a.m., adjourned until 11:00 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

Examination of Comptroller's and Treasurer's Accounts:

Livestock and Stock Raising: H. B. No. 407.

Revenue and Taxation: H. B. No. 234.

State Affairs: H. B. No. 289.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 2, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 10, memorializing the Congress of the United States to propose an amendment to the Constitution of the United States relative to balancing the expenditures and the income of the Government of the United States, has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR

March 2, 1961
H. C. R. No. 10.

THIRTIETH DAY
(Monday, March 6, 1961)

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:

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<td>Adams of Lubbock</td>
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<td>Adams of Titus</td>
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<td>Cole of Harris</td>
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The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn the House at 11:33 o'clock
House Journal

March 6, 1961

Mr. Speaker Hughes
Adams of Lubbock of Grayson
Adams of Titus
Alaniz
Allen
Andrew
Atwell
Bailey
Ballman
Bailey
Barfield, Mrs.
Barlow
Barry
Bartram
Bass
Bell
Blaine
Boyson
Bridges
Buchanan
Burgess
Butler
Caldwell
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cook
Cory
Cottem
Cowen
Cowles
Crain
Crow
Curtington
Dawsey
Duff, Miss
Dunagan
Dunlap
Eckhardt
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Glass
Glossing
Green
Grove
Guffey
Hale
Harding
Haring
Harrington
Harmon
Hensley
Hinson
Holcomb
Hubbard
Hughes of Galveston
Hughes of Dallas
Imes, Miss
Jamison
Jarius
Johnson of Dallas
Johnson of Boxer
Johnson of Bell
Johnson of Dallas
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Lack
La Valls
Leaverton
Lewis
Longoria
McCoppin
McGregor
McLennon
McCann
McKibeny
Martin
Miller
Moore
Mullen
Murray
Maucher
Niemeyer
Oliver
Osborn
Parsons
Peerless
Perry
Pieratt
Preston
Price
Quilliam
Rapp
Ratcliff
Read
Richards
Richardson
Roberts of Dawson
Roberts of Hill
Romass
Roberson
Sacham
Skinner
Shipley
Slagle
Smith of Bexar
Smith of Jefferson
Spears
Spillman
Springer
Stewart of Wichita
Struve
Thurman
Thurmond
Townsend
Trevino
Tunnell
Vesak
Conrell
McGregor
Ehrle
Pipkin
Sandahl
Snelson

A quorum of the House was announced present.

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

"O Lord, our God, if ever we need Thy wisdom and guidance it is now, as we begin a new week with so many challenges and opportunities to be statesmen. We pray that Thou wilt bless these men chosen by the people of this State. Thou knowest their needs, their motives and their hopes. Put Thy arm around them and give them strength, speak to them and give them wisdom greater than their own. Help us to remember that Thou art interested in what is said and done. Bless us according to our needs and use us for Thy glory. In Jesus’ name we pray—Amen."

Leaves of Absence Granted

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

Mr. McGregor of El Paso for today on motion of Mr. Eckhardt.

Mr. Koerth for today on motion of Mr. Eckhardt.

Mr. Ehrle for today on motion of Mr. Barnes.

Mr. Sandahl for today on motion of Mr. Jones of Travis.

Mr. Pipkin temporarily for today on motion of Mr. Murray.
Mr. de la Garza temporarily for today on motion of Mr. Murray.
Mr. James temporarily for today on motion of Mr. Johnson of Dallas.
Mr. Easley and Mr. Latimer temporarily for today on motion of Mr. Glusing.

MESSAGE FROM THE SENATE
Austin, Texas, March 6, 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. 24, Veterans Land Board Special Fund No. 52.

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

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. Cole of Harris, Price and Hollowell:
H. B. No. 656, A bill to be entitled "An Act appropriating revenues accruing to Veterans Land Board Special Fund No. 52 and any balance on hand in such fund to the General Land Office; and declaring an emergency."
Referred to the Committee on Appropriations.

By Messrs. Hale and Hinson:
H. B. No. 657, A bill to be entitled "An Act amending Section 5 of the Texas Probate Code; clarifying the requirements for certification of self-proved wills; and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Lewis:
H. B. No. 670, A bill to be entitled "An Act specifically providing any husband and his wife with the power of creating out of their community property, joint estates, real, personal, or mixed, with rights of survivorship; and declaring an emergency."
Referred to the Committee on Banks and Banking.

By Messrs. Hale, Bridges, and Peeler:
H. B. No. 671, A bill to be entitled "An Act confirming and validating sale of certain submerged and unsubmerged land in the "Cayo Del Oso" to the City of Corpus Christi; retaining title to minerals in the State of Texas and prescribing terms for their development; providing for settlement of boundary conflicts with claimants of adjacent land; providing for improvement of such land by the City of Corpus Christi; retaining title to minerals in the State of Texas and prescribing terms for their development; providing for settlement of boundary conflicts with claimants of adjacent land; providing for improvement of such land by the City of Corpus Christi; repealing conflicting laws; providing a saving clause; and declaring an emergency."
Referred to the Committee on Public Lands and Buildings.

By Messrs. Hale, Bartram, Parsons, de la Garza, LaValle and Smith of Bexar:
H. B. No. 672, A bill to be entitled "An Act to define and license the business of making cash advances in amounts of $100 or less for a period of approximately six months (6) or less; providing that a license to engage in such business shall be obtained from and may be revoked by the Banking Commissioner of the State of Texas, and for judicial review of his decisions and for certain examination and license fees to be charged by said Commissioner; providing that each applicant shall have certain qualifications and that licenses shall be granted without investigation and without investigation..."
fees therefor to those in said business on June 30, 1960; providing for a bond by each licensee; providing that only one place of business may be maintained under one license; defining certain terms; providing the maximum charges for services and maximum periods of time in connection with the arranging of loans; providing penalties for violations; providing that the borrower shall be informed of the amount, date and terms of the loan; restricting the number of loans to same person; providing for the administration of this Act and for the issuance or rules and regulations thereunder; authorizing the making of examinations and investigations; prohibiting misleading advertising; providing that willful and knowing violations of this Act shall result in a cancellation of charges and a fourth such violation shall be grounds for revocation of any license; providing the license shall be allowed a period of 60 days after notification of revocation to dispose of the license by sale, transfer, or assignment to a transferee or assignee who must comply with all the provisions and requirements of this Act; providing that operating without a license shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by fine of not less than $500 nor more than $1,000; and providing other penalties; for the repeal of Articles 4640 of Title 167, Section 6 of Article 7674 of Chapter 1 of Title 122 entitled “Loan Brokers” and also Section 16 of Article 7647 of Chapter 1 of Title 122, entitled “Money Lenders”, and also Article 4640 of Title 76, all of such Articles of the Revised Civil Code of the State of Texas, 1925; and Article 5642, 5671, 5672, Title 29, of the Revised Civil Code of Texas, are hereby repealed, insofar as they are inconsistent with the provisions hereof; and providing for the repeal of all other parts of Acts which relate to the same subject matter as this Act so far as they are inconsistent with the provisions of this Act; providing this Act shall be void as a whole if any part thereof is unconstitutinal; and declaring an emergency.”

