March 29, 1961

HOUSE JOURNAL

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 25, 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. 49, providing for a Joint Session at 11:30 a.m. on April 5, 1961, for the purpose of receiving seals from representatives of the Texas Heritage Foundation and the Adjutant General's Department,

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO THE GOVERNOR

March 27, 1961

H. B. No. 33
H. B. No. 54
H. B. No. 365
H. B. No. 351
H. C. R. No. 58

March 28, 1961

H. C. R. No. 49

FORTY-FIRST DAY

(Wednesday, March 29, 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
Adams of Lubbock
Adams of Troup
Alanis
Alford
Allen
Atwell
Bailey
Ballman
Baxfield, Mrs.
Barlow
Bartram
Bass
Bell
Berry
Cotton
Cowen
Craw
Cunnington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Elie
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Glass
Huffman
Hughes
Hughes of Grayson
Hughes of Dallas
Issacs, Miss
James
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Korich
Lack
Larry
Lattimer
La Valle
Leaverton
Lewis
Lonegro
McCoppin
McGregor
McGregor
McGregor
McGregor
Mcllhany
Markgraf
Martin
Miller
More
Mullen
Murray
Mitscher
Mizerk
Nagert
Oliver
Osborn
Parsons
Pears
Petty
Piett
Pipkin
Preston
Price
Quilliam
Rapp
Ratcliff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Rosson
Sandahl
Schram
Shipley
Slack
Slifer
Smith of Bexar
Smith of Jefferson
Smithson
Spear
Spilman
Springer
Stewart
Stewart
Stewart
Stewart
Struve
Thurman
Thurmond
Townsend
Trevino
Turnell
Walker
Walker
Watson
Wells
Wheatley
Whitefield
Wilson of Trinity
Wilson of McLennan
Wilson of Potter
Woods
Yeak
Yeak
Yeak
Yeak
Young

Absent—Excused

Shannon
A quorum of the House was announced present.

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

"Lord Jesus, we pray at this moment that Thy spirit may come into our hearts and reveal to us how near Thou art. There are times when Thou art not real to us. Not because Thou hast withdrawn from us but because we have wandered away from Thee, not because Thou art not speaking but because we are not listening, not because Thy love for us is less but because we have fallen in love with things instead of persons. Father, melt the coldness of our hearts. Give us compassion that we may express our love for Thee Who didst love us enough to die for us. Amen."

LEAVE OF ABSENCE GRANTED

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

Mr. Shannon for today on motion of Mr. McLhany.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 442, By Messrs. Jones of Travis, Sandahl and Foreman: In Memory of Major General Paul Wakefield.

H. S. R. No. 443, By Mr. Bailey: In Memory of George Washington Hunt.


H. S. R. No. 446, By Mr. Preston: In Memory of John C. Gambill.


RELATIVE TO H. B. NO. 334

Mr. Dewey moved that all necessary rules be suspended in order that H. B. No. 334, as passed by the House, be printed and a copy be placed on the desk of each Member of the House.

The motion prevailed.

INTRODUCTION OF HOUSE BILL NO. 1059

Mr. Watson asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1059.

There was no objection offered and it was so ordered.

CONGRATULATORY RESOLUTION ADOPTED

H. S. R. No. 454, By Messrs. Hale, Bridges, Peeler and Glusing: To recognize students of W. B. Ray High School of Corpus Christi, Texas.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Korloth offered the following resolution:

H. C. R. No. 67

Whereas, By instrument dated December 30, 1947, recorded in Vol. 530, page 198, Deed Records, Grayson County, Texas, Raymond Renfro and wife, Stella Renfro, both residents of Grayson County, Texas, conveyed to the State of Texas, acting by and through the Texas State Highway Commission, the following described land in the J. J. Moss Survey, Abstract No. 860, in Grayson County, Texas, as right-of-way for Farm-to-Market Highway No. 131 in said Grayson County, Texas:

FIELD NOTES

F. M. HIGHWAY NO. 131

TRACE NO. 89

RAYMOND RENFRO

Being a tract or parcel of land out of the J. J. Moss Survey, Abstract No. 860, and being more particularly described as follows:

