1

Amend Section 3 of House Bill No. 96 by adding thereto the following sentence: "The Board may also appoint a person as State Chemist who may be delegated the responsibility by the Director to make such chemical analyses and tests as may be required under this Act."

The amendment was adopted.

Mr. McLhany offered the following amendment to the bill:

Amend H. B. 96, page 5 of the printed bill, line 32 by adding after the word "value" the following:

"as a plant food"

The amendment was adopted.

H. B. No. 96 was then passed to engrossment.

House Bill No. 96 on Third Reading

Mr. McLhany moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas—137

Yeas—137

Thurmond
Townsend
Trevino
Walker
Ward
Watson

Nays—7

Allen
Carlingon
Hollowell
Martin

Cook
Oliver
Stewart

The Speaker then laid House Bill No. 96 before the House on third reading and final passage.

The bill was read third time.

Mr. McLlhany moved that further consideration of House Bill No. 96 be postponed until 11:00 o'clock a.m. today.

The motion prevailed.

HOUSE BILL NO. 54 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business, on its passage to engrossment, H. B. No. 54, A bill to be entitled "An Act amending Section 10-B of Chapter 425, Acts of the Regular Session of the 55th Legislature, 1957, (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-B; amending Section 10-D, Acts of the Regular Session of the 55th Legislature, 1957, as amended by Section 2 of Chapter 164, Acts of the Regular Session of the 56th Legislature, 1959 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-D); giving the Texas Water Development Board greater latitude with respect to transfer of money between statutory funds; etc., and declaring an emergency."

The bill having been read second time on Friday, February 17, and further consideration of the bill having been postponed at that time until 11:30 o'clock a.m., February 20.
February 21, 1961  HOUSE JOURNAL  383

H. B. No. 54 was passed to engrossment.

**HOUSE BILL NO. 54 ON THIRD READING**

Mr. Buchanan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 54 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. 54 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. Buchanan moved that the bill be placed on its third reading and final passage.

The motion prevailed by the following vote:

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

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The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 122, A bill to be entitled "An Act amending Title 122A, Taxation General, Chapter 1, Art. 1.07 Acts of the Fifty-sixth Legislature, Third Called Session, 1959, providing for recording of lien of all taxes provided for in this Act, due the State of Texas before the taxes shall be a lien on real estate; providing such liens shall not be valid or effective as against mortgagee, purchaser, pledgee, holder of deed of trust lien or judgment creditor acquiring title, lien, or other right or interest before such notice has been so filed and recorded; adding a new article denominated 1.07A providing the method of recordation; adding a new article denominated 1.07B providing for such lien to be a lien on real estate; repealing all laws or parts of laws in conflict herewith; providing that a holding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

The bill was read second time.

Mr. Watson moved that further consideration of House Bill No. 122 be postponed until 10:30 o'clock a.m. tomorrow.

The motion prevailed.

H. B. No. 148, A bill to be entitled "An Act amending Article 9 of Chapter 492, Acts of the 52nd Legislature, 1951, which is codified as Article 2.01, Election Code of the State of Texas, Vernon's Texas Civil Statutes, to provide that polls shall be open from six o'clock a.m. to eight o'clock p.m. in all counties having a population of more than five hundred thousand (500,000) according to the last preceding Federal Census; and declaring an emergency."

The bill was read second time.

Mr. Floyd offered the following amendment to the bill:
Amend House Bill No. 148 by striking Section 1 and substituting in lieu thereof the following:

Section 1. Article 9 of Chapter 4, Acts of the 52nd Legislature, 1951, (codified as Article 2.01 of the Election Code of the State of Texas, Vernon's Texas Civil Statutes) is amended to read as follows:

"Art. 9. A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1952, and every two (2) years thereafter, at such places as may be prescribed by law after notice as prescribed by law. Special elections shall be held at such times and places as may be fixed by law providing therefor. In all elections, general, special, or primary, the polls shall be open from seven o'clock a.m. to seven o'clock p.m. in all counties having a population of one hundred thousand (100,000) or more according to the last Federal Census; provided however, that in all counties having a population of five hundred thousand (500,000) or more according to the last Federal Census, the polls may be opened one hour earlier at six o'clock a.m. on order or resolution of the Commissioners Court of such counties and entered in the minutes thereof, and in all other counties the polls shall be opened at 8 a.m. and remain open until 7 p.m. The election shall be held for one (1) day only."