Referred to the Committee on Banks and Banking.

By Messrs. Woods, McGregor of McLennan, and Grover:

H. B. No. 672. A bill to be entitled “An Act amending Sections 1 and 1 of Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as last amended by House Bill 274, Chapter 241, Acts of the 53rd Legislature, R. S., to provide for an increased operating cost allotment; amending Subsection (2)(a) and (b) of Section 2 of Article V of Senate Bill 116, supra, as amended by Senate Bill 102, Chapter 409, Acts of the 55th Legislature, R. S., to increase the allowable total base costs for each bus; amending Sections 1, 2 and 4 of Article VI, Senate Bill 116, supra, as amended by Senate Bill 1, Chapter 5, Acts of the 53rd Legislature, First C. S., 1961, and by Senate Bill 143, Chapter 174, Acts of the 53rd Legislature, R. S., 1963 (Article 7642-16, Sections 1, 2 and 4 V.A.C.S.), to fix the amount to be charged for the 1961-62 school year against the local school districts toward the Foundation School Program and the method to determine thereafter, annually, such charge; providing, providing a severability clause; and declaring an emergency.”

Referred to the Committee on Education.

By Messrs. Miller and Garrison:

H. B. No. 574. A bill to be entitled “An Act amending Section 4, Section 37, Section 38 and Section 39 of the Texas Mental Health Code, Chapter 243, Page 505, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, and compiled as Vernon’s Revised Civil Statutes of Texas, Articles 5547-4, 5547-27, 5547-28 and 5547-30, respectively; providing a severability clause; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Messrs. Johnson of Dallas, James and Korioth:

H. B. No. 675. A bill to be entitled “An Act to provide for increase of the filing fee for candidacy for State-wide offices; amending Section 32a of Chapter 492, Acts of the 52nd
Laws of the State of Texas, Fiftieth Legislature, 1927, Chapter 514, an Act amending House Bill 126, Chapter 47 of the General and Special Laws of the State of Texas, Fiftieth Legislature, 1947, relating to the operation of vending stands on State property by blind persons so as to enlarge the economic opportunities of the blind, by adding a new section to be known as Section 1 (a) authorizing the State Commission for the Blind to negotiate with heads of departments, boards or commissions for certain proceeds accruing from vending machines operated for profit by departments, boards or commissions and/or divisions of departments, boards or commissions, to accrue to the blind vending stand operator in said building; and declaring an emergency.

Referred to the Committee on Public Lands and Buildings.

By Messrs. Murray and Pipkin:
H. B. No. 677, A bill to be entitled "An Act limiting the provisions of this Act to Cameron, Willacy, Hidalgo, and Starr Counties, including the waters of the Laguna Madre and its abutting waters; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said counties; to take, kill or trap any fur-bearing animal in said counties; to take or attempt to take any fish or other aquatic or marine animal by any means or method in said counties at any time; prescribing the legislative policy with respect to the wildlife resources of said counties; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said counties; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said counties; authorizing 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 counties; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the authority of the Commission is not limited; providing venue for suits to test the validity of this Act and of the rules and regulations of the Commission; providing a penalty for the violation of any of the provisions of this Act, as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a savings clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Cole of Harris:
H. B. No. 676, A bill to be entitled "An Act amending House Bill 126, Chapter 47 of the General and Special Laws of the State of Texas, Fiftieth Legislature, 1947, relating to the operation of vending stands on State property by blind persons so as to enlarge the economic opportunities of the blind, by adding a new section to be known as Section 1 (a) authorizing the State Commission for the Blind to negotiate with heads of departments, boards or commissions for certain proceeds accruing from vending machines operated for profit by departments, boards or commissions and/or divisions of departments, boards or commissions, to accrue to the blind vending stand operator in said building; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Struve:
H. B. No. 681, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and

Referred to the Committee on Criminal Jurisprudence.

By Mr. Roberts of Dawson:
H. B. No. 680, A bill to be entitled "An Act amending Article 1817, of the Revised Civil Statutes of Texas, 1925, as amended, relating to the location of Courts of Civil Appeals; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Struve:
H. B. No. 681, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and

highways in McMullen County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency.

Referred to the Committee on Highways and Roads.

By Mr. Watson:
H. B. No. 682, A bill to be entitled "An Act to be known as "The Vocational Rehabilitation Act of Texas"; providing for vocational rehabilitation of the mentally and physically handicapped, except the legally blind; establishing a Texas Vocational Rehabilitation Council to administer vocational rehabilitation services and prescribing its powers and duties; providing for appointment of a Director of Vocational Rehabilitation and prescribing his duties; designating the State Treasurer to receive Federal funds available for vocational rehabilitation services and authorizing him to disburse such funds on the order of the Texas Vocational Rehabilitation Council; designating the Council as successor to said Division of Vocational Rehabilitation and providing it shall assume all statutory duties, obligations and responsibilities of said Division; providing that personnel of the Division of Vocational Rehabilitation, Central Education Agency, hereby transferred to the Texas Vocational Rehabilitation Council shall have the option of retaining membership in the Teacher Retirement System of Texas or becoming members of the Employees Retirement System of Texas; providing a severability clause; repealing Sections 2, 2-a, and 2-b of Chapter 23, Acts of the 41st Legislature, First Called Session, 1929, as amended by Chapter 59, Acts of the 43rd Legislature, First Called Session, 1953, and all other laws and parts of laws in conflict with this Act; setting an effective date; and declaring an emergency.

Referred to the Committee on State Affairs.

By Mr. Cole of Harris:
H. B. No. 682, A bill to be entitled "An Act to amend Article 17 of the Election Code of the State of Texas (compiled as Art. 3.03 of Vernon's Election Code) to provide for the qualifications of supervisors of election; and declaring an emergency.

Referred to the Committee on State Affairs.

By Mr. Cole of Harris:
H. B. No. 683, A bill to be entitled "An Act to amend Article 62 of the Election Code of the State of Texas, as amended, (compiled as Article 6.06 of Vernon's Election Code) to provide for a uniform system of marking a ballot in all elections: By placing an X mark in the square beside the candidate's name; and declaring an emergency.

Referred to the Committee on State Affairs.

By Mr. Cole of Harris:
H. B. No. 684, A bill to be entitled "An Act amending Article 62 of the Election Code of the State of Texas, as amended, (compiled as Article 6.06 of Vernon's Election Code) to provide for a uniform system of marking a ballot in all elections: By placing an X mark in the square beside the candidate's name; and declaring an emergency.

Referred to the Committee on State Affairs.

By Mr. Cole of Harris:
H. B. No. 685, A bill to be entitled "An Act amending Sections 24 and 25 of Article 79 of the Texas Election Code, compiled as Article 7.14 of Vernon's Texas Election Code, to provide for the qualifications of Watchers of Election, and declaring an emergency.