Beginning at the Southeast corner of the Raymond Renfro tract, same being a point in the center line of Farm Highway No. 131, at Station 432/82;

Thence N. 0°-34'E., with said center line, a distance of 1018.5 feet, to the beginning of a curve to the left, and continuing N. 0°-34'E. a distance of 187.6 feet, in all 1206.1 feet, more or less, to a point in the NBL of said Highway, said point being 30.0 feet from said center line, measured at right angles thereto, at station 444/82.6;

Thence in a Northwesterly direction with the NBL of said Highway...
along a curve to the left, having a radius of 603.0 feet, a distance of 567.2 feet, more or less, to a point in the NBL of the Raymond Renfro tract, said point being 30.0 feet from the center line of said highway, measured at right angles thereto, at survey station 456+23.2.

Thence N. 89° -38' W. with the NBL of the Raymond Renfro tract, at 187.6 feet past the end of said curve, at station 452+02.7 which station is equal to station 450+56.4 there being an equation of plus 166.3 feet in the center line stationing, and containing N. 89° -38' W. with the said NBL of the Renfro tract and center line of said Highway, in all 983.2 feet, more or less, to the center line of said Highway, and containing 1.242 acres, more or less.

Thence in a Southeasterly direction with said center line of said Highway, now becoming the WBL along a curve to the right, having a radius of 543.6 feet, a distance of 795.6 feet from the place of beginning of a curve to the right, at station 453+00.5, which station is equal to station 450+36.4 there being an equation of plus 166.3 feet in the center line stationing at this point.

Thence in a Southeastery direction with said WBL of Highway, now becoming the SBL of said Highway, a distance of 563.0 feet, more or less, to a point in the center line of said Highway, measured at right angles thereto, at station 449+00.6.

Thence S. 8° 34' W. with the WBL of said Highway, a distance of 1615.5 feet, more or less, to a point in the SBL of said Raymond Renfro tract, said point being 30.0 feet from the center line of said Highway, measured at right angles thereto, at station 432+14.2.

Thence S. 89° -26' E. with the SBL of said Raymond Renfro tract a distance of 30.0 feet, to the place of beginning, and containing 1.842 acres of land, more or less, 1.842 acres, more or less, lie within the present traveled road.

Whereas, as payment for said land for road purposes, and conveyed none of mineral ownership may interfere with the pool of the land of Raymond Renfro and wife, Stella Renfro, with lands to the North and East thereof, which could render their land completely worthless as oil and gas producing acreage, to their irreparable damage, it being only a relative short distance from the Pottsboro, Grayson County, Texas, deep distillate field. Now, Therefore, Be It Resolved, by the House of Representatives, the Senate concurring:

That the said Raymond Renfro and wife, Stella Renfro, be, and they are hereby, given permission to sue the State of Texas, in any court of competent jurisdiction in Grayson County, Texas, deep distillate field. The said instrument shall be filed within two (2) years from the effective date of this Resolution and not afterward, for the recovery of the salary, maintenance and amendment of the above-described deed.

Service of citation or other necessary process may be had upon the Chairman of the Texas Highway Commission and the Attorney General of Texas, and the State Highway Department of the State of Texas, in any court of competent jurisdiction in Grayson County, Texas, which suit shall be filed within two (2) years from the effective date of this Resolution and not afterward, for the recovery of the salary, maintenance and amendment of the above-described deed.

Whereas, As payment for said land for road purposes, and conveyed none of mineral ownership may interfere with the pool of the land of Raymond Renfro and wife, Stella Renfro, with lands to the North and East thereof, which could render their land completely worthless as oil and gas producing acreage, to their irreparable damage, it being only a relative short distance from the Pottsboro, Grayson County, Texas, deep distillate field. Now, Therefore, Be It Resolved, by the House of Representatives, the Senate concurring:

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Service of citation or other necessary process may be had upon the Chairman of the Texas Highway Commission and the Attorney General of Texas, and the State Highway Department of the State of Texas, in any court of competent jurisdiction in Grayson County, Texas, which suit shall be filed within two (2) years from the effective date of this Resolution and not afterward, for the recovery of the salary, maintenance and amendment of the above-described deed.
of Texas or the State Highway