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

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

"In I Corinthians 13:11-13 we find, 'When I was a child, I spake as a child. I understood as a child, I thought as a child; but when I became a man, I put away childish things. For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known. And now abideth faith, hope, love, these three; but the greatest of these is love.'

Heavenly Father, today we ask that you would help us to tolerate nothing in our personal lives which if multiplied would weaken our State and Nation. Help us to be responsible to our oath of office that our decisions may be made on merit never to get even or because of hate, but in Christ-like love. In Christ's Name.—Amen."

The bill was read second time.

Mr. Bartram offered the following amendment to the bill:

Amend H. B. No. 2 by striking all below the enacting clause and substituting in lieu thereof the following;

"Section 1. That Section 3 of Acts 1937, 45th Legislature, Page 161, Chapter 86 as amended by Acts, 1957, Fifty-Fifth Legislature, Page 692, Chapter 290 (appearing as Article 1528b, Vernon's Annotated Civil Statutes) known as the Electric Cooperative Corporation Act, be amended so as to hereafter read as follows:

"Purpose

Section 3. Cooperative, non-profit, membership corporations herefore or hereafter organized under this Act are authorized to engage in electrification by any one or more of the following methods:

(1) The furnishing of electric energy to any structure, apparatus, or point of delivery located in a rural area.

(2) The furnishing of electric energy to any structure, apparatus, or point of delivery which is located in an area which was a rural area when service was undertaken by said corporation, though such area subsequently either by growth or annexation becomes non-rural, under the following circumstances and conditions:

(a) If such structure, apparatus, or point of delivery was being served with electric energy by said corporation at any time prior to the date the area became non-rural, or

(b) If such structure, apparatus or point of delivery is not actually receiving electric service from another supplier of electric energy which initially served such structure, apparatus or point of delivery, or

(c) If such structure, apparatus or point of delivery shall be located within a service area defined in a.
franchise granted to said corporation by the governing body of the city or town:

(1) Provided in the case of any structure, apparatus, or point of delivery which the corporation proposes to serve pursuant to subsection 3(2)(a), 3(2)(b), or 3(2)(c) above, unless other service is unavailable said corporation shall not serve such point of delivery if it is located more than fifteen hundred (1500) feet from distribution facilities of said corporation existing at the time the area became non-rural; or

(4) If such structure, apparatus or point of delivery is located in any city or town in which no service from another supplier was available at the time such corporation began furnishing electric energy to the citizens thereof.

(c) Operations of the corporation in non-rural areas shall in all events be subject to the following:

(i) The cooperative corporation shall be subject to the authority of the governing body of the city or town in the same manner as a public utility selling electric power and organized under the other corporation laws of Texas. This authority includes the exclusive domination and control every city and town has or may have over its public streets, sidewalks, alleys, parks, public squares and public ways within its corporate limits.

(2) The governing body of each city or town may require any such corporation, at its own expense, to relocate its poles and lines so as to accommodate the widening or straightening of streets, by giving to such corporation thirty (30) days notice and specifying the new location for such poles and lines along the right-of-way of such street or streets.

(3) The provisions of Acts 1959, 60th Legislature, 3rd Called Session, Page 187, Chapter 1 (appearing as Article 11.01 Title 122A, Vernon's Annotated Civil Statutes) shall apply to such corporation, and the cooperative corporation shall be subject to the payment of taxes on its gross receipts as any other supplier of electricity which could or does operate in said city or town.

(3) The furnishing of electric energy or services to any other corporation organized under this Act, or to the members thereof.

Section 2. That Section 12 of Acts 1957, 49th Legislature, Page 161, Chapter 86, as amended by Acts 1957, 50th Legislature, Page 692, Chapter 290 (appearing as Article 1524b, Vernon's Annotated Civil Statutes) be amended so as to hereafter read as follows:

"Qualification of Members

Section 12. All persons wherein, ever they may reside to whose structure, apparatus or point of delivery a corporation is authorized to furnish electric energy under the terms of Section 3 shall be eligible to membership in a corporation. No person other than the incorporators shall be, become or remain a member of a corporation unless such person shall use or agree to use electric energy, or as the case may be, the facilities, supplies, equipment and services furnished by a corporation. A corporation organized under this Act may become a member of another such corporation and may avail itself fully of the facilities and services thereof."