Referred to the Committee on State Affairs.

By Mr. Richards:
H. B. No. 687, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over Wildlife resources in the County of Walker; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that Act applicable to such County; repealing certain laws and fixing an effective date of the repeal; providing for severability; and declaring an emergency.

Referred to the Committee on Game and Fisheries.

By Mr. Gibbens:
H. B. No. 688, A bill to be entitled "An Act creating a conservation and reclamation district under Article
By Mr. Richards:

H. B. No. 689, A bill to be entitled "An Act providing that Houston County Water Control and Improvement District No. 1 shall contain all of the territory contained in Houston County, that no proceedings with reference to excluding land from said District shall be required, and that all taxes voted by the qualified voters of said District shall be ad valorem; providing that, in addition to powers set forth in laws relating to Water Control and Improvement Districts, this District is empowered to purchase and construct ponds, facilities and equipment necessary for removing wastes and eliminating or reducing pollution of water before it reaches the Trinity River, authorizing said District to make contracts under which it will sell water and to make contracts under which it will transport, treat and dispose of municipal and industrial sewage, waste and effluent; making provision for the issuance of bonds by the District and for the payment and security of such bonds; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Smith of Bexar:

H. J. R. No. 54, A Joint Resolution "Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new section to be known as Section 52-a, which would authorize the Legislature to permit the governing body of any city, town or village, to grant an exemption from ad valorem taxes as an inducement for the establishment and operation of commercial, manufacturing, or industrial business enterprises within such city, town or village; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication."

Referred to the Committee on Constitutional Amendments.
H. J. R. No. 55, A Joint Resolution “Proposing an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of Five Members; prescribing their qualifications, election, tenure of office and compensation; and prescribing the term of court of said court.”

Referred to the Committee on Constitutional Amendments.

By Messrs. LaValle, Glusing and Preston:

H. J. R. No. 56, A Joint Resolution “Proposing an amendment to Article IX of the Constitution of the State of Texas to add a new section to be known as Section 1-A which permits the Legislature to delegate certain zoning powers to the governing body of any county bordering on the Gulf of Mexico or the tided water limits thereof.”

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

Referred to the Committee on Constitutional Amendments.

By Mr. Hale:

H. J. R. No. 57, A Joint Resolution “Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new section to be known as Section 62 and which shall empower the Legislature to provide for the temporary succession to public offices and to adopt such other measures as may be necessary and proper for so insuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from disasters from the imminent threat of such disasters; and granting authority to certain named officials to convene the Legislature into special session if the Governor is unable to do so; providing for the proclamation and publication of this proposed amendment by the Governor.”

Referred to the Committee on Constitutional Amendments.

(Mr. Foreman in the Chair)

INTRODUCTION OF GUESTS

Mr. Foreman introduced Mr. Clarence Saegert, who introduced the following to the House: Miss Almut Eggert and Mr. Erik Schumann, stars of the movie “Question 7.”

(Speaker in the Chair) CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 276, By Messrs. Cowen, Shannon, Gladden, Richardson, Green, Kennard and Lary: Congratulating Dr. Law Sane.

H. S. R. No. 290, By Mr. Harrington: Congratulating the Lamar Tech Cardinals.

H. S. R. No. 293, By Mr. Buchanan: Congratulating the Dumas High School Demons.

H. S. R. No. 295, By Mr. Collins: Congratulating the Buna High School Cougars.

BILL 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 bill:

“S. B. No. 99, An Act providing for reinstatement of service credits for waiver teachers and for teachers who have withdrawn deposits, providing for purchase of out-of-state teaching service, providing for teacher retirement credit for teaching service, providing for a severability clause and declaring an emergency.”

TO EXPRESS POLICY IN REGARD TO PASSING REVENUE MEASURES

Mr. Ballman offered the following resolution:

H. S. R. No. 292

Whereas, The deficit in the State General Revenue Fund now exceeds $100,000,000.00 and is anticipated to exceed $13,000,000.00 at the end of this biennium; and

Whereas, The spirit and purpose of Section 5 of Article III of the Constitution of Texas requires that a deficit once incurred should be retired at the earliest possible time; and
Whereas, Additional spending cannot be justified until this deficit is provided for; now, therefore
Be It Resolved That it is the sense of the Membership of the Texas House of Representatives that every possible effort should be made to pass to the Senate sufficient revenue measures to retire the deficit before the House is called to vote upon additional spending and additional taxing for the next biennium.

The resolution was read and was referred to the Committees on State Affairs.

MEMORIALIZING CONGRESS

Mr. McGregor of El Paso offered the following resolution:

H. C. R. No. 39

Whereas, Many hundreds of thousands of our Nation's finest citizens served the cause of democracy during the period of World War I; and
Whereas, Many hundreds of thousands of veterans of World War I are now past the age of sixty-five and many of such veterans are without adequate means of support; and
Whereas, The honorably discharged veterans of World War I served their country with distinction, for which this country shall be eternally indebted; and
Whereas, It is believed that the government of the United States should reward the honorably discharged veterans of World War I for their unselfish devotion to the cause of democracy; now therefore be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the Members of Congress from the State of Texas be requested and urged to provide a pension to all honorably discharged veterans of World War I who served ninety days or more during such conflict, upon their reaching the age of sixty years or over the same as that granted heretofore for the Spanish American veterans and the veterans of other prior wars of the United States; and be it further

Resolved, That the Chief Clerk of the House of Representatives be directed to send copies of this resolution to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Texas.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO PROVIDING FOR PARKING SPACE IN THE CAPITOL AREA

Mr. Garrison offered the following resolution:

H. C. R. No. 40

Whereas, The completion of new State buildings in the Capitol area has resulted in a need for additional parking space for the many State employees as well as the increased number of visitors to the agencies housed in these buildings; and
Whereas, Parking space in the capitol grounds is at all times congested, and during sessions of the legislature must be set aside for members; and
Whereas, Two additional buildings are now under construction, and the safety fences erected around building sites will further reduce available parking space; now therefore be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Building Commission be directed to blacktop the area between the Supreme Court Building and the State Office Building, providing that care be exerted for the preservation of all trees by means of retaining walls or similar devices, and that such parking area so provided be reserved for the use of legislators, State employees and tourists.

The resolution was referred to the Committee on Rules.

TO GRANT PERMISSION TO SUE IN THE STATE

Mr. Adams of Titus offered the following resolution:

H. C. R. No. 41

Whereas, Annie May Allen claims that certain tracts of land located in Red River County, described in detail below, which were conveyed by Dalbert Allen and his present wife, Jewell K. Allen, to the Veterans Land Board by General Warranty Deed on the 31st day of December, 1919, actually form a part of the com-
in dispute are described as follows:

FIRST TRACT: Being a part of the Armandaries Survey in Red River County, Texas: BEGINNING at the S. W. Corner of the J. V. Norton H. R. Survey, same being the S. E. Corner of the J. Armandaries H. R. Survey, said point being in the N. B. line of Wm. Johnson Survey; THENCE North 4° East with said Horton H. R. Survey 576 varas to corner of fence; THENCE North 86° West 662.1 varas to corner in fence; THENCE North 7 varas to corner in fence; THENCE North 89° West 254 varas to corner in fence; THENCE South 2° West 520 varas to corner in fence; THENCE South 78° West 135 varas to corner in fence and containing 93.4 acres of land.

SECOND TRACT: A part of the Wm. Johnson Survey, described as follows, to-wit:

BEGINNING at the N.W. corner of said Johnson Survey; THENCE South 87 1/4° East 564 varas along the N. B. line of said Johnson Survey to corner in fence; THENCE South with said fence 638.2 varas to corner in fence on N. B. line of East and West road; THENCE West with said road 590.6 varas to corner of fence; THENCE North 632.5 varas to corner in fence to place of beginning, containing 59.75 acres of land.

THIRD TRACT: Beginning at the N. E. corner of the above described tract, being a part of a tract of land patented to Peter Ringo, Assignee of Johnson, the same tract of land set aside to G. W. Ward, et al in partition suit of W. H. Horton in District Court of Red River County, Texas, and recorded in Volume 16, Page 297 of the Minutes of said Court, to which reference is hereby made. BEGINNING at the N.W. corner of a tract sold to G. D. Anderson by W. T. Jetton; THENCE South 87 1/4° East 192 varas to a corner in fence; THENCE South 1/2° West 651.5 varas to the N. B. line of a road running East and West; THENCE West along said road 189 varas to a stake for corner; THENCE North 638.2 varas to place of beginning, containing 22.1 acres; and

WHEREAS, The controversy as to dispute of title to the tracts described above can only be reconciled by adjudication, now therefore be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Annie Mae Allen be, and she is hereby granted permission to bring suit against the State of Texas and the Veterans Land Board in any court of competent jurisdiction in Red River County, Texas, to determine the validity of her claim and to recover judgment against the State of Texas for such relief as she may be entitled to; and in case suit be filed, service of citation shall be had upon the Chairman of the Veterans Land Board and the Attorney General of Texas and that judgment in this suit brought under the Resolution shall have the same force and effect as made and provided in civil cases, and that either of the parties to this suit shall have the right of appeal; and it is so resolved.

However, it is to be understood that the purpose of this Resolution is to grant permission to bring suit against the State of Texas and against the Veterans Land Board, and no admission of liability of the State of Texas or the Veterans Land Board is made by this Resolution.

The resolution was referred to the Committee on State Affairs.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 290

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

S. C. R. No. 24

WHEREAS, An emergency appropriation is needed by the General Land Office of the State of Texas in order to increase and accelerate the closing
of veterans land transactions, and;
Whereas. Only by increasing the rate of closing such transactions can the State of Texas avoid the financial burden of paying interest which would otherwise be unnecessary, and;
Whereas. The appropriation necessary to effectuate this accelerated program will not come from the General Fund, but will come from the Veterans Land Board Special Fund, No. 62 that has been previously set aside, now therefore;
Be It Resolved. That Section 9a of the Joint Rules be and is hereby suspended so as to permit the two Houses to consider S. B. Bill 290 at any time.

The resolution was referred to the Committee on Rules.

HOUSE BILL NO. 533 ON SECOND READING

Mr. Kennard moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 533.

The motion prevailed by the necessary two-thirds vote.

The bill was read second time.

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

Committee Amendment No. 1
Amend H. B. No. 533 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Article I of the Texas Liquor Control Act is hereby amended by the addition of a new section numbered and reading as follows:

"Section 57. Regardless of any other provision of the Texas Liquor Control Act, any person who has theretofore been issued a Manufacturer's License or any renewal thereof under Article II of the Texas Liquor Control Act, and so long as such Manufacturer's License or any renewal thereof remains in force, shall be entitled to the issuance, for the same location, of a Brewer's Permit, as well as renewals thereof, upon written application to the Board and payment of the fee therefor.

"Regardless of any other provision of the Texas Liquor Control Act, no person who has theretofore been issued a Manufacturer's License or a Brewer's Permit shall subsequently be denied a Manufacturer's License or any renewal of a Manufacturer's License, or a Brewer's Permit or any renewal of a Brewer's Permit, for the same location on the grounds that the sale of beer or ale has been prohibited by local option in the area in which the licensed premises are located and, except for the right to make sales of beer or ale contrary to such local option, any Manufacturer's License or Brewer's Permit so previously held, issued or renewed under this provision shall authorize its holder to do all things which such a holder is authorized to do under any provision of the Texas Liquor Control Act, as herein or hereafter amended, including but not limited to the manufacture, brewing, possession, storage, packaging, and transportation of beer or ale to areas where the sale of beer or ale is legal, and including the delivery at such holder's licensed premises of beer or ale to purchasers domiciled outside Texas, common carriers, contract carriers, or other carriers duly authorized to transport beer or ale, Distributors and/or Class B Wholesalers, and all such purchasers, carriers, Distributors and
Class B Wholesalers are hereby authorized to receive at such holder's licensed premises such beer or ale for transportation in containers for shipment outside the State of Texas, and any such holder shall have the right to export such products, or the containers in which they are packaged, or the packages themselves, or the labels on the containers or the packages would make such products illegal for sale in Texas, and any such holder shall have the right to transport such products for shipment outside Texas, and to make deliveries at such holder's premises for shipment outside Texas, and any such holder shall have the right to export such products, or the containers in which they are packaged, or the packages themselves, or the labels on the containers or the packages would make such products illegal for sale in Texas, and may hold up to a maximum of two (2) successive renewals thereof in such quantities as will make of its operation that of a bona fide brewing manufacturer, except that such sworn statement shall never be required of any holder of a Manufacturer's License in effect on January 1, 1953, or any renewal thereof.

Section 3. Article II of the Texas Liquor Control Act is hereby amended by the addition of new Sections numbered and reading as follows:

"Section 5A. Regardless of any other provision of the Texas Liquor Control Act:

1. During a period of two (2) years from and after the date of the original Manufacturer's License applied for in accordance with Section 5, paragraph 1, hereof, an application for a renewal of such Manufacturer's License shall not be denied on the grounds that the applicant has not brewed and packaged beer in Texas within the period covered by such Manufacturer's License or will not brew and package beer in Texas within the period to be covered by such renewal so long as such applicant is in good faith engaged in the construction of a plant for the brewing of beer on the licensed premises, or engaged in any of the following things which will enable such applicant to commence such construction: (i) preliminary engineering, (ii) preparing drawings and specifications, (iii) conducting architectural or equipment studies, or (iv) preparing for and taking bids from contractors; and during a period of three (3) years from the date of the original Manufacturer's License, and so long as the holder of such Manufacturer's License is engaged in such construction or one of the other preliminary preparations described in this paragraph, the Board shall be diligent in granting renewal licenses, and shall issue such renewal license in such time as to make it immediately effective on the expiration of the original or renewal license which preceded it, and during a period of three (3) years from the date of the original Manufacturer's License, so long as the holder of such Manufacturer's License is engaged in such construction or one of the other preliminary preparations described in this paragraph, the Board shall
not require him to file an original application for a Manufacturer's License.

"2. After the expiration of two (2) years and eleven (11) months from the date of the original Manufacturer's License applied for in accordance with Section 5, paragraph 1, hereof, if such Manufacturer fails to perform under the sworn statement described in said Section 5, paragraph 1, hereof, or is actually not engaged in the construction of such a plant or is not engaged in the other preliminary preparations set out in paragraph 1 of this Section 8A, then his license shall not be subject to renewal unless, for good cause shown, the Board finds that the applicant has been unable, due to causes beyond his reasonable control, fully to perform under said sworn statement. In which event the Board may grant one (1) additional renewal of said license as time in which to comply with the terms of the sworn statement required in said Section 5, paragraph 1, hereof. When any such license is denied renewal under these circumstances, no subsequent original application by such applicant shall be granted during the succeeding two (2) years from the date of such denial.

"3. The provisions of paragraphs 1 and 2 of this Section 8A shall not ever apply to the holder of any Manufacturer's License in effect on January 1, 1953, or any renewal thereof.

"Section 8B. The Texas Liquor Control Board is hereby vested with the authority to determine if the applicant has actually engaged in the business of brewing and packaging beer in Texas in such quantities as will make of its or his operation that of a bona fide brewing manufacturer, and if, during a period of two (2) years and eleven (11) months from the date of the original Manufacturer's License, he or it has actually engaged in good faith in the construction of a plant or engaged in other preliminary preparations set out in paragraph 1 of Section 5A hereof.

"Section 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

"Section 5. If any section, subsection, paragraph, sentence, clause, or provision of this Act is for any reason held invalid, such invalidity shall not affect any other portion of this Act, but this Act shall be construed and enforced as if such invalid provision had not been contained therein.

"Section 6. The fact that there is urgent need to amend the Texas Liquor Control Act with respect to Manufacturer's Licenses and Brewer's Permits 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 hereby suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SCHRAM, KENNARD, COWEN, GLADDEN, RICHARDSON, LARY, GREEN, SHANNON.

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

Amend House Bill No. 533 by the addition of a new section properly numbered and reading as follows:

"Section — Section 15 of Article I of the Texas Liquor Control Act is hereby amended so paragraph (7) thereof shall hereafter read as set out herein, and is further amended by the addition of a new paragraph to be designated (7a), reading as set out hereinafter.

"(7). General Class B Wholesaler. A General Class B Wholesaler, Manufacturer's Permit shall authorize the holder thereof to:

"(a). Purchase and import malt and vinous liquors from brewers, wineries, rectifiers, and wine manufacturers and wine bottlers who are the holders of Nonresident Seller's Permits, and their agents who are the holders of Manufacturer's Agent Permits, and he is further authorized to purchase malt and vinous liquors from holders of Brewer's Permits under this Act and from other wholesale distributors within the State.

"(b). Sell same in original containers in which received by him to retailers and wholesalers authorized to sell same;
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"(c). Sell same out of State to qualified persons.

The annual State fee for a General Class B Wholesaler's Permit shall be Two Hundred Dollars ($200).

"(d). Local Class B Wholesaler. A Local Class B Wholesaler's Permit shall authorize the holder thereof to:

"(a). Purchase and import malt and vinous liquors from brewers, wineries, rectifiers, and wine manufacturers and wine bottlers who are the holders of Nonresident Seller's Permits, and their agents who are the holders of Manufacturer's Agent Permits, and he is further authorized to purchase malt and vinous liquors from holders of Brewer's Permits under this Act and from other Whole­salers within the State;

"(b). Sell same in original containers in which received by him to retailers in the county of his resi­dence and to other Class B Whole­salers.

The annual State fee for a Local Class B Wholesaler's Permit shall be Fifty Dollars ($50)."

The amendment by Mr. Kennard was adopted.

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

H. B. No. 533 was passed to engrossment.

Mr. Kennard moved to reconsider the vote by which H. B. No. 533 was passed to engross­ment.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, March 6, 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. 25, Authorizing Board for Texas State Hospitals and Special Schools to acquire property from the United States of America.

S. C. R. No. 26, Authorizing the Board for Texas State Hospitals and Special Schools to negotiate with the United States Government through the General Services Administration for the purpose of securing without cost to the State of Texas any surplus land available at Camp Wallace.

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

TO MEMORIALIZE THE CONGRESS
The Speaker laid before the House for consideration at this time, the resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

H. C. R. No. 2 was adopted.

NOTICE GIVEN
Mr. Gladden gave notice that he would on the next legislative day call from the Journal the motion to reconsider the vote by which H. B. No. 178 failed to pass to engrossment.

AUTHORIZING THE BOARD FOR TEXAS STATE HOSPITALS AND SPECIAL SCHOOLS TO ACQUIRE CERTAIN PROPERTY
The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25

Whereas, Certain real property owned by the United States of America comprising 57 various buildings and facilities, including utility serv­ices, and consisting of 44.39 acres of land located in the County of Angelina, State of Texas, has been declared surplus and is subject to dis­position by the Secretary of the Depart­ment of Health, Education and Welfare; and

Whereas, The Board for Texas State Hospitals and Special Schools is in need of said property and can utilize the same for the establish­ment of a school for the mentally retarded; and

Whereas, It is the desire of the Board for Texas State Hospitals and Special Schools, the governing au­thority of schools for the mentally retarded in this State, to make such application; now, therefore, be it
Resolved By the Senate of Texas, the House of Representatives concurring, That the Board for Texas State Hospitals and Special Schools, or the successors in function of said Board, be and is hereby designated as the proper agency of this State to negotiate for and acquire such lands and facilities; such Board through its duly authorized agents and employees is hereby authorized to do any and all things necessary and proper to procure acquisition of and accept the property approved for transfer by the Department of Health, Education and Welfare.

The resolution was referred to the Committee on State Affairs.

AUTHORIZING THE BOARD FOR TEXAS STATE HOSPITALS AND SPECIAL SCHOOLS TO NEGOTIATE WITH THE UNITED STATES GOVERNMENT WITH REGARD TO SURPLUS LAND AVAILABLE AT CAMP WALACE

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

S. C. R. No. 26

Whereas, There is located at Camp Wallace in Galveston County, certain land which is not used by the Federal Government at this military installation; and

Whereas, The State of Texas has a definite and urgent need for more space for patients in the eleemosynary institutions of the state, particularly in the Galveston-Houston area; and

Whereas, It is possible that certain land at Camp Wallace might be obtained by the State of Texas, without cost; now, therefore, be it

Resolved, By the Senate of the 57th Legislature, the House of Representatives concurring, that the Board for Texas State Hospitals and Special Schools be authorized to negotiate with the United States Government through the General Services Administration for the purpose of acquiring without cost, to the State of Texas, any surplus land available at Camp Wallace.