The amendment was adopted.

H. B. No. 148 was passed to engrossment.

HOUSE BILL NO. 148 ON THIRD READING

Mr. Floyd moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 148 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea-134

Adams of Lubbock
Barlow
Barnes
Bartram
Bell
Blaine
Boyson
Bridges
Butler
Butler
Caldwell
Cannon
Carliner
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Cotten
Cowan
Craik
Crews
Curtinning
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glossing
Grover
Guffey
Hale
Harding
Harling
Harrington
Hays
Healy
Hollowell
Hughes
Hughes of Dallas
Isaacs, Miss
James
Jamison
Javis
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Korolth
Lamp
LaValle
Leaverton
Bailey
Watson
Benson
Lewis
Lodgefield
McCoppin
McGregor
of McLennan
McGregor
McElroy
Markgraf
Martin
Miller
Moore
Mullen
Mutscher
Niemeyer
Oliver
Osborn
Parsons
Pearcy
Pedler
Petticoat
Pittman
Pipkin
Preston
Quilliam
Rapp
Ratliff
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Ross
Schrab
Shannon
Shibley
Sluder
Smith of Bexar
Smith of Jefferson
Smith
Sneddon
Spelman
Springer
Stewart of Wichita
Stewart
Sturm
Thurmond
Turner
Walker
Ward
Watson
Weils
Wheatley
Whitfield
Wilson of Potter
Wilson of Trinity
Yehek
Yezak
Nays-1

Banfield, Mrs.
The Speaker then laid House Bill No. 148 before the House on third reading and final passage.

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

Yeas—138

Adams of Lubbock
Gibbens
Adams of Houston
Gladden
Allen
Glass
Andrews
Green
Atwell
Grover
Bailey
Guffey
Ballman
Hale
Baxley
Harding
Barlow
Haring
Barrow
Harrison
Bartram
Haynes
Bass
Hasty
Bell
Hinson
Berry
Hollowell
Blaine
Huebner
Boyles
Hughes
Bridges
of Grayson
Buchanan
Hughes of Dallas
Burgess
Inez, Mrs.
Butler
James
Caldwell
Jamison
Cannon
Jarras
Caruthers
Johnson of Dallas
Chapman
Johnson of Bexar
Cole of Hunt
Johnson of Bell
Collins
Jones of Dallas
Connell
Jones of Travis
Cook
Kennard
Cory
Kilpatrick
Cowen
Koliba
Craw
Kory
Crews
Koreth
Curtis
La Grange
de la Garza
Latimer
Dawson
La Vale
Duff, Miss
Leavenworth
Duncan
Lewis
Eckhardt
Longoria
Ehrle
McCoplin
Fairchild
McGregor
Fleischer
of McLennan
Floyd
McGregor
Foreman
of El Paso
Garrison
Mclhaney
Markgraf
Rosson
Martin
Schrab
Miller
Shannon
Moore
Sick
Mullen
Sider
Murray
Smith of Bexar
Mutscher
Smith of Jefferson
Niemeyer
Szeto
Nugent
Spear
Oliver
Spillman
Osborn
Springer
Parsons
Stewart
Peery
of Wichita
Peeler
Bruce
Pettit
Thurman
Pieratt
Thurmond
Pipkin
Townsend
Prater
Trevino
Price
Tunnell
Quilliam
Walker
Rapp
Ward
Raschle
Watson
Richards
Wheatley
Richardson
Whitefield
Roberts of Bell
Wilson of Trinity
Roberts of Dawson
Woods
Rosas
Yesak

Nays—1

Alaniz

Present—Not Voting

Cole of Harris

Absent

Cotten
Shibley
Cowles
Stewart
Glusting
of Galveston
Read
Wells
Sandahl
Wilson of Potter

On motion of Mr. Floyd, the Caption of H. B. No. 148 was ordered amended to conform with the body of the bill.

Mr. Floyd moved to reconsider the vote by which H. B. No. 148 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, February 21, 1961

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

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

S. B. No. 233, Ratifying, confirming and validating the creation, establishment and boundaries of San-
HOUSE BILL NO. 149

The Speaker laid before the House, on its second reading and passage to engrossment,
H. B. No. 149, A bill to be entitled "An Act defining State University-owned land as used in Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas, and declaring an emergency."

The bill was read second time.

SENATE BILL NO. 178

The Speaker laid before the House, in lieu of H. B. No. 149, on its second reading and passage to third reading,
S. B. No. 178, Defining State University-owned lands as used in the Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas; and declaring an emergency.

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

SENATE BILL NO. 178 ON THIRD READING

Mr. Dewey moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—131
Adams of Lubbock
Green
Allen of El Paso
Bailey
Ballman
Barrow
Barone
Bartlam
Bell
Berry
Blaine
Blusten
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cren
Crews
Curington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Gladding
Glading

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

HOUSE BILL NO. 149 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,
H. B. No. 149, A bill to be entitled "An Act defining State University-owned land as used in Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas, and declaring an emergency."

The bill was read second time.

SENATE BILL NO. 178 ON SECOND READING

The Speaker laid before the House, in lieu of H. B. No. 149, on its second reading and passage to third reading,
S. B. No. 178, Defining State University-owned lands as used in the Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas; and declaring an emergency.

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

SENATE BILL NO. 178 ON THIRD READING

Mr. Dewey moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—131
Adams of Lubbock
Green
Allen of El Paso
Bailey
Ballman
Barrow
Barone
Bartlam
Bell
Berry
Blaine
Blusten
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cren
Crews
Curington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Gladding
Glading

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

HOUSE BILL NO. 149 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,
H. B. No. 149, A bill to be entitled "An Act defining State University-owned land as used in Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas, and declaring an emergency."

The bill was read second time.

SENATE BILL NO. 178 ON SECOND READING

The Speaker laid before the House, in lieu of H. B. No. 149, on its second reading and passage to third reading,
S. B. No. 178, Defining State University-owned lands as used in the Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas; and declaring an emergency.

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

SENATE BILL NO. 178 ON THIRD READING

Mr. Dewey moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—131
Adams of Lubbock
Green
Allen of El Paso
Bailey
Ballman
Barrow
Barone
Bartlam
Bell
Berry
Blaine
Blusten
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cren
Crews
Curington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Gladding
Glading

Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate.
The Speaker then laid Senate Bill No. 178 before the House on third reading and final passage.

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

Yeas—135

Adams of Titus
Andrews
Bassfield, Mrs.
Bailey
Ballman
Barnesfield, Mrs.
Barlow
Bates
Bartram
Belk
Blaine
Boyson
Bridges
Burgess
Butler
Caldwell
Cannon

Nays—5

Allen
Atwell Tunnell
Johnson of Dallas

Absente

Adams of Lubbock
Carriker
Anderson
Anderson
Andrews
Bailey
Ballman
Barnesfield, Mrs.
Barlow
Bates
Bartram
Belk
Blaine
Boyson
Bridges
Burgess
Butler
Caldwell
Cannon

Dungan
Miller
Hagerty
McGarvey
McGuffin
Mullen
Hagerty
McGarvey
McGuffin
Mullen
Hagerty
McGarvey
McGuffin
Mullen
Hagerty
McGarvey
McGuffin
Mullen
Hagerty
McGarvey
McGuffin
Mullen
RELATIVE TO H. B. NO. 149

Mr. Dewey moved that H. B. No. 149 be laid on the table subject to call.

The motion prevailed.

HOUSE BILL NO. 147 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 167, A bill to be entitled "An Act to amend Section 7 of Chapter 283, page 424, Acts of the 40th Legislature, Regular Session, 1927, as amended by Section 1 of Chapter 244, page 545, Acts of the 56th Legislature, Regular Session, 1959 (compiled as Article 1011g of Vernon’s Texas Civil Statutes) to provide that an appeal to be heard by the Board of Adjustment of a city, town, or village will always be heard by a minimum number of four (4) members; and declaring an emergency."

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

HOUSE BILL NO. 167 ON THIRD READING

Mr. Shannon moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 167 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—134

Adams of Lubbock, Buller
Adams of Titus, Caldwell
Alewine, Cannon
Allen, Carriker
Andrews, Cole of Harris
Atwell, Cole of Hunt
Bailey, Collins
Balman, Connell
Barlow, Cook
Barrows, Cory
Bartram, Cowen
Bass, Cowles
Bell, Crain
Bilano, Crews
Boykin, Curington
Bridges, de la Garza
Buchanan, Duff, Miss
Dungan
Docherty
Detlefsen
Dietz
Dykstra
Eckhardt
Fairchild
Fletcher
Floyd
Foreman
Foster
Garrison
 Gibbons
Gladbens
Gibson
Gore
Gowan
Guffey
Hale
Harding
Haring
Harrington
Haynes
Heasty
Hinson
Hollowell
Hughes of Grayson
Hughes of Dallas
Isaacs, Miss
James
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Kolinba
Koloth
LaVelle
Leaverton
LeBaron
Lewis
Longoria
McGregor of McLennan
McGregor of El Paso
McIlbany
McIntyre
Markgraf
Nay—2

Banfield, Mrs. Nugent

Nays—2

Bannister
Barnett
Brainard
Brazell
Brazos
Bright
Brown
Brown, Jr.
Buck
Buchanan
Buchanan, C.
Buchanan, A.
Buchanan, J.
Buchanan, J. W.
Buchanan, S.
Buchanan, T.
Buchanan, W.
Buchanan, W. H.
Buchanan, W. H. Jr.
Buchanan, W. H. Sr.
Buchanan, W. H. W.
Buchanan, W. H. W. Jr.
Buchanan, W. H. W. Sr.
Buchanan, W. H. W. Jr.
Buchanan, W. H. W. Sr.
Buchanan, W. H. W. Jr.
Buchanan, W. H. W. Sr.
Buchanan, W. H. W. Jr.
Buchanan, W. H. W. Sr.
The Speaker then laid House Bill No. 167 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Shannon moved to reconsider the vote by which H. B. No. 167 was passed and to table the motion to reconsider.

The motion to table prevailed.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and Its caption had been read the following enrolled resolution:

S. C. R. No. 2, Extending to April 1, 1961, the authority of the Legislative Committee to Study the Problems of the Aged.

HOUSE BILL NO. 168 ON SECOND READING

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

H. B. No. 168, A bill to be entitled "An Act to amend Subsection (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, page 784, (compiled as Subsection (2) of Article 46e-3 of Vernon's Texas Civil Statutes) to expressly empower any political subdivision in which there Is located an airport owned or operated by a defense agency of the Federal government or the State of Texas and any political subdivision in which there exists any airport hazard area appertaining to such an airport to create a joint airport zoning board; and declaring an emergency."

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

HOUSE BILL NO. 168 ON THIRD READING

Mr. Shannon moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 168 be placed on Its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>132</th>
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<tbody>
<tr>
<td>Adams of Lubbock</td>
<td>Jones of Dallas</td>
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<td>Adams of Titus</td>
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<td>Lary</td>
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<td>Banfield, Mrs.</td>
<td>Latimer</td>
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<td>Le Valle</td>
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<td>Barres</td>
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<td>Curington de la Garza</td>
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<td>Dewey</td>
<td>Pipkin</td>
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<td>Duff, Mrs</td>
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<td>Dunnas</td>
<td>Price</td>
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<td>Eckhardt</td>
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<td>Green</td>
<td>Slick</td>
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<td>Grover</td>
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<td>Smith of Bexar</td>
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<td>Hale</td>
<td>Smith of Jefferson</td>
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<td>Harding</td>
<td>Snelson</td>
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<td>Haring</td>
<td>Smithson</td>
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<td>Spinks</td>
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<td>Heatly</td>
<td>Spring</td>
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<td>Hollowell</td>
<td>Stewart</td>
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<td>Hubeiner</td>
<td>of Galveston</td>
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<td>Hughes of Grayson</td>
<td>Stewart</td>
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<td>Hughes of Dallas</td>
<td>of Wichita</td>
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<td>Isaacs, Miss</td>
<td>Strow</td>
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<td>Jamison</td>
<td>Thurman</td>
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<tr>
<td>Johnson of Bexar</td>
<td>Thurmond</td>
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<td>Johnson of Bell</td>
<td>Townsend</td>
</tr>
<tr>
<td>Johnson of Galveston</td>
<td>Trevino</td>
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</tbody>
</table>
February 21, 1961

The Speaker then laid House Bill No. 168 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Shannon moved to reconsider the vote by which H. B. No. 168 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 178, A bill to be entitled "An Act amending Article 1429 of the Penal Code of Texas, 1925, relating to conversion by a bailee; and declaring an emergency.,"

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 178 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 1429 of the Penal Code of Texas, 1925, is amended to read as follows:

"Article 1429. Conversion by a Bailee

Section 1. Any person having possession of a motor vehicle, trailer, equipment or tool, or any other personal property of another by virtue of a contract of hiring or borrowing, or other bailment, who shall without the consent of the owner, fraudulently convert such property to his own use with intent to deprive the owner of the value of the same; shall be guilty of theft, and shall be punished as for theft of like property.

Section 2. Any person who has obtained a motor vehicle, trailer, equipment or tool, or any other personal property, under a contract of hiring or borrowing or other bailment, in writing, the failure to return such motor vehicle, trailer, equipment or tool, or other personal property, upon termination of said contract of bailment within ten days after receiving notice of termination of said contract, shall be prima facie evidence of an intent that such person intended to convert the property to his own use and to deprive the owner of the value of same.

Section 3. The word "notice," as used herein shall be construed to mean notice in writing given to the person entitled thereto. Such notice in writing shall be conclusively presumed to have been given when deposited as registered or certified matter in the United States mail addressed to such person at his address as it appears on such contract of bailment.

Section 4. Emergency Clause. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended.

The amendment was adopted.

H. B. No. 178 failed to pass to engrossment.

Mr. Gladden moved to reconsider and spread on the Journal the vote by which H. B. No. 178 failed to pass to engrossment.

Mr. Oliver called from the Journal the motion to reconsider the vote by which H. B. No. 178 failed to pass to engrossment and moved to table the motion to reconsider.

The motion by Mr. Oliver to table the motion to reconsider the vote, by which H. B. No. 178 failed to pass to engrossment, was lost.
MESSAGE FROM THE SENATE
Austin, Texas, February 21, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 14. Requesting the Texas Commission on Higher Education to study the need and feasibility of elevating the Laredo Junior College to a State-supported four-year institution of higher education.

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

HOUSE BILL NO. 180 ON SECOND READING
The Speaker laid before the House, on its second reading and passage to engrossment
H. B. No. 180, A bill to be entitled
"An Act relating to award decisions in eminent domain proceedings, providing for notice thereof, and providing for objections thereto, Subdivision 6, Article 3266 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time.

Mr. Gladden offered the following Committee amendment to the bill:

Committee Amendment No. 1
COMMITTEE SUBSTITUTE FOR HOUSE BILL 180
Amend House Bill 180 by striking all below the enacting clause and substituting in lieu thereof the following:

"1. Subdivision 6 of Article 3266 of the Revised Civil Statutes of Texas, 1925, is amended so that the same shall hereafter read as follows: "6. The notices shall be served upon the parties at least ten days before the day set for the hearing, exclusive of the day of the service, and may be served by any person competent to testify, by delivering a copy of such notice to the party, his agent or attorney." Section 2. Subdivision 6 of Article 3266 of the Revised Civil Statutes of Texas, 1925, is amended so as to add thereto a new section to be numbered and to read as follows: "4. In counties in which the jurisdiction of eminent domain cases is in the district courts or county courts at law, the judge and clerks of said courts shall perform the functions in such proceedings as provided by law for county judges and clerks."

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Section 5. The fact that the present law makes no provision for notice to the parties in eminent domain proceedings after awards are decided upon and the further fact that time for filing objections presently runs from the time the award is filed, thereby decreasing the time available to the parties for preparation of their objections create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 180 was passed to en. 

H. B. No. 180 on Third Reading

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 180 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—119

Adams of Lubbock
Adams of Titus
Aliens
Andrews
Ball
Ballman
Barlow
Barren
Bartlett
Bass
Busby
Blaine
Byron
Bryson
Bridges
Buchanan
Burruss
Butler
Caldwell
Cannon
Cole of Har."s
Cole of Hunt
Collins
Connell
Cook
Coomes
Cowles

Nays—25

Allen
Atwell
Bancroft, Mrs.
Chapman
Cottin
Gibbons
Hollins
Hughes of Dallas
James
Jarvis
Jones of Dallas
Lone
Lone of Dallas
Stewart
Sproul
Stewart
Stray
Stray
Trevino
Watson
Whitson
Williams
Young

The Speaker then laid House Bill No. 180 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. Gladden, the caption of H. B. No. 180 was order-
ed amended to conform with the body of the bill.

Mr. Gladden moved to reconsider the vote by which H. B. No. 180 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 181 ON SECOND READING

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

H. B. No. 181, A bill to be entitled "An Act to amend Article 1152, Revised Civil Statutes of Texas, 1925, so as to require only the publication of penal ordinances by descriptive caption or title in the official newspaper, and to give the Board of Aldermen authority to print and publish ordinances of a town or village in pamphlet or book form which will then be received in evidence in all courts without further proof, and providing for a caption for ordinances of towns and villages and for the elimination of such caption in certain instances; and declaring an emergency."

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

HOUSE BILL NO. 181 ON THIRD READING

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Adams of Lubbock Berry
Adams of Titus
Alaniz
Allen
Andrews
Airwell
Bailey
Ballman
Bantlefield, Mrs.
Barnes
Bartram
Bass
Bell

Cawies
Crain
Crews
Curtin
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fischer
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glueing
Green
Grover
Hoffman
Harrington
Hays
Hinson
Huebner
Hughes of Dallas
Isacks, Miss
James
Jamison
Johnson of Dallas
Johnson of East Texas
Johnson of El Paso
Johnson of Metropolitan
Johnson of San Antonio
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Korinth
Lay
Latimer
La Velle
Leaveron
Lengler
McCombs
McGregor
McGregor of El Paso
McLain
Markgraf

Martín
Crain
Carleton
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fischer
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glueing
Green
Grover
Hoffman
Harrington
Hays
Hinson
Huebner
Hughes of Dallas
Isacks, Miss
James
Jamison
Johnson of Dallas
Johnson of East Texas
Johnson of San Antonio
Jones of El Paso
Jones of Travis
Kennard
Kilpatrick
Koliba
Korinth
Lay
Latimer
La Velle
Leaveron
Lengler
McCombs
McGregor
McGregor of El Paso
McLain
Markgraf

Martin
Crain
Carleton
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Fairchild
Fischer
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glueing
Green
Grover
Hoffman
Harrington
Hays
Hinson
Huebner
Hughes of Dallas
Isacks, Miss
James
Jamison
Johnson of Dallas
Johnson of East Texas
Johnson of San Antonio
Jones of El Paso
Jones of Travis
Kennard
Kilpatrick
Koliba
Korinth
Lay
Latimer
La Velle
Leaveron
Lengler
McCombs
McGregor
McGregor of El Paso
McLain
Markgraf

Yezek

Nays—13

Connell
Cory
Cotter
Holladay
Jarvis
Lewis
McGregor of El Paso

Nugent
Oliver
Osburn
Rapp
Rider
Stewart of Galveston

Absent

Chapman
Cook

Ehrle
Healy
The Speaker then laid House Bill No. 181 before the House on third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 96 ON PASSAGE

The Speaker laid before the House on its passage, H. B. No. 96, relating to the regulation of the manufacture, sale, or distribution of commercial fertilizer.

The bill having been read third time on this morning and further consideration of the bill postponed until 11:00 o'clock a.m. today.

Mr. McLhany offered the following amendment to the bill:

Amend H. B. No. 96 as follows:
by changing the period at the end of subsection (6) of Sec. 2 to a comma and by adding the words: “except compost to which no inorganic chemical has been added”
by changing the period at the end of subsection (6) of Sec. 2 to a comma and adding the following: “to which has been compounded with or to which has been added an inorganic chemical, but shall not include compost to which no inorganic chemical has been added.”
by inserting the following: “except compost to which no inorganic chemical has been added”

after the comma and between the words “use” and “such” in line 46 Subsection (7) Section 2 by changing the period to a comma at the end of Subsection (8) Sec. 2 and adding the following: “and to which has been added inorganic chemicals.”

The amendment was adopted.

Mr. McLhany offered the following amendment to the bill:

Amend H. B. No. 96, Sec. 2, Subsection (4) by adding a new sentence at the end of said subsection on line 34 of the printed bill to read as follows:

Anything contained in this Act to the contrary notwithstanding, this Act shall not apply to the processing of organic substances or materials where no inorganic chemical has been added to the product offered for sale.

The amendment was adopted.

H. B. No. 96 was passed by the following vote:

Yeas - 141

Adams of Lubbock Glusing
Adams of Titus Green
Alaniz Grover
Alwell Guiffey
Bailey Harding
Ballman Haring
Bassfield, Mrs. Barrlow
Barlow Barron
Barron Barrett
Bartlam Bass
Bell Berry
Blaine Blaine
Boysen Bridges
Bridges Buchanan
Burgess Bulter
Bulter Caldwell
Barnes Cannon
Carriker Chapman
Chapman Cole of Harris
Cole of Hunt Collins
Collins Connell
Connell Cory
Cory Cotten
Cotten Cowen
Cowen Cowles
Cowles Crain
Crain Crews
Crews Curington
Curington de la Garza
de la Garza Dewey
Dewey Duff, Miss
Duff, Miss Duncan
Duncan Dickhardt
Dickhardt Ehman
Ehman Fairchild
Fairchild Fletcher
Fletcher Floyd
Floyd Foreman
Foreman Garrison
Garrison Gibbens
Gibbens Giladden
Giladden Glass
Glass
On motion of Mr. Mcllhany and by unanimous consent of the House, the Caption of House Bill No. 189 was ordered amended to conform with the body of the bill.

HOUSE BILL NO. 189 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 189, A bill to be entitled "As Act establishing a Position Classification Plan for certain departments, institutions, and agencies of the State and requiring that all regular, full-time salaried employees shall conform therewith; providing certain exceptions and deterrents from such position classification plan; providing that nothing in this Act shall interfere with existing statutory authorizations for employing, promoting or dismissing employees of the State, or abrogating statutory authority for certain state agencies to operate under merit systems, establishing the office of Classification Officer and describing his duties; providing for the maintenance, operation and application of such position classification plan; providing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Jones of Travis moved that further consideration of House Bill No. 189 be postponed until 10:30 o'clock a.m. next Monday, February 27.

Mr. Kennard moved to table the motion to postpone further consideration of H. B. No. 189.

The motion to table the motion to postpone further consideration of H. B. No. 189 prevailed by the following vote:

Yeas—109

Adams of Lubbock
Hale
Andrews
Harding
Atwell
Harington
Ballman
Harrington
Banfield, Mrs.
Hayssee
Barlow
Hinsson
Bartram
Holliswell
Bass
Huebner
Bell
Hughes of Dallas
Berry
Isaacson, Miss
Bialke
James
Boyd
Jamison
Buchanan
Jarvis
Butler
Johnson of Bexar
Caldwell
Jones of Dallas
Carriker
Kennard
Chapman
Lack
Cole of Harris
Lary
Cole of Hunt
Latimer
Collins
LeValle
Connell
Leaverton
Cory
Lewis
Cotten
Longoria
Cowen
McGregor
Crews
of El Paso
Curlington
Melhany
de la Garza
Martin
Dewey
Miller
Duff, Miss
Moore
Dungan
Mullen
Dunnas
Murray
Eckhardt
Pugh
Floyd
Mutscher
Garrison
Niemeyer
Gibbens
Oliver
Gladden
Osborn
Glashing
Pearcy
Green
Glover
Petty
Guffey
Pieratt
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Pipkin  Stewart
Price of Galveston
Rapp  Stewart
Read  Strave
Richards  Townsend
Richardson  Treviño
Roberts of Hill  Walker
Roberts of Dawson-Ward
Ross  Watson
Shannon  Wells
Shipley  Wheatley
Black  Wilson of Trinity
Smith of Jefferson  Wilson of Potter
Stenerson  Woods
Spears  Yezak

Nays—36
Adams of Titus  Korioth
Allen  McCoppin
Allen of McLennan  McGregor
Barnes  Nueces
Burgess  Nueces
Cannon  Parsons
Cook  Preston
Cowles  Quitman
Crain  Roan
Fairchild  Sandahl
Foreman  Schram
Hardy  Slider
Hughes of Grayson  Smith of Bexar
Johnson of Dallas  Springer
Jones of Travis  Thurman
Kibpatrick  Thurmond
Koliba  Tunell

Absent
Ehrle  Glass
Fleischer  Whitfield

H. B. No. 189 was passed to engrossment.

Mr. Huebner moved to reconsider the vote by which H. B. No. 189 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, Feb. 21, 1961
Hon. James Turman, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has withdrawn the request to appoint a Conference Committee on S. B. No. 15 and has concurred in House Amendments to Senate Bill No. 15 by the following vote:

Yeas 28, Nays 1.
I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 8, Providing for broadening the present law governing the Texas Water Development Board and defining its duties; and declaring an emergency.

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

HOUSE BILL NO. 214 ON SECOND READING

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

H. B. No. 214. A bill to be entitled "An Act abolishing the office of County Superintendent in all Counties in this State having a population of more than one million two hundred thousand (1,200,000) according to the last preceding Federal Census; providing that the present County Superintendent of such counties should serve out their terms to which elected or appointed; providing that the duties of County Superintendents on the effective day of this Act shall be performed by the County Judges of such counties; providing compensation for such County Judges; repealing all laws and parts of laws that conflict herewith; and declaring an emergency."

The bill was read second time and passed to engrossment.

Mr. Grover moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 214 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—121
Adams of Lubbock  Banfield, Mrs.
Adams of Titus  Barlow
Allen  Barnes
Allen of Bexar  Bass
Andrews  Bell
Ballman  Berry
The Speaker then laid House Bill No. 214 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Grover moved to reconsider the vote by which H. B. No. 214 was passed and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

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

The motion prevailed.

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

In accordance with the motion to adjourn the House at 1:02 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Education: H. B. No. 17 and S. C. R. No. 11.

Privileges, Suffrage and Elections: H. B. No. 17.

Revenue and Taxation: H. B. No. 119.

State Affairs: H. B. No. 399, S. B. No. 159 and H. C. R. No. 31.
February 22, 1961

REPORT OF THE COMMITTEE ON ENGROSSED BILLS
Austin, Texas, February 20, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 32, congratulating Chief Justice John E. Hickman on his judicial career.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

TWENTY-SIXTH DAY
(Wednesday, February 22, 1961)

The House met at 10:00 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 Cotten
Adams of Lubbock Cowen
Adams of Titus Alaniz
Allen Andrews Atwell
Bailey Ballman
Bane (Mrs.), Mrs.
Barlow Barnes
Bartram Bass
Bell Berry
Bergens
Borden Browning
Brooks Briscoe
Brown Broyles
Buchanan Buckner
Buchanan Baxter
Bucy
Bullard
Burlingame
Butler
Butler
Calvert
Cannons
Carroll
Carroll
Carr
Chapman
Cole of Harris
Cole of Hunt
Collins
Coutnell
Cook Cory

Huebner
Hughes
Hughes of Grayson
Hughes of Dallas
Isaacs, Miss
James
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Koroth
Lacy
Lattimer
La Vale
Leaverton
Lewis
Longoria
McComb
McGregor
McGregor of McLennan
McGregor of El Paso
McIlhaney
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutercher
Nieman
Nungesser
Oliver
Osborn
Osborn
Owens
Peeler
Perry
Petty
Pieratt
Pike
Pike
Pike
Price
Quillan
Rapp
Ratliff
Read
Richards
Richards
Roberts of Hill
Roberts of Dawson
Rose
Rosamond
Sandahl
Schram
Shannon
Shipley
 Slack
Sluder
Smith of Bexar
Smith of Jefferson
Smiley
Spilman
Springer
Stewart of Galveston
Stewart of Wichita
Stroke
Thurman
Thurman
Townsend
Trevino
Tunell
Walker
Ward
Watson
Wein
Wheatley
Whitfield
Wilsom of Trinity
Wilson of Potter
Wooton
Yesak
Yestark

A quorum of the House was announced present.

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

"Almighty God, on this birthday of George Washington give us a new vision of the great price paid for our freedom that we may meet here in this Legislature and perform our duties that were won by the spilling of blood. May we perform our labors today for the good of our State and Nation. Bless each Member. In Christ’s Name we pray.

-Amen."