Section 3. Severability Clause. 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 4. Emergency Clause. The facts that the growth and development of the rural areas of this state have changed the status of many areas from rural to non-rural; that the financing of additional lines and facilities by electric cooperatives may be rendered difficult or impossible for further expansion of electric service in the rural areas without such clarification, 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, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

BARTRAM, JAMISON.

Mr. McIlhany offered the following amendment to the amendment offered by Mr. Bartram:
Amend substitute for House Bill No. 2, by adding a new Section as follows to be numbered properly:

"That Section 11 of Acts 1937, 45th Legislature, page 161, Chapter 86, (appearing as Article 1528b, Vernon's Annotated Civil Statutes) be amended so as to hereafter read as follows:

'Section 11. The power to make, alter, amend, or repeal the by-laws of the corporation shall be vested in the members. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.'"

The amendment by Mr. McLlhany to the amendment by Mr. Bartram was adopted.

Mr. McLlhany offered the following amendment to the amendment offered by Mr. Bartram:

Amend substitute for House Bill No. 2, by adding a new Section to read as follows to be numbered properly:

"Section 15. Each member shall be entitled to one and only one vote on each matter submitted to a vote at a meeting of the members."

The amendment to the amendment was adopted.

Mr. de la Garza offered the following amendment to the amendment offered by Mr. Bartram:

Amend amendment to H. B. 2 by Bartram, Section 3, subsection 2, paragraph (i) under (c) of said subsection 2 by changing the words and figures fifteen hundred (1500) to three hundred (300) and striking out (d) under subsection (3).

Mr. Bartram moved to table the amendment by Mr. de la Garza.

The motion to table prevailed.

The amendment by Mr. Bartram, as amended, was adopted.
Mr. Shannon (present), who would vote "aye" with Mr. Ehle (absent) who would vote "nay".

Mr. Guffey (present), who would vote "nay", with Mr. Cowen (absent) who would vote "aye".

Mr. Blaine (present), who would vote "aye", with Mr. Korioth (ab. sent) who would vote "nay".

REASON FOR VOTE
My reason for voting against House Bill No. 2: We are trying to raise rates for our State Government and the co-ops pay very little in taxes, but the privately-owned utility companies pay a great deal of our taxes. House Bill 2 would put co-ops in competition with the privately-owned utilities. Since the de la Garza amendment allowing 300 feet in each direction failed, then I cast my vote in opposition.

OBIE JONES.
REASON FOR VOTE
"Our reason for voting 'aye' on the REA motion to table was. We do not feel that the Rural people's light bill should be taxed by the cities and the Rural people should not be governed by the cities."

SAM H. PARSONS, DAVID READ.

SENATE BILL NO. 89 ON PASSAGE TO THIRD READING
The Speaker laid before the House, as postponed business on its passage to third reading.

S. B. No. 89, Changing the name and designation of the Criminal Judicial District Court of Bexar County, Texas, and declaring an emergency.

The bill was read second time on March 1 and further consideration was postponed until 11:00 o'clock a.m. today.

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

SENATE BILL NO. 89 ON THIRD READING
Mr. Barlow moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Blaine
Barlow
Byrd
Bumiles
Burgess
Burt
Byrd
Caldwell
Cannon
Carriker
Cole of Hunt
The Speaker then laid Senate Bill No. 89 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Barlow moved to reconsider the vote by which S. B. No. 89 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 239 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading, S. B. No. 230 was passed to third reading.

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas---124

Adams of Lubbock
Atwell
Adams of Titus
Ballman
Alaniz
Barlow
Andrews
Barrow

Nays---5

Jarvis
Nugent
Head

Absent---Excused

cowen
Korioth

The Speaker then laid Senate Bill No. 89 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Barlow moved to reconsider the vote by which S. B. No. 89 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 239 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading, S. B. No. 230 was passed to third reading.

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas---124

Adams of Lubbock
Atwell
Adams of Titus
Ballman
Alaniz
Barlow
Andrews
Barrow

Nays---5

Jarvis
Nugent
Head

Absent---Excused

cowen
Korioth
Bartram &nbsp; Latimer
Bass &nbsp; La Valle
Bell &nbsp; Leaverston
Berry &nbsp; Lewis
Blaine &nbsp; Longoria
Boysen &nbsp; McCoppin
Bridges &nbsp; McGregor
Buchanan &nbsp; of McLennan
Burgess &nbsp; of El Paso
Butler &nbsp; McElroy
Caldwell &nbsp; Mcllhany
Cannon &nbsp; Markgraf
Chapman &nbsp; Martin
Cole of Hunt &nbsp; Miller
Collins &nbsp; Mullen
Connell &nbsp; Murray
Cook &nbsp; Neimeyer
Corry &nbsp; Oliver
Cotten &nbsp; Osborn
Crawford &nbsp; Peary
Crews &nbsp; Petty
de la Garza &nbsp; Pierce
Dewey &nbsp; Pipkin
Duff, Miss &nbsp; Preston
Dungan &nbsp; Price
Eckhardt &nbsp; Rapp
Fairchild &nbsp; Ralcliff
Floyd &nbsp; Richards
Foreman &nbsp; Roberts of Hill
Gibbens &nbsp; Rosson
Gladden &nbsp; Schram
Glass &nbsp; Shannon
Greer &nbsp; Shipley
Hale &nbsp; Slack
Haring &nbsp; Smith of Bexar
Harrington &nbsp; Smith of Jefferson
Haynes &nbsp; Snelson
Healy &nbsp; Spears
Hinson &nbsp; Spliman
Hobbs &nbsp; Springer
Hubner &nbsp; Tarnum
Hughes of Dallas &nbsp; Townsend
Iacocks, Miss &nbsp; Trevison
James &nbsp; Tunnell
Jamison &nbsp; Walker
Johnson of Dallas &nbsp; Ward
Johnson of Bexar &nbsp; Wells
Jones of Dallas &nbsp; Wheatley
Jones of Travis &nbsp; Whitley
Kilpatrick &nbsp; Wilson of Trinity
Koliba &nbsp; Wilson of Potter
Leak &nbsp; Woods
Larry &nbsp; Yezak
Jarvis &nbsp; Nays—5
Matscher &nbsp; Read
Nugent &nbsp; slider

Absent

Bailey &nbsp; Moore
Carriker &nbsp; Parsons
Cole of Harris &nbsp; Quijias
Curington &nbsp; Roberts of Dawson
Ehlers &nbsp; Sandahl
Glass &nbsp; Stewart
Hargray &nbsp; of Galveston
Harding &nbsp; Stewart
Hughes &nbsp; of Wichita
Kennard &nbsp; Sturcke

Cowen &nbsp; Koriath

The Speaker then laid Senate Bill No. 239 before the House on third reading and final passage.

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

Yeas—130
Adams of Lubbock &nbsp; Garrison
Adams of Titus &nbsp; Gibbens
Allen &nbsp; Alans
Allen &nbsp; Glass
Ballman &nbsp; Green
Bancroft, Mrs. &nbsp; Grover
Barlow &nbsp; Guffey
Barnes &nbsp; Hale
Bartram &nbsp; Harrington
Barr &nbsp; Berry
Barr &nbsp; Haynes
Boyse &nbsp; Hively
Bridges &nbsp; Huffstoll
Buchanan &nbsp; Huchner
Burr &nbsp; Hughes
Butler &nbsp; of Grayson
Cannon &nbsp; de la Garza
Carriker &nbsp; Kilpatrick
Chapman &nbsp; Cole of Hunt
Collins &nbsp; Johnson of Dallas
Cook &nbsp; Johnson of Bexar
Cory &nbsp; Joseph of Bell
Cowles &nbsp; Jones of Dallas
Crawford &nbsp; Jones of Travis
Crews &nbsp; Kennard
Dewey &nbsp; Koliba
Duffy, Miss &nbsp; Lack
Dungan &nbsp; Larry
Eckhardt &nbsp; La Valt
Fairchild &nbsp; La Valen
Fletcher &nbsp; Leaverton
Ford &nbsp; Lewis
Mr. Gladden moved to reconsider the vote by which S. B. No. 239 was passed and to table the motion to reconsider. The motion to table prevailed.

**MESSAGE FROM THE SENATE**

Austin, Texas, March 8, 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. 305, Providing for county juvenile boards in 35th and 156th Judicial Districts; and declaring an emergency.

S. B. No. 21, Regulating manufacture and sale of commercial fertilizers, to be known as Texas Commercial Fertilizer Act of 1961; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL, Secretary of the Senate.

**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:

H. C. R. No. 23, To invite Dr. James H. Jaunsey to address a Joint Session.

**ADJOURNMENT**

Mr. Lewis 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 toadjourn the House at 12:34 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 bills and resolutions, as follows:


Constitutional Amendments: H. J. R. No. 44.

Contingent Expenses: H. R. No. 291.

Insurance: H. B. No. 19 and H. B. No. 132.


Revenue and Taxation: S. B. No. 37.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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<thead>
<tr>
<th>Insurance: H. B. No. 19 and H. B. No. 132.</th>
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<td>Revenue and Taxation: S. B. No. 37.</td>
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**THIRTY-SECOND DAY** 

(Thursday, March 9, 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: Foreman

H. B. No. 504 and H. C. R. No. 20.

**REPORTS OF THE COMMITTEE ON ENGROSSED BILLS**

Austin, Texas, March 6, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 7, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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."

Austin, Texas, March 6, 1961

Mr. Speaker: Foreman

Adams of Lubbock: Garrison

Adams of Tins: Gibbons

Allen of Glass: Glass

Andrews: Glassing

Atwell: Green

Bailey: Grover

Bastman: Gaffney

Banfield, Mrs.: Hale

Barlow: Harding

Barnes: Harrington

Bartram: Harrington

Bailey: Haynes

Belt: Healy

Berry: Hinson

Blakes: Hollowell

Boyse: Huebner

Buchanan: Hughes

Burgess: Hughes of Dallas

Butler: Inmans, Miss

Caldwell: James

Cannon: Jamison

Carriker: Jarvis

Chapman: Johnson of Dallas

Cole of Harris: Johnson of Bexar

Cole of Hunt: Johnson of Bell

Collins: Jones of Dallas

Connell: Jones of Travis

Cox: Kennard

Cory: Kilpatrick

Cotin: Kolb

Cowen: Kruse

Cowles: Lack

Craw: Lacy

Crews: Latimer

Curlington: La Valle

de la Garza: Leaverton

Dewey: Lewis

Duff, Miss: Longoria

Dungan: McCoppin

Eckhardt: McGregor

Ehrle: McGregor

Fairchild: McGregor

Fletcher: McGregor

Floyd: of El Paso

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."

Austin, Texas, March 6, 1961

Mr. Speaker: Foreman

Adams of Lubbock: Garrison

Adams of Tins: Gibbons

Allen of Glass: Glass

Andrews: Glassing

Atwell: Green

Bailey: Grover

Bastman: Gaffney

Banfield, Mrs.: Hale

Barlow: Harding

Barnes: Harrington

Bartram: Harrington

Bailey: Haynes

Belt: Healy

Berry: Hinson

Blakes: Hollowell

Boyse: Huebner

Buchanan: Hughes

Burgess: Hughes of Dallas

Butler: Inmans, Miss

Caldwell: James

Cannon: Jamison

Carriker: Jarvis

Chapman: Johnson of Dallas

Cole of Harris: Johnson of Bexar

Cole of Hunt: Johnson of Bell

Collins: Jones of Dallas

Connell: Jones of Travis

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Cotin: Kolb

Cowen: Kruse

Cowles: Lack

Craw: Lacy

Crews: Latimer

Curlington: La Valle

de la Garza: Leaverton

Dewey: Lewis

Duff, Miss: Longoria

Dungan: McCoppin

Eckhardt: McGregor

Ehrle: McGregor

Fairchild: McGregor

Fletcher: McGregor

Floyd: of El Paso