The resolution was referred to the Committee on State Affairs.
March 6, 1961

The bill was read second time on February 23, with Committee Amendment No. 1 pending; considered on February 28 and further consideration was postponed until 12:30 o’clock p.m. on that day.

Mr. Atwell moved that further consideration of House Bill No. 228 be postponed until 11:00 o’clock a.m. next Wednesday, March 8.

The motion prevailed.

HOUSE BILL NO. 260 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on Its passage to engrossment, H. B. No. 260, relative to validating, ratifying, confirming and approving contracts, script warrants and time warrants authorized by counties or cities, etc.

The Speaker laid before the House, as postponed business, on Its passage to engrossment, H. B. No. 260 was passed to engrossment.

Mr. Wells moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—123
Adams of Titoes Cannon Conner
Allen Overbaker
Andrews Chapman
Bailey Cole of Harris
Baldwin Collins Cook
Barlow Cory
Barrett Cowen
Bates Crews
Bell Dewey
Berry Duff, Miss
Blaine Dungan
Boyd Eckhardt
Bridges Fairchild
Buchanan Fletcher
Burgess Floyd
Byler Foreman
Caldwell Garrison
Chudder Oliver
Glass Osborn
Glasing Parsons
Green Peeler
Grover Petty
Haie Pierce
Harding Pipkin
Haring Preston
Harrington Price
Harriman Quilliam
Hestly Rapp
Hinson Ratcliff
Hollowell Richards
Hubbard Richardson
Hughes Roberts of Hill
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard Spears
Kilpatrick Spilman
Koliba Springer
Lock Stewart
Lars of Galveston
La Valle Struve
Leaverton Thurman
Lewis Thurmond
Longoria Townsend
McCoppin Travis
McGregor Tunnell
McIlhany Walker
Mcllhaney Ward
Markgraf Watson
Martin Wells
Miller Wheatley
Moore Whitfield
Mullen Wilson of Trinity
Murray Wilson of Potter
Maiuhser Woods
Niemeyer Yeak

Nays—10
Adams of Lubbock Jarvis
Cowles Roberts of Dallas
Crain Nugent
Carrington Read
Gibbens Roberts of Dawson

Absent
Atwell Shipley
Bartrau Black
Connell Stewart
Cullen of Wichita
Hughes of Dallas

Absent—Excused
de la Garza James
Ehrle Korith
The amendment was adopted by unanimous consent.

Mr. McLlhany offered the following amendment to the bill:

Amend Committee Substitute for H. B. 265, page 1 of the printed bill, line 61, by inserting the following:

"A fee of Fourteen Dollars ($15) shall be collected for each private scale tested."

The amendment was adopted by unanimous consent.

Mr. McLlhany offered the following amendment to the bill:

Amend Committee Substitute for H. B. 265 by striking out all of Sect. 3 and inserting in lieu thereof the following:

"Section 3. Repairmen approved by the Texas Department of Agriculture are hereby granted authority to repair, remove rejection tags, and issue placing in service reports on all weighing or measuring devices found inaccurate and condemned by the Department. A fee shall not be collected on weighing or measuring devices found inaccurate and condemned until the weighing or measuring device has been repaired, reinspected by the Department, and sealed as correct." 

The amendment was adopted by unanimous consent.

By unanimous consent of the House, the following amendment was adopted to H. E. No. 266:

Amend H. B. 265, section 1 by adding after the words "Fifty Cents ($50) for each pump tested" the following:

"the test certificate or seal shall be protected from weather and attached inside the glass cover, where applicable, of each gasoline, kerosene and diesel fuel pump;"

YEZAK.

Mr. McLlhany.

Mr. Read offered the following amendment to the bill:

Amend H. B. 265 by striking out the last sentence of Section 1 and inserting in lieu thereof the following:
"All monies collected by the Commissioner shall be paid into the State Treasury."

The amendment was lost.

H. B. No. 265 was passed.

Mr. McIlhany moved to reconsider the vote by which H. B. No. 265 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
On voice vote on final passage of H. B. No. 265, I voted "Nay" for reasons I had no requests for such legislation.

YEZAK.

REASON FOR VOTE
Please show me voting "No" on H. B. 265.

SAM F. COLLINS.

HOUSE BILL NO. 519 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 519, A bill to be entitled "An Act amending Section 16 of Chapter 133, Acts of the 56th Legislature, Regular Session, 1957, to provide that revenues received under the Texas Egg Law be deposited in the General Revenue Fund of the State; abolishing the Egg Law Enforcement Fund; transferring the balances therein to the General Revenue Fund; and declaring an emergency."

The bill was read third time.

Mr. Foreman moved that further consideration of House Bill No. 519 be postponed until 10:30 o'clock a.m., Wednesday, March 8.

The motion prevailed.

HOUSE BILL NO. 3 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 3, 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; amending Subdivision 5 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; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 3 by striking all matter below the enacting clause and inserting in lieu thereof 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 jurisdiction of such city or town. The extent in area of the extraterritorial jurisdiction of the various classes of cities and towns in the State shall be as follows:

(1). The extraterritorial jurisdiction 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 (0.5) mile in distance beyond the perimeter of such city or town.

(2). The extraterritorial jurisdiction of any city or town having a population of from five thousand (5,000) 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 mile in distance beyond the perimeter of such city or town.
such cities and towns be unable to apportionment of the overlapping area in question within six (6) months, such area shall then be apportioned among such cities or towns. Should the governing bodies of such cities or towns be unable to reach an agreement concerning the apportionment of the overlapping area in question within six (6) months, such 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, except that the population ratio between the cities of towns exceeds ten (10) to one (1), in such apportionment the extraterritorial jurisdiction of the smaller city or town shall not be reduced to less than one-fourth (¼) mile in 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 the greater number, to apportion such 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 area under the extraterritorial jurisdiction of a city or town overlaps the area under extraterritorial jurisdiction of one or more other cities or towns, jurisdiction in 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. Should 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, such 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, except that the population ratio between the cities or towns exceeds ten (10) to one (1), in such apportionment the extraterritorial jurisdiction of the smaller city or town shall not be reduced to less than one-fourth (¼) mile in 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 the greater number, to apportion such 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.

(d). When a city or town shall annex additional territory, the extraterritorial jurisdiction 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 set out in Section 1 (a) hereof. If such city or town had included the additional annexed area at the time this Act became effective, provided, however, that such expansion shall occur only if the existing boundaries or extraterritorial jurisdiction of another city or town, which latter shall remain unaffected by such expansion.

(b). Any city or town shall impose or collect any tax in the area under its extraterritorial jurisdiction of such city or town as long as it remains in such status.

