House Journal


State Hospitals and Special Schools: H. B. No. 749.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 21, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. J. R. No. 43, proposing an amendment to Article XVI of the Constitution of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. Wells, Chairman.

THIRTY-EIGHTH DAY

(Thursday, March 23, 1961)

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

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

Mr. Speaker Cole of Harris
Adams of Lubbock Cole of Hunt
Adams of Titus Collins
Alabama Connell
Allen Cook
Andrews Cory
Atwell Cotten
Bailey Cowan
Ballman Cowles
Barfield, Mrs. Crain
Barlow Crews
Barnes Curlington
Bartram de la Garza
Bass Dewey
Bell Deff, Miss
Berry Duncan
Blaine Eckhardt
Boyan Elle
Bridges Fairchild
Buchanan Fletcher
Burgess Foreman
Butler Garrison
Caldwell Gibbons
Cannon Gladden
Carriker Glass
Chapman Gluslng

Green Osborn
Grover Parsons
Goffey Peery
Hale Peeler
Harding Petty
Haring Pecaut
Harrington Pipkin
Haynes Preston
Healy Price
Hinson Quilliam
Hollowell Rapp
Hubner Ratliff
Hughes Read
Hughes of Grayson Richards
Hughes of Dallas Isaacks, Miss
James Roberts of Hill
Jamison Roberts of Dawson
Jarvis Ross
Johnson of Dallas Rose
Johnson of Bexar Schram
Johnson of Bell Shannon
Jones of Dallas Shipley
Jones of Travis Stack
Kennard Slaughter
Kilpatrick Smith of Bexar
Koliba Smith of Jefferson
Korffo Smithson
Lack Spears
Lary Spleman
Latimer Springer
LaValle Stewart
Leaverton of Galveston
Lewis Stewart
Longoria of Wichita
McCoppin Strue
McGregor of McLennan Tharman
McGregor of El Paso Townsend
McGregor Trevino
McGregor of Texas Turner
Mcllhan Walker
Merck Warde
Martn Watson
Miller Wells
Moore Wheatley
Mullen Whitfield
Murray Wilson of Trinity
Mutterch Wilson of Potter
Niemeyer Woods
Nugent Yeaks
Oliver Yeaks

Absent—Excused

Floyd Tharmond

A quorum of the House was announced present.

The Invocation was offered by the Reverend Doctor Theodore Sp. Kyritsis, Pastor of the Saint George Greek Orthodox Church at Port Arthur, Texas, as follows:
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PRAYER DELIVERED TO THE FIFTY-SEVENTH LEGISLATURE IN AUSTIN, TEXAS IN COINCIDENCE WITH THE GREEK INDEPENDENCE DAY (MARCH 25, 1821). MARCH 23, 1961

In the name of the Father and of the Son and of the Holy Spirit, Amen.

Our Heavenly Father and Creator of all things, visible and invisible; Almighty and Allmerciful Lord by Whom all powers and authorities are ordained; Who taught us that rulers are ministers of God to us that we offer supplications, prayers, intercessions, and thanksgiving for all who are in authority.

Hear us, O Lord, for unto Thee do we bow submissively inclining our heads and entreating Thy mercies upon Thy faithful servants; the duly elected members to represent the people of the great State of Texas at this Fifty-Seventh Legislature and in this Capitol of ours.

Grant unto each and everyone of this Governing Body, O Lord, Thine unapproachable Light; so it may guide and enlighten their thoughts in the way of truth, so that they may enact, order, and enforce whatsoever things are true, whatsoever things are just, tending toward all excellence and virtue.

Enlighten them to lead our people in the way of Thy righteousness. In all humility, we entreat Thee, who are the source of wisdom; bless and grant perfect health of mind and body unto these Thy servants, chosen to preserve and fulfill the high precepts of our heritage, as it is written in our democratic principles which were firstly found and practiced under the shadow of the glorious Parthenon, in Greece, whose independence is observed this week. For Thine is the kingdom and the power and the glory forever and ever. Amen.

LEAVES OF ABSENCE GRANTED

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

Mr. Thurmond for today on motion of Mr. Preston.

The following Member was granted leave of absence on account of illness:

Mr. Floyd for today on motion of Mr. Shipley.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 406, By Messrs. LaValle and Stewart of Galveston: In Memory of Mrs. A. J. Bostick.

H. S. R. No. 407, By Messrs. LaValle and Stewart of Galveston: In Memory of K. H. (Shorty) Harris.

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 Mr. Cory:

H. B. No. 1045, A bill to be entitled "An Act 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 on that portion of Matagorda Island lying to the North and East of the Northeast line of the Powers and Hewitson Grant No. 2 as recorded in the State General Land Office, Austin, Texas, and is shown on the map entitled "San Antonio Bay and vicinity" Aransas and Calhoun Counties, August 1, 1948, to take, kill, or trap any fur-bearing animal on said lands; prescribing the legislative policies with respect to the wildlife resources of said lands; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said lands; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said lands; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said lands; defining depletion and waste; providing for the issuance of the antlerless permits; providing for the adoption of the proclamations, orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations, providing that the powers of the Commission are not limited; providing venue for suit to test the validity of the proclama-
tions, rules, regulations, or orders 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; making it unlawful to provide a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency.”

Referred to the Committee on State Affairs.

By Messrs. Smith of Jefferson and Kilpatrick:

H. B. No. 1046, A bill to be entitled “An Act applying to incorporated cities and towns having a population of more than 150,000 inhabitants according to the Federal Census last preceding the taking of action hereunder (referred to hereafter as ‘city’); authorizing such city to purchase, build, construct, acquire, improve, enlarge, extend, maintain, repair, and replace any and all properties, improvements and facilities which the governing body thereof deems to be necessary for the elimination of grade-level crossings by railroad lines of the streets of such city and for the relocation of railroad lines within said city (said properties, improvements and facilities being hereafter referred to as the ‘Facilities’); providing certain things that said Facilities shall include; authorizing the governing body of the city to enter contracts, leases, conveyances, contracts of sale, lease-purchase contracts, and any other agreements with respect to the Facilities, and containing provisions relating thereto; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws and shall take precedence over city charter provisions; validating proceedings heretofore had and actions heretofore taken and contracts heretofore entered into by such city, but excepting from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency.”