(f). The extraterritorial jurisdiction defined in Section 1 (a) and (b) hereof shall be that territory within which a city or town may exercise extraterritorial jurisdiction, but it shall not be mandatory upon a city or town to extend its powers and authority as hereinafter described, to the full extent of its potential jurisdiction; and, before any such powers or authority shall be exercised in any territory within such extraterritorial jurisdiction, the governing body of the city or town shall define by ordinance the extraterritorial area over which such powers and authority are to be applied. It shall then cause to be prepared a map or plat, together with a description of such area, describing such extraterritorial area, and such map or plat, together with such description, shall be published in a newspaper having general circulation within the county or counties involved once weekly for four consecutive weeks before such city or town exercises its powers and authority under this Act within such extraterritorial area.

Section 2 (a). The governing body of any city or town may, by ordinance, extend to all or any part of the area under its extraterritorial jurisdiction, the application of one or more of such city or town's ordinances relating to: health; sanitation; subdivision development; zoning; building construction; including but not limited to building, plumbing and electrical standards and regulations. In such event, such city or town shall have full power and authority to secure compliance with the provisions of such ordinance or ordinances made applicable within the area under its extraterritorial jurisdiction. Violation of any provision of such ordinance or ordinances within such extraterritorial jurisdiction shall be considered the same as a violation occurring within the territorial limits of such city or town and shall be prosecuted in the same manner and carry the same penalty as a violation occurring within the territorial limits of such city or town, and to this end, and for these purposes, the jurisdiction of the corporation court of a city or town may extend to and exist within the area under the extraterritorial jurisdiction of such city or town.

(b). Any city or town, acting under authority of Section 2 (a) hereof extending application of such an ordinance or ordinances to territory within the area under its extraterritorial jurisdiction shall have the right to impose in such area such fees as are provided in such ordinance or ordinances. In no case, however, shall the fees imposed by such ordinance or ordinances with in the area under the extraterritorial jurisdiction of a city or town exceed those charged within the territorial limits of such city or town.

(c). All non-residential structures used for agricultural purposes, located in the area under the extraterritorial jurisdiction of a city or town, shall be exempt from the provisions of any ordinance or ordinances relating to: building construction, plumbing, electrical standards, made applicable in such extraterritorial jurisdiction.

(d). The governing body of any city or town shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city or town. Included in such rights and powers of the governing body of any city or town, is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to assure the continuation of the extraterritorial jurisdiction.
status of such districts, and/or its immunity from annexation by the city or town for a period of time not to exceed five (5) years, and upon such other terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidence in writing and may be renewed or extended for successive periods not to exceed five (5) years each by such governing body and the owner or owners of land in such industrial district.

Section 2. Any territory within the extraterritorial area defined by the governing body of a city or town, under the provisions of Section 1 (f) hereof, which territory adjoins and is contiguous to the corporate boundaries of the city or town involved, shall be annexed by the city or town upon petition of a majority of the qualified voters residing in such territory, where there are three (3) or more such qualified voters, and of the 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, then the petition for annexation shall be by the owners of fifty per cent (50%) or more of the acreage in the territory.

Section 4. A city or town may annex territory only within the confines of its extraterritorial jurisdiction. Provided, however, this restriction shall not apply to the annexation of an area outside, but contiguous to, the boundaries of the extraterritorial jurisdiction 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 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, 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 jurisdiction 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 acreage 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 any one (1) calendar year, there shall be excluded from such calculation: (1) territory annexed under the request of a majority of the qualified voters residing in such territory; (2) territory annexed at the request of the owner or owners thereof; and (3) territory annexed which is owned by the city or town, the county, the State, or the Federal Government which is used for a public purpose.

(b). In the event a city or town fails 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 (a). No city, town or village may be incorporated in any one (1) calendar year in any one (1) area of the extraterritorial jurisdiction of any city or town without the written consent, recorded, of the governing body of such city or town. Should the 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 territory, 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 owners of fifty per cent (50%) or more of the acreage in the proposed city, town, or village, may petition the governing body of such city, town, or village to annex the area of such unused allocation. Should the governing body of such city or town fail or refuse to annex the area of such unused allocation, the city, town, or village within six (6) 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 insofar as the purposes of this sub-
section are concerned. Should the area of a proposed city, town, or village lie partly within and partly without the extraterritorial jurisdiction of a city or town, the provisions of this subsection shall apply only to the area which lies within the extraterritorial jurisdiction of such city or town.

(b) No political subdivision having as one of its primary purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city or town without the written consent, officially recorded, of the governing body of such city or town. Should the governing body of such city or town refuse to grant permission for the creation of such proposed political subdivision, a majority of the qualified voters residing in such proposed political subdivision and a majority of the landowners, owning a majority of the land, in such proposed political subdivision 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 political subdivision within six (6) months from the date of receipt of such petition, such failure or refusal shall constitute expressed authorization for the creation of such proposed political subdivision, except as the provisions of this subsection are concerned. Should the area of a proposed subdivision which has as one of its primary purposes the supplying of fresh water for domestic or commercial uses, or the furnishing of sanitary sewer services, lie partly within and partly without the extraterritorial jurisdiction of a city or town, the provisions of this subsection shall apply only to the area which lies within the extraterritorial jurisdiction of such city or town.

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. Such notice shall be printed in a newspaper or newspapers having general circulation in such city or town and is area proposed to be annexed. The governing body shall also 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 are in the process of completion, but not finally completed, on the effective date of this Act shall be subject to the limitations as to size and extent of area imposed by this Act and, to become final, must be brought to completion within six (6) months of such date. Failure to complete legally an annexation within such period of time shall render such proposed annexation null and void.

Section 8. The request and petition for annexation procedure provided in Sections 3 and 6 (a) and (b) of this Act shall be by the qualified voters and landowners signing and presenting to the city or town secretary a written petition for the annexation. The signatures to the petition shall be appended to one paper, but each signer shall sign his or her name as it appears on the official poll list or his or her name as it appears on the official copy of the current list of exempt voters and each qualified voter shall sign his or her name and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her name and the 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 and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city or town secretary: (1) the sworn affidavit of any qualified voter who signed the petition, stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date when the notice was published. 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 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 within five (5) years of the effective date of such annexation provide such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services provided other areas of such city or town which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city or town fails or refuses to provide such services within the time specified herein, a majority of the qualified voters who reside within such particular annexed area, where there are three (3) or more such qualified voters and the owners of fifty per cent (50%) or more of the acreage within such particular annexed area, which area must be contiguous with the outer boundaries of the city or town along not less than twenty per cent (20%) of the total length of such area's boundary, may petition the governing body of such city or town to disannex such particular annexed area. If there are less than three (3) qualified voters residing in such particular annexed area, such petition shall be by the owners of fifty per cent (50%) or more of the acreage in such particular annexed area. The petition shall be filed in the district court of the district in which such city or town is located, a petition praying that the particular annexed area be disannexed. The governing body of such city or town shall, within twenty (20) days after the service upon the members thereof of such petition, certify to said district court an answer thereon. Upon the filing of an answer by the governing body of said city or town, the case before the district court shall be at issue, without further pleadings, and upon application of either party, shall be advanced and heard without further delay.

If the district court finds that the standard and scope of governmental and proprietary services provided in such particular annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided other areas of such city or town, having characteristics of topography, patterns of land utilization, and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area.

Section 10. The request and petition for disannexation provided for in Section 9 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 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
Section 10. The provisions of this Act are declared invalid, unless they are especially inconsistent.

Section 11. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this 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 12. Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"2. The power to fix the boundary limits of said city, to provide for the dissipation 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 inconsistent with the procedural rules prescribed by this Act."

Section 13. 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 14. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 15. 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 Unanimous Rule requiring bills to
be read on three (3) several days in
each House be suspended and this
Rule shall take effect and be in force
from and after its passage, and it
is so enacted.

WATSON,
KILPATRICK,
JONES of Travis.

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

Amend Committee Amendment
No. 1 to House Bill 3, Section 2,
(d), by striking out the words "five
(5) years" appearing in lines 22
and 25, and inserting in lieu there
of the words "twenty five (26)
years."

Mr. Dungan moved to table the
amendment by Mr. Oliver to Com-
mittee Amendment No. 1.

The motion to table prevailed.

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

Amend Section 2 (d), Committee
Amendment No. 1 to H. B. 3, by
striking out the words "five
(5) years" appearing in lines 22
and 25, and inserting in lieu thereof
the words "ten (10) years."

Mr. Dungan moved to table the
amendment by Mr. Watson to Com-
mittee Amendment No. 1.

A record vote was requested on
the motion to table the amendment
offered by Mr. Watson to Committee
Amendment No. 1.

The motion to table prevailed by
the following vote:

Yeas—74

Alamis
Bailey
Barrow
Bass
Bell
Bianche
Bridges
Buchanan
Burgess
Cannon
Carriker
Chapman
Cole of Hunt

Hale
Haring
Haynes
Henson
Hollowell
Huebner
Hughes
Hughes of Grayson
Hughes of Dallas
Isacks, Miss
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Kennard
Kilpatrick
Lack
Larry
Leaverton
Lewis
Longoria
McCoppin
McLain
Markgraf
Moore

Nays—57

Adams of Lubbock
Adams of Tita
Allen
Andrews
Atwell
Ballman
Bankhead, Mrs.
Barrows
Bartram
Bayten
Butler
Cook
Cory
Cowen
Train
Crews
Floyd
Garrison
Green
Grover
Healy
Jamison
Jarvis
Johnson of Dallas
Jones of Travis
Koliba
La Valle
McGregor of McLennan

Mullen
Niemeyer
Peach
Pett
Pres
Richards
Richardson
Roberts of Hill
Rose
Smith of Jefferson
Spears
Springer
Stewart
Smith of Wichita
Strave
Townsend
Trevino
Ward
Walls
Wheatley
Whitfield
Wilson of Trinity
Wilson of Potter

Yeak

Absent

Berry
Caldwell
Canyon
Gibbons

Curlington
Foreman
Counsel

Miller
Murray
Mutschecher
Nagert
Oliver
Osborn
Pett
Pierce
Price
Quilliam
Rapp
Read
Roberts of Dawson
Schram
Shafer
Shilley
Smith of Bexar
Sprell
Stewart

Wilson of Galveston
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Thurmond
Tunris
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Woods

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

Amend committee amendment to H. B. 3 to change line 2 of Section nine from five (5) years to read “three (3) years”.

The amendment was adopted.

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

The motion to table prevailed.

Mr. Stewart of Galveston offered the following amendment to Committee Amendment No. 1:

Amendment to House Bill 3

Amend Committee Amendment to House Bill 3 by adding a new subsection, Section 6C as follows:

Section 6C. 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 and extraterritorial jurisdiction in each of such counties. Provided, however, from and after the effective date of this Act no city of this State above the population of 25,000 according to the last preceding Federal Census shall be allowed to have extraterritorial jurisdiction of any territory which is located in a county other than the one which such city is located; and provided, however, that annexation shall be allowed such out of county territory only if the procedure of Section 4 of this Act is followed.

Mr. Carriker offered the following substitute amendment for the amendment offered by Mr. Stewart of Galveston:

Amendment No. 3

Amend committee amendment to House Bill 3 by adding a new sub-section, Section 6C as follows:

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

Amend Section 2 (d), Committee Amendment No. 1 to H. B. 3, by striking out the word “evidence” appearing in line 24 and inserting in lieu thereof the word “evidenced”.

The amendment was adopted.

Mr. Oliver moved the previous question on the adoption of Committee Amendment No. 1 to H. B. No. 3 and the passage of H. B. No. 3 to engrossment and the main question was ordered.

A record vote was requested on Committee Amendment No. 1.

Committee Amendment No. 1, as amended, was adopted by the following vote:

Yeas—136

Adams of Lubbock  Bartram
Adams of Titus  Bass
Alban  Bell
Allan  Berry
Andrews  Blaine
Atwell  Boyzen
Bailey  Bridget
Ballman  Buchanan
Barlow  Burgess
Barnes  Butler
Mr. Dungan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

No. 3 was passed to engrossment.

HOUSE BILL NO. 3 ON THIRD READING

H. B. No. 3 was passed to engrossment.
The bill was read third time and was passed by the following vote:

<table>
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<tr>
<th>Yeas</th>
<th>Price</th>
<th>Preston</th>
<th>Quilliam</th>
<th>Rapp</th>
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<td>Adams of Lubbock Bailey</td>
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The Speaker then laid House Bill No. 2 before the House on third reading and final passage.
Mr. Dungan moved to reconsider the vote by which H. B. No. 3 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE REGARDING HB-3

I have consistently voted against HB3 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 annexations 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 adjourn, an amendment to place industries now located within the city limits on an equal basis with industries outside of towns was not considered.

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.

MACO STEWART.

HOUSE BILL NO. 245 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 245, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency."

The bill was read third time.

Mr. Kennard moved that further consideration of House Bill No. 245 be postponed until 11:30 o'clock a.m. tomorrow, March 7.

The motion prevailed.

RELATIVE TO H. C. R. No. 2

Mr. Green asks unanimous consent to add the word "Decreased" in (2) of the last "whereas clause", before the word "Opportunity"; and also to add the word "of" ahead of the word "the" in the third line of the seventh "whereas clause", of H. C. R. No. 2.

There was no objection offered and it was so ordered.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 287, By Mr. Barlow: In Memory of Judge M. D. (Buck) Jones.

H. S. R. No. 289, By Mr. Dewey: In Memory of Virgil Baill.

ADJOURNMENT

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

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

The motion to adjourn prevailed.

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

In accordance with the motion to adjourn the House at 2:17 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

THIRTY-FIRST DAY

(Tuesday, March 7, 1961)

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