Referred to the Committee on Municipal and Private Corporations.
S. B. No. 313 to the Committee on Appropriations.
S. B. No. 60 to the Committee on Judiciary.
S. B. No. 56 to the Committee on State Affairs.

VOTE RECORDED

By unanimous consent of the House, Mr. Guillam was granted permission to be recorded as voting "Nay" on the motion to reconsider the vote by which permission was granted to introduce H. B. No. 1048, the vote being on March 22.

INTRODUCTION OF HOUSE BILLS

Mr. McGregor of El Paso asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1049.

There was no objection offered and it was so ordered.

Mr. Wilson of Potter asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1050.

There was no objection offered and it was so ordered.

Mr. Bass asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bills Nos. 1051 and 1052.

There was no objection offered and it was so ordered.

MOTION TO INTRODUCE A HOUSE BILL

Mr. Gladden asked unanimous consent of the House to introduce at this time and have placed on first reading, a House Bill.

There was objection offered.

Mr. Gladden then moved to introduce and have placed on first reading, a House Bill.

The motion was lost, not receiving the necessary four-fifths vote.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 188, "An Act relating to an additional tax for common school districts in certain counties; amending Sections 1 and 2 of Chapter 468, Acts of the Fifty-sixth Legislature, Regular Session, 1959; and declaring an emergency."

H. B. No. 558, "An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess, or attempt to hunt, take, or kill any game bird or game animal in Frio County at any time; to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh water fish in said County by any means or method; prescribing the legislative policies with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said County, etc.; and declaring an emergency."

H. C. R. No. 60, Relative to H. B. No. 59.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 412, By Messrs. Watson, Woods and McGregor of McLennan: To recognize students from Hallsburg School of McLennan County.

H. C. R. No. 61, By Mr. Gibbens: Congratulating ex-students of Texas Technological College.

H. S. R. No. 380, By Mr. Bailey: To recognize students of Cisco High School.

H. S. R. No. 455, By Messrs. Foreman, Sandahl and Jones of Travis: To recognize students of Margaret Keely School.

H. S. R. No. 468, By Messrs. Foreman, Sandahl and Jones of Travis: To recognize students of Lamar Junior High School.

H. S. R. No. 495, By Messrs. Foreman, Jones of Travis and Sandahl: To recognize students of St. Mary's Cathedral.
H. S. R. No. 410, By Messrs. Foreman, Sandahl and Jones of Travis:
To recognize students of O. Henry Junior High School.

H. S. R. No. 411, By Mr. McCoppin:
Congratulating Mrs. Josephine Nicholson.

INVITATION TO MR. TED CONNELL TO ADDRESS A JOINT SESSION

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

S. C. R. No. 34

Whereas, Ted Connell of Killeen, Bell County, Texas, Commander-in-Chief of the Veterans of Foreign Wars of the United States, is a veteran of World War II, and

Whereas, He served with distinction in the Pacific Theater with the 214th Tank Destroyer Battalion, 98th Division, and later served with many other units, and

Whereas, He was Commander of the Department of Texas, VFW, then served as National Chief of Staff in the National Organization, Junior Vice Commander-in-Chief of the VFW in 1958 and Senior Vice Commander-in-Chief of the VFW in 1959, and

Whereas, He was appointed to the Texas Veteran's Affairs Commission in 1956, and reappointed by Governor Daniel in 1959 to serve another six year term, and is presently a member of that Commission; and

Whereas, He was selected by President Eisenhower as a delegate of the Crusade for Freedom and spoke in this capacity in Amsterdam, Munich, Paris and Lisbon, and over Radio Free Europe; and

Whereas, He is the first Commander-in-Chief of the VFW from Texas, and it is a privilege for the Texas Legislature to hear this distinguished citizen; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, That Ted Connell be invited to address a Joint Session of the Senate and the House of Representatives at 11:30 A. M. on Wednesday, March 29th, 1961, and that a Joint Committee of five members of each House be appointed to escort him to the Joint Session.

The resolution was referred to the Committee on Rules.

TO SUSPEND THE JOINT RULES TO CONSIDER HOUSE BILL NO. 357

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

S. C. R. No. 36

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rule 2A be suspended for the purpose of allowing the Senate and the House of Representatives to take up and consider at any time House Bill 357, and said Rule is hereby suspended.

The resolution was referred to the Committee on Rules.

REQUESTING SURVEY AND STUDY ON HIGHER EDUCATION

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

S. C. R. No. 35

Whereas, Enrollments in Texas State-supported institutions of higher education have increased sharply in recent years and indications are that they will continue to do so; and

Whereas, All the State-supported institutions of higher education have engaged in extensive building programs in the last decade to accommodate the increasing numbers of students; and

Whereas, Demands continue to be made upon the public funds of the State of Texas for construction of additional classroom and dormitory space; and

Whereas, There is currently available no comprehensive information concerning the utilization of existing classroom and dormitory space in the State-supported institutions of higher education, and little information is available at all on this subject except for isolated studies made for a few individual institutions; and
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Whereas, It is possible either the 
maximum utilization of existing fa- 
cilities will accommodate the in- 
creasing numbers of young Texans 
seeking to avail themselves of col-
lege educations without the neces-
sity of continuing enormous con-
struction expenditures on the cam-
puses of these institutions or that 
that a better knowledge of how existing 
classroom and dormitory facilities 
are being utilized will enable the Legis-
lature to spend funds available for 
additional construction more wisely 
and to better advantage; now there-
fore be it

Resolved, By the Senate of the 
57th Legislature, the House of Rep-
resentatives concurring, that the 
Texas Legislative Council is hereby 
requested to survey and study the 
utilization of classroom and dormi-
tory facilities at all State-supported 
institutions of higher education; and 
be it further

Resolved, That the Commission on 
Higher Education and the adminis-
trators and employees of all State-
supported institutions of higher 
education are hereby directed to 
cooperate with the Council in the 
compilation and analysis of such 
information; and be it further

Resolved, That the Council be 
requested to complete the survey 
and study in time to submit its 
report to the Regular Session of the 
58th Legislature, together with 
such recommendations as it may deem 
proper.

The resolution was referred to 
the Committee on Rules.

HOUSE BILL NO. 33 WITH 
SENATE AMENDMENTS

Mr. McGregor of El Paso called up 
with Senate Amendments for con-
sideration at this time,

H. B. No. 33, A bill to be entitled 
"An Act amending Articles 81 and 
82 of the Election Code as enacted 
in Chapter 492, Acts of the 52nd 
Legislature, Regular Session, 1951, 
to clarify the provisions of Article 
82, to permit the use, in cities of 
more than two hundred thousand 
(200,000) inhabitants in which 
voting machines are used, of paper 
balloons under certain conditions; and 
declaring an emergency."

Mr. McGregor of El Paso moved 
that all necessary rules be suspended 
for the purpose of not concurring 
in the Senate Amendments, and that 
a Conference Committee be requested 
to adjust the differences between 
the two Houses on H. B. No. 33.

The motion prevailed by unan-
imous consent.

CONFERENCE COMMITTEE 
APPOINTED

The Speaker announced the ap-
pointment of the following Con-
ference Committee, on the part of 
the House, on House Bill No. 33:

Mears, BLAINE, Chairman, 
BELL, HUGHES of Dallas, 
McGREGOR of El Paso, 
SPEARS.

TO GRANT PERMISSION TO 
SUE THE STATE

Mr. Hughes of Dallas offered the 
following resolution:

H. C. R. No. 63

SUIT AGAINST STATE - MATTIE 
GRACE PIPKIN, ET AL

Whereas, On or about February 
7, 1961, Ernest Slaton Pipkin of 
Irving, Dallas County, Texas, was 
involved in an automobile accident 
on Interstate Highway 35-E in the 
2400 block of Stemmons Expressway 
at the Motor Street Overpass, in 
Dallas, Dallas County, Texas; by rea-
son of a Texas State Highway De-
partment maintenance or scraper being 
unarked and without warning signs 
while scraping the snow off such 
highway, and an automobile in which 
Ernest Slaton Pipkin was riding 
collided with said maintainer or scrap-
er, resulting in the death of Ernest 
Slaton Pipkin; and

Whereas, Mattie Grace Pipkin, of 
Irving, Dallas County, Texas, indi-
vidually, and as independent 
executor of the estate of Ernest 
Slaton Pipkin, deceased, desires to 
bring suit against the State of Texas 
for damages sustained by reason of 
said accident: now therefore, be it

Resolved, By the House of Rep-
resentatives of the State of Texas, 
the Senate of the State of Texas 
concurring, that Mattie Grace Pip-
kin, of Irving, Dallas County, Texas, 
individually; and as independent
Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suits must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

H. C. R. No. 16, as amended, was adopted.

Mr. Struve moved to reconsider the vote by which H. C. R. No. 16 was adopted and to table the motion to reconsider.

The motion to table prevailed.

TO GRANT PERMISSION TO SUE THE STATE

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

H. C. R. No. 16, To grant Costella permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 16 by striking the last two paragraphs of said resolution and substituting in lieu thereof the following:

Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suits must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

H. C. R. No. 16, as amended, was adopted.

Mr. Struve moved to reconsider the vote by which H. C. R. No. 16 was adopted and to table the motion to reconsider.

The motion to table prevailed.
Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

H. C. R. No. 19, as amended, was adopted.

Mr. Barlow moved to reconsider the vote by which H. C. R. No. 19 was adopted and to table the motion to reconsider.

The motion to table prevailed.

TO GRANT PERMISSION TO SUE THE STATE

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

H. C. R. No. 41, To grant permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 41 by changing the period to a semi-colon at the end of the next to last paragraph, adding the words "and be it further", and by striking the last paragraph and substituting in lieu thereof the following:

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

Mr. Adams of Titus moved to reconsider the vote by which H. C. R. No. 41 was adopted and to table the motion to reconsider.

The motion to table prevailed.

INVITATION TO THE TEXAS TECHNOLOGICAL COLLEGE CHOIR

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

H. C. R. No. 373, Invitation to the Texas Technological College Choir.

The resolution was adopted.

SENATE BILL NO. 145 ON SECOND READING

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

S. B. No. 145, Relating to examination and regulation of State Credit Unions; and declaring an emergency.

The bill was read second time and was passed to third reading.
SENATE BILL NO. 145 ON THIRD READING

Mr. Kennard moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 145 be placed on its third reading and final passage.

(Mr. Cory in The Chair)

The motion prevailed by the following vote:

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Present—Not Voting
Fairchild

Absent

Adams of Titus | Hughes of Dallas |
Blaine | Oliver |
Cole of Harris | Roberts of Dawson |
Cook | Slack |
Dungan | Wilson of Potter |
Hollowell | 

Absent—Excused
Floyd | Thurmond |

The Chair then laid Senate Bill No. 145 before the House on third reading and final passage.

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

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<td>Bandfield, Mrs.</td>
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<td>ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 136</td>
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<td>Mr. LaValle submitted the following Conference Committee Report on Senate Bill No. 136:</td>
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<tr>
<td>Austin, Texas, March 23, 1961</td>
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<tr>
<td>Honorable Ben Ramsey, President of the Senate.</td>
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<tr>
<td>Honorable James A. Turman, Speaker of the House of Representatives,</td>
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<td>Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 136, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.</td>
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<td>Schwartz, Rogers, Baker, Dies.</td>
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<tr>
<td>On the part of the Senate.</td>
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<tr>
<td>LaValle, Stewart of Galveston, Walker, Caldwell.</td>
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<tr>
<td>On the part of the House.</td>
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<td>S. B. No. 136, By: A. R. Schwartz</td>
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<td>A BILL To be entitled</td>
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| An Act to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th and 112th District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid by the State of Texas, prohibiting, however, the payment of any salary by Galveston County in excess of the compensation provided by this Act, providing the time and method of payment; authorizing...
amendment of the budget; providing that if any portion of this Act is unconstitutional, it shall not affect the remainder thereof, and declaring an emergency.

Be it Enacted By The Legislature of the State of Texas:

Section 1. In addition to the compensation paid by the State of Texas to District Judges, the Commissioners Court of Galveston County shall pay to the District Judges of the 16th Judicial District, the 24th Judicial District and the 25th Judicial District, respectively, for services rendered to Galveston County and for performing administrative duties, the sum of Forty-eight Hundred Dollars ($4,800.00) annually, to each of the Judges of said District Courts, to be paid in equal monthly installments out of the General Fund or Officers Salary Fund of Galveston County; provided that no District Judge shall receive from any County funds, as supplemental pay to his salary from the State, a sum in excess of Forty-eight Hundred Dollars ($4,800.00) per annum. The Commissioners Court of Galveston County shall make proper budget provisions for the payment thereof.

Sec. 2. If any portion of this Act is held unconstitutional by a court of competent jurisdiction, the remaining portions shall, nevertheless, be valid the same as if the invalid portion had not been made a part thereof.

Sec. 3. The fact that District Judges in the more densely populated counties have higher living expenses and the fact that they are not now adequately compensated for administrative services performed by them in such counties create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. LaValle moved that all necessary rules be suspended for the purpose of considering at this time the Conference Committee Report on Senate Bill No. 136.

The motion to suspend all necessary rules for the purpose of con-considering at this time the Conference Committee Report on Senate Bill No. 136 prevailed (having received the necessary two-thirds vote).

Mr. LaValle moved that the Conference Committee Report on Senate Bill No. 136 be adopted.

The Conference Committee Report on S. B. No. 136 was adopted by the following vote:

Yes—143

Adams of Lubbock Grover
Adams of Titus
Allen
Andrews
Alwell
Bailey
Ballman
Bankhead, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Berry
Blaine
Boyd
Brennan
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Colten
Cowen
Cowles
Cran
Crews
Curington
de la Garza
Dewey
Duff, Miss
Ehrhardt
Ellis
Fairchild
Finch
Foreman
Garrison
Gibbons
Giaddsen
Glass
Glasing
Green

Yeas—136

Adams of Lubbock Grover
Adams of Titus
Allen
Andrews
Alwell
Bailey
Ballman
Bankhead, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Berry
Blaine
Boyd
Brennan
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Colten
Cowen
Cowles
Cran
Crews
Curington
de la Garza
Dewey
Duff, Miss
Ehrhardt
Ellis
Fairchild
Finch
Foreman
Garrison
Gibbons
Giaddsen
Glass
Glasing
Green
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Parsons  Pecos Smith of Jefferson
Peavy  Peeler Spears
Fetty  Fetter Spillman
Pieratt  Pipkins Springer
Preston  Prew of Galveston
Price  Quilliam of Wichita
Rapp  Ratcliff Struve
Read of Galveston Townsend
Richards of Galveston
Roberts of Hill  Roberts of Dawson
Rone  Rosson Walker
Rosson  Sluder Watson
Snedall  Schram Wheatley
Shannon  Shipley Wilson of Trinity
Slack  Sleek Wilson of Potter
Slider  Smith of Bexar Woods
Smith of Bexar of Galveston Yezak

Hollowell  Absent
Alaniz of El Paso  Absent—Exempted
Dungan  Ferguson

HOUSE BILL NO. 61 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as postponed business, on its passage to engrossment, H. B. No. 61, A bill to be entitled "An Act setting up health standards for Grade A milk for pasteurization produced outside of the State of Texas and imported to points within; and requiring that such persons authorizing the importation of such milk certify that the milk is produced in accordance with standards for the production of milk in Texas; providing for inspection of foreign milk producers; providing for permit fees; providing for penalties, and declaring an emergency."

The bill was read second time on March 14 and further consideration was postponed until 11:00 o'clock a.m., March 23.

Mr. Burgess moved that further consideration of House Bill No. 61 be postponed until 11:00 o'clock a.m., April 6.

The motion prevailed.

HOUSE BILL NO. 14 ON THIRD READING

The Chair laid before the House, on its third reading and final passage, H. B. No. 14, A bill to be entitled "An Act declaring strikes by firemen, and collective bargaining by firemen claiming the right to strike, to be against the public policy of the State; and declaring the public policy of the State to be that, in cities having more than ten thousand inhabitants, grievances and disputes concerning firemen's salary, hours of work, conditions of work and other emoluments shall be submitted to arbitration or to public hearing; providing the procedure for submitting a grievance or dispute to a Commission of Arbitration, or to a Firemen's Hearing Commission, and the form and procedure for either Commission's action thereon; providing for the approval and adopting of a decision of a Commission of Arbitration or a recommendation of a Firemen's Hearing Commission, and the form and procedure for either Commission's action thereon; providing for the approval and adopting of a decision of a Commission of Arbitration, or a recommendation of a Firemen's Hearing Commission, by the firemen's representation committee, or for all firemen to vote to determine whether to approve and adopt, or to reject, such decision or recommendation; providing for the approval and adoption of such decision or recommendation, and the ordinance pursuant thereto, by the governing body of the city, or for an election of the qualified voters of the city to determine whether to approve and adopt, or to reject, such decision or recommendation; providing the procedure for submitting a grievance or dispute to a Commission of Arbitration, or a Firemen's Hearing Commission, and the form and procedure for either Commission's action thereon; providing for the approval and adopting of a decision of a Commission of Arbitration, or a recommendation of a Firemen's Hearing Commission, and the form and procedure for either Commission's action thereon; providing for the approval and adopting of a decision of a Commission of Arbitration, or a recommendation of a Firemen's Hearing Commission, by the firemen's representation committee, or for all firemen to vote to determine whether to approve and adopt, or to reject, such decision or recommendation; providing for the approval and adoption of such decision or recommendation, and the ordinance pursuant thereto, by the governing body of the city, or for an election of the qualified voters of the city to determine whether to approve and adopt, or to reject, such decision or recommendation; providing for the delay of the effectiveness of such decision or recommendation if the expenditure of additional funds is involved; providing a penalty for wilful violation of this Act; providing for a saving clause; providing that this Act shall be cumulative; and declaring an emergency."

The bill was read third time.

Mr. Read offered the following amendment to the bill:
Amend H. B. No. 14 by striking out all of Section 8.

The amendment was adopted by unanimous consent.

Mr. Adams of Lubbock offered the following amendment to the bill:
Amend House Bill 14 by striking In Section 7 on page 4, line 4 of the ballot, the words. "Within sixty (60) days after the date of the signing of the decision or recommendation, the governing body of said city shall hold an election of the qualified voters" and substituting in lieu thereof the following:

"the governing body of said city shall place the proposition on the ballot within 13 months or at the next general, special, municipal election, whichever comes sooner."

The amendment was adopted by unanimous consent.

Mr. Murray offered the following amendment to the bill:

Amend H. B. No. 14 by adding a new section after Sec. 10 to be known as Sec. 10a of said bill to read as follows:

"Sec. 10a. This Act shall become effective only after the adoption of the provisions hereof by the duly qualified voters of the cities concerned."

(Speaker in the Chair)

The amendment was lost.

House Bill No. 14 failed to pass by the following vote:

Yeas--66

Alaniz           Lock
Alvarado         Lary
Barlow           LaValle
Bass             Leaverton
Bell             McCoppin
Berry            McFadden
Blaine           of El Paso
Bridges          Markgraf
Cannon           Miller
Carroll          Mullen
Cole of Harris   Pearson
Cowan            Pieratt
Richardt         Preston
Shirley           Ratcliff
Garrardon        Richardson
Gladden          Roberts of Hill
Glass             Ross
Green            Sandahl
Grower            Shannon
Guyford           Shipey
Hardin           Smith of Bexar
Harrington      Smith of Jefferson
Hayes              Spears
Hinson              Springer
Hughes of Grayson    Stewart
Hughes of Dallas     of Galveston
Jarvis               Stewart
Johnson of Dallas     of Wichita
Johnson of Bexar      Trevino
Johnson of Bell       Watson
Jones of Travis       Whitefield
Kennard            Wilson of Trinity
Kilpatrick            Woods
Korff               Yeak
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<th>Nays—73</th>
<th>Bill No. 14 failed to pass and to table the motion to reconsider. The motion to table was lost by the following vote:</th>
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<td>Absent</td>
<td>Nays—77</td>
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<td>Connell</td>
<td>Oliver</td>
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<td>Dungan</td>
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<td>Thurman</td>
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<td>Floyd</td>
<td>Thurmond</td>
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1 Jour.—27

Mr. Connell (present), who would vote "nay", with Mr. Floyd (absent) who would vote "yea".

Mr. Oliver (present), who would vote "yea", with Mr. Thurmond (absent) who would vote "nay".

Mr. Jones of Dallas moved to reconsider the vote by which House
Leaverton                      Shannon
McCoplin                      Shipley
McGregor                      Black
of El Paso                    Smith of Bexar
Melfsuchy                     Smith of Jefferson
Markgraf                      Spears
Miller                        Springer
Mullen                        Stewart
Niemeyer                      of Galveston
Oliver                        Stewart
Perry                         of Wichita
Pieratt                       Strait
Peters                        Watson
Richardson                    Whitefield
Roberts of Hill               Wilson of Trinity
Rosas                         Woods
Sandahl                       Yents
Schram                        

S. B. No. 216. An Act validating McLean and Hill Counties Tehama-Canyon Creek Water Control and Improvement District Number One, validating the boundaries of said District; providing the district may acquire certain lands, rights-of-way, and easements by condemnation through the exercise of the power of eminent domain and making certain provisions with respect to the exercise of such power; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of the confirmation election, elections for Directors, maintenance tax, and bond elections, and in calling, conducting and determining the results of any exclusion hearing; validating all bonds hereofore voted and providing same shall be incontestable upon approval of the Attorney General and registration by the State Comptroller; etc., and declaring an emergency.

BILLS SIGNED BY THE SPEAKER

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

S. B. No. 42, An Act to amend Chapter 250 of the 41st Legislature, 1925, codified as Article 2815h in Vernon's Texas Civil Statutes, as amended, authorizing any Junior College District which was originally created with the same boundaries as an Independent School District, the boundaries of which Independent School District have been subsequently extended and enlarged, to annex such territory added to such Independent School District by such extension and enlargement to such Junior College District for Junior College purposes only; providing a severability clause; and declaring an emergency.

S. B. No. 121, An Act amending Article 57 of the Revised Civil Statutes of Texas, 1925, as amended, to provide for an additional member of the State Seed and Plant Board; providing for severability; and declaring an emergency.

ADOPITION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 33

Mr. McGregor of El Paso submitted the following Conference Committee Report on House Bill No. 33:

Austin, Texas, March 28, 1951

Honorable Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjudge the differences between the Senate and the House of Representatives on H. B. No. 33, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form as passed by the Senate with the following amendment:

"Amend Senate Amendment No. 3 by renumbering the second Sec. 3 as Sec. 4 and substituting in that section for the words "however where any incorporated city, town, or village by its Charter provides for a runoff election" the words "that where a second election occurs within such 16 day period."
March 23, 1961

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OWEN, BAKER, PATMAN, PARKHOUSE.

On the part of the Senate.

JOHN E. BLAINE,
MALCOLM MCGREGOR,
M. O. BELL,
FRANKLIN S. SPEAKE.

On the part of the House.

Mr. McGregor of El Paso moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on House Bill No. 33.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on House Bill No. 33 prevailed by the following vote (having received the necessary two-thirds vote):

**Yeas-141**

Abstain-1

- Adams of Lubbock Duff, Miss
- Adams of Titus Dungan
- Aladdin Ehrle
- Andrews Fairchild
- Atwell Forzman
- Bailey Garrison
- Ballman Gibbens
- Bankfield, Mrs. Gladden Yeak
- Barlow Glass
- Bartram Green
- Bass Grover
- Bell Guffey
- Berry Hale
- Blaine Harding
- Boyson Haring
- Bridges Harvin
- Buchanan Haynes
- Burgess Hibson
- Butler Hollowell
- Caldwell Huebner
- Canuso Hughes
- Carriker of Grayson
- Cole of Harris Hughes of Dallas
- Cole of Hunt Isaacks, Miss
- Collins James
- Cook Jamison
- Cory Jarvis
- Cottle Johnson of Dallas
- Cowen Johnson of Bell
- Cowles Jones of Dallas
- Crews Jones of Travis
- Curington de la Garza Kilpatrick
- Dewey Koliba

- Koroth Read
- Lack Richards
- Lary Richardson
- LaBlanc Roberts of Hill
- LaValle Ross
- Leaverton Rosson
- Lewis Sandahl
- Longoria Schram
- McCoppin Shannon
- McGregor Shipley
- McGregor of McLennan Slack
- McGregor of El Paso Smith of Bexar
- Melhany Smith of Jefferson
- Markgraf Salton
- Martin Spears
- Miller Spilman
- Moore Springer
- Mullen Stewart
- Murray of Galveston
- Niemeyer Stewart
- Nugent Struve
- Oliver Thurman
- Osborn Townsend
- Parsons Trevizo
- Pearcy Tunnell
- Peeler Walker
- Petty Ward
- Pieratt Watson
- Pickins Wells
- Preston Wheatley
- Price Whitfield
- Quillian Wilson of Trinity
- Rapp Woods
- Ratliff Yeak

Absent:

- Chapman Healy
- Crain Roberts of Dawson
- Dell Wilmer Potter

Absent—Excused

- Thurmond Floyd

MESSAGE FROM THE SENATE

Austin, Texas, March 23, 1961

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

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 217 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Hazlewood, Owen, Reagan, Hardeman and Parkhouse.
Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 184 by the Viva Voce Vote.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on S. B. 136 by vote 28 Yeas—0 Nays.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 33.

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

S. B. No. 1, General appropriation bill; and declaring an emergency.

S. B. No. 289, Appropriating revenues accruing to Veterans Land Board Special Fund No. 52 to General Land Office; and declaring an emergency.

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

HOUSE BILL NO. 6 ON SECOND READING

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

H. B. No. 6, A bill to be entitled "An Act relating to the authority of the commissioners courts of certain counties to establish election precincts; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

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

Amend House Bill No. 6 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 12 of the Election Code of the State of Texas (Article 2.04, Vernon's Texas Election Code) is hereby amended to read as follows:

"12. Election precincts formed. Each commissioners court may, if they deem it proper, at each July or August term of the court, divide their respective counties into convenient election precincts, each of which shall be differently numbered and described by natural or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three consecutive weeks. If there be no newspaper in the county, then such copy of such order shall be posted in some public place in each precinct in the

Committee Amendment No. 1

S. C. R. No. 38, Inviting the Honorable Ralph Yarborough, Senior United States Senator from Texas to address a joint session of the 57th Legislature in the House of Representatives on April 8, 1961.
county. The commissioners court shall cause to be made out and delivered to the county tax collector before the first day of each September a certified copy of such last order for the year following.

"No election precinct formed within a city of ten thousand inhabitants or more shall include any territory outside the corporate limits of the city.

"In counties of twenty thousand inhabitants or more, no election precinct shall be formed out of two or more justice precincts or commissioners precincts, nor out of the parts of two or more justice precincts or commissioners precincts.

"In counties of less than twenty thousand inhabitants, the commissioners court may establish election precincts without regard to justice precinct or commissioners precinct boundaries; but whenever any office elected by commissioners precincts or justice precincts is to be voted on at any election held within an election precinct embracing two or more, or parts of two or more, commissioners precincts or justice precincts, separate sets of ballots for such commissioners precincts or justice precincts shall be furnished so that each voter shall receive a ballot listing only the offices for which he is entitled to vote. The election officers shall determine and record on the poll list opposite each voter's name the number of the commissioners precinct or justice precinct in which he resides, or both such numbers, depending on whether the election precinct embraces territory in more than one commissioners precinct or in more than one justice precinct or both, and shall not permit a voter to receive a ballot listing offices for any other precinct. Nothing herein shall affect the provisions of Section 188 of this Code, and separate sets of ballots for commissioners precincts shall be furnished in all primary elections regardless of whether any election precinct in the county includes more than one, or parts of more than one commissioners precinct.

"Sec. 3. The cost involved in having numerous election precincts in sparsely populated counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

House Bill No. 6 was then passed to engrossment.

HOUSE BILL NO. 6 ON THIRD READING

Mr. Crain moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-134

Adams of Lubbock
Adams of Titus
Alamia
Allen
Andrews
Atwell
Bailey
Ball
Bancy
Bass
Beez
Blaine
Boyce
Bridges
Huchan
Butter
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Coffey
Cowen
Cowles
Crain

Mr. Crain moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 6 be placed on its third reading and final passage.

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

S. B. No. 290 to the Committee on Appropriations.

ADDRESS BY SPEAKER JAMES A. TURMAN

Speaker Turman addressed the House, as follows:

To: Members, House of Representatives, 57th Legislature.

From: Speaker James A. Turman.

I desire at this time to call your attention to important business to be laid before the House next Monday. In response to inquiries by several members and representatives of the press, I want now to state, so there might be no misunderstanding, that House Bill 334 by Rep. Charles L. Ballman, commonly known as the "loophole bill," will be at the top of the House calendar on Monday, March 27, 1961. Following your clearly expressed opinion in that resolution, I invite your consideration of Committee Amendments Nos. 1 and 2 to H. B. 334, together with germane amendments to this bill which in the aggregate will yield a sufficient amount to wipe out the deficit. It is only fair that I call your attention to the fact that this bill is sufficiently broad in content to accommodate additional tax proposals by amendment. I am advised some amendments have been prepared and others of you might wish to prepare amendments over the weekend. This is to give all Members ample notice and opportunity to draft whatever amendments they may wish to offer. Some Members have expressed a desire to amend H. B. 334 so as to provide sufficient revenue to cover the deficit. Such an accomplishment would fulfill the expression of the House voiced by resolution last week to retire the deficit before consideration of general taxation measures. Consideration of H. B. 334 will provide the opportunity for you to carry out this mandate which we have overwhelmingly given ourselves. It is up to you. It may be that you will deem it advisable to delay.
March 23, 1961

HOUSE JOURNAL

meeting this obligation. Through you —through a majority of you alone —can the House determine this issue.

Right or wrong, the recommendations submitted by the Governor to retire the deficit have been set aside. I say this not critically of the House, but may I remind you that we have passed the mid-point of the session and have made no provisions on our own to meet this outstanding obligation.

In all sincerity, Members of the House, I tell you that I am genuinely concerned that we not be tripped by trifles; that we not delay ourselves into a dilemma; that we not fall into the trap of indiscipline that we not bare ourselves to accusation that we are deaf to public demand to get on with our task.

We have common responsibility that transcends all differences. Let it not be said that grudges gored the 57th Legislature into inertness. The teachings of the Master in the Gospel according to Mark should temper our decisions: "If a House be divided against itself, that House cannot stand." The moment of performance for Texas, for you and for me is at hand.

I firmly believe in the good conscience of this House. Many of you —up and down and across all aisles —have worked long and hard day after day and into the waning hours of night in hearing and reviewing testimony on hundreds of bills, meeting in delegations and talking with constituents. Legislating is no easy task. Time is growing short. We must be mindful of the fact that the public generally will grade our ability to pay our debts and how long it takes us to solve it.

May I respectfully appeal to you to hasten the people's business. Let it be said that we have worked together for the common good and that the House of Representatives of the 57th Legislature met its responsibilities and met it with courage and conviction. May we so conduct ourselves that our actions in the days to come will always be regarded as one of our finest hours.

Let me repeat, we must move now, and in a statesman-like manner, to solve our State's pressing financial problems. In so doing, we can all agree that a breadth of vision commensurate with the greatness of Texas must be the essential ingredient in our deliberations.

ADDRESS BY THE HONORABLE WESLEY ROBERTS

The following address by the Honorable Wesley Roberts addressing the House on today on personal privilege, was ordered printed in the Journal:

'Mr. Speaker and Fellow Members of the House:

I rise for my annual fireside chat on personal privilege because I am personally aggrieved at John Tower's statement that he is the only conservative in the race for United States Senate.

My own campaign has been limited because I have stayed on the job here in the House. The conservatives are in a battle for the life of a philosophy, and I am not one to say I am the only conservative in this race. I have been here in the House fighting that battle for several sessions, and I have been here while Mr. Tower was campaigning on time that he was paid to spend in his classroom.

A lot of money—Chicago money, if you please—is being sent into Texas to influence votes for Tower. Conservative Democrats in Texas have been divided too long among themselves. For that reason I announce my withdrawal from the race. I am throwing my support to the only other conservative Democrat in the race—Senator Bill Blakley. I call upon all conservative Democrats to get behind him and win a Democratic victory. It would ruin the conservative cause in this state if Republican John Tower were elected to the high office of United States Senator. It would also be very damaging to all the conservative members in the Texas Legislature who have been fighting so hard, both in Austin and at home, for a conservative democracy in this state.

Mr. Speaker, I am going down to the Driskill Hotel right now and tell Bill Blakley I want to help him win this race for the conservative Democrats of Texas.

REMARKS ORDERED PRINTED

Mr. de la Garza moved that the remarks of Speaker Turman addres-
The motion prevailed.

Mr. James moved that the remarks of the Honorable Wesley Roberts addressed to the House on today be printed in the Journal.

The motion prevailed.

INTRODUCTION OF HOUSE BILL NO. 1053

Mr. McLain moved to reconsider the vote by which the House refused to grant permission to Mr. Gladden to introduce and have placed on first reading H. B. No. 1053.

The motion to reconsider the vote prevailed.

The motion by Mr. Gladden to introduce and have placed on first reading H. B. No. 1053 prevailed by the following vote:

Yea—114

Allen
Allen of El Paso
Ambler
Ames, Miss
Andrews
Andrews of Panola
Annis
Annis of Harris
Asbell
Asbell of Bell
Atwell
Atwell of El Paso
Bailey
Bailey of South Dakota
Barlow
Barlow of Panola
Barnes
Barnes of Bexar
Berry
Berry of Bell
Blaine
Blaine of Denton
Boysen
Boysen of Hidalgo
Bridges
Bridges of Bexar
Buchanan
Buchanan of Bexar
Burgess
Burgess of Dallas
Butler
Butler of Bell
Caldwell
Caldwell of Bexar
Cannon
Cannon of Grayson
Carriker
Carriker of Bell
Chapman
Chapman of Cameron
Cole of Harris
Cole of Harris of Harris
Collins
Collins of Harris
Cook
Cook of Harris
Donell
Donell of Bexar
Downing
Downing of Bexar
Dugan
Dugan of Bexar
Fairchild
Fairchild of Bexar
Foreman
Foreman of Bexar
Gardin
Gardin of Bexar
Gibbons
Gibbons of McLennan

Nay—22

Allen
Allen of El Paso
Andrews
Andrews of Panola
Atwell
Atwell of El Paso
Bailey
Bailey of South Dakota
Barlow
Barlow of Panola
Barnes
Barnes of Bexar
Berry
Berry of Bell
Blaine
Blaine of Denton
Boysen
Boysen of Hidalgo
Bridges
Bridges of Bexar
Buchanan
Buchanan of Bexar
Burgess
Burgess of Dallas
Butler
Butler of Bell
Caldwell
Caldwell of Bexar
Cannon
Cannon of Grayson
Carriker
Carriker of Bell
Chapman
Chapman of Cameron
Cole of Harris
Cole of Harris of Harris
Collins
Collins of Harris
Cook
Cook of Harris
Donell
Donell of Bexar
Downing
Downing of Bexar
Dugan
Dugan of Bexar
Fairchild
Fairchild of Bexar
Foreman
Foreman of Bexar
Gardin
Gardin of Bexar
Gibbons
Gibbons of McLennan

Present—Not Voting

Adams
Adams of Titus
Adams of Lubbock
Andrews
Andrews of Panola
Atwell
Atwell of El Paso
Bailey
Bailey of South Dakota
Barlow
Barlow of Panola
Barnes
Barnes of Bexar
Berry
Berry of Bell
Blaine
Blaine of Denton
Boysen
Boysen of Hidalgo
Bridges
Bridges of Bexar
Buchanan
Buchanan of Bexar
Burgess
Burgess of Dallas
Butler
Butler of Bell
Caldwell
Caldwell of Bexar
Cannon
Cannon of Grayson
Carriker
Carriker of Bell
Chapman
Chapman of Cameron
Cole of Harris
Cole of Harris of Harris
Collins
Collins of Harris
Cook
Cook of Harris
Donell
Donell of Bexar
Downing
Downing of Bexar
Dugan
Dugan of Bexar
Fairchild
Fairchild of Bexar
Foreman
Foreman of Bexar
Gardin
Gardin of Bexar
Gibbons
Gibbons of McLennan

Absent—Excused

Floyd
Floyd of Helms
Girl
Girl of El Paso
Henderson
Henderson of Bexar
Hubbard
Hubbard of Bexar
Hunt
Hunt of Bexar
James
James of Bexar
Johnson
Johnson of Bell
Jones
Jones of Bexar

Present—Not Voting

Adams
Adams of Titus
Adams of Lubbock
Andrews
Andrews of Panola
Atwell
Atwell of El Paso
Bailey
Bailey of South Dakota
Barlow
Barlow of Panola
Barnes
Barnes of Bexar
Berry
Berry of Bell
Blaine
Blaine of Denton
Boysen
Boysen of Hidalgo
Bridges
Bridges of Bexar
Buchanan
Buchanan of Bexar
Burgess
Burgess of Dallas
Butler
Butler of Bell
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Donell of Bexar
Downing
Downing of Bexar
Dugan
Dugan of Bexar
Fairchild
Fairchild of Bexar
Foreman
Foreman of Bexar
Gardin
Gardin of Bexar
Gibbons
Gibbons of McLennan

Absent

Adams of Lubbock
Andrews
Andrews of Panola
Atwell
Atwell of El Paso
Bailey
Bailey of South Dakota
Barlow
Barlow of Panola
Barnes
Barnes of Bexar
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Berry of Bell
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Downing of Bexar
Dugan
Dugan of Bexar
Fairchild
Fairchild of Bexar
Foreman
Foreman of Bexar
Gardin
Gardin of Bexar
Gibbons
Gibbons of McLennan

HOUSE BILL NO. 970 ON SECOND READING

Mr. Peeler moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 970.

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

H. B. No. 970, A bill to be entitled "An Act validating (a) Nueces County Water Control and Improvement District Number 4 (b) the present boundaries of the District (c) the organization of its Board of Directors and all governmental acts and proceedings heretofore accomplished (d) the outstanding bonds of the District and the levy and collection of taxes and the fixing of water rates and charges in support thereof; providing that no further hearings on exclusion of land shall be necessary and that the ad valorem basis of levying taxes shall be employed without further hearings on a plan of taxation; providing that the District shall be empowered to acquire and provide sanitary and storm sewer facilities; providing that bonds of the District shall be authorized instruments and eligible to secure deposits of public funds in certain instances; declaring the District essential; and declaring an emergency."

The bill was read second time.

Mr. Peeler offered the following amendment to the bill:

Amend H. B. 970 by adding a new Section 6 and re-numbering subsequent sections, said new Section 6 to read as follows:

Section 6. Nothing in this Act shall in any way affect, impair, or nullify any litigation now pending in any of the Courts of Texas, but any such litigation shall be determined on the basis of facts and law as though this Act had not been passed.

The amendment was adopted.

Mr. Peeler offered the following amendment to the bill:

Amend House Bill 970 by adding to Section 2 thereof, following the words "for any and all the foregoing purposes," the words: "and same shall be confined to the boundaries of Nueces County."

The amendment was adopted.

House Bill No. 970 was passed to engrossment.
The Speaker then laid House Bill No. 970 before the House on third reading and final passage.

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

**Year—136**

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<thead>
<tr>
<th>Year</th>
<th>Adams of Lubbock</th>
<th>Adams of Titus</th>
<th>Alavez</th>
<th>Allen</th>
<th>Andrews</th>
<th>Bailey</th>
<th>Barfield, Mrs.</th>
<th>Barklow</th>
<th>Barnes</th>
<th>Bartram</th>
<th>Bass</th>
<th>Bell</th>
<th>Blaine</th>
<th>Boyeas</th>
<th>Bridges</th>
<th>Buchanan</th>
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<td>Chapman</td>
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<td>Cole of Hunt</td>
<td>Collins</td>
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<td>de la Garza</td>
<td>Dewey</td>
<td>Duff, Miss</td>
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<td>Eckhardt</td>
<td>Ehrle</td>
<td>Garrison</td>
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<td>Grover</td>
<td>Guffey</td>
<td>Hale</td>
<td>Harding</td>
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<td>Healy</td>
<td>Hinson</td>
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<td>Nugent</td>
<td>Oliver</td>
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<td>Pecoy</td>
<td>Pierce</td>
<td>Pikkin</td>
<td>Preston</td>
<td>Price</td>
<td>Price</td>
<td>Quilliam</td>
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<td>Read</td>
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<td>Fairchild</td>
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Mr. Peeler moved to reconsider the vote by which H. B. No. 970 was passed.
was passed and to table the motion to reconsider.

ADJOURNMENT

Mr. Townsend moved that the House adjourn until 10:30 o'clock a.m. next Monday.

Mr. Dewey moved that the House adjourn until 10:00 o'clock a.m. next Monday.

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

The motion to adjourn until 10:00 o'clock a.m. next Monday was lost.

The motion to adjourn until 11:00 o'clock a.m. next Monday prevailed.

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

In accordance with the motion to adjourn, the House at 1:07 p.m. adjourned until 11:00 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

Banks and Banking: H. B. No. 7.
Contingent Expenses: H. B. No. 832.
Highways and Roads: H. B. No. 757.
Liquor Regulation: H. B. No. 887.
Revenue and Taxation: H. B. No. 528 and H. B. No. 885.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 58, directing the Board of Control to fly the flag of Greece beneath the Texas flag on March 23, 1961.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 62, relative to setting aside certain space in the Capitol for use of the House and the Senate.

Has carefully compared same and finds it correctly enrolled.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 188, An Act relating to an additional tax for common school districts in certain counties; amending Sections 1 and 2 of Chapter 468, Acts of the Fifty-sixth Legislature, Regular Session, 1959; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 558, An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess, or attempt to hunt, take, or kill any game bird or game animal in Frio County at any time; to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish in said County at any time, prescribing the legislative policies with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said County; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said County; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; restoring the antlerless deer permits; providing for the issuance of the antlerless deer permits; providing for a public hearing to be held in Frio County and for adequate notice of such hearing; providing for the adoption of the proclamation, orders, rules or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the powers of the Commission are not limited; providing for the enforcement of the regulations; providing penalties for violation of any of the provisions of this Act as well as any order, rule or regulation of the Commission; making it unlawful to provide a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing for an open season; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 23, 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. 60, authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 59, has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR
March 23, 1961
H. C. R. No. 60
H. B. No. 188
H. B. No. 558

THIRTY-NINTH DAY
(Monday, March 27, 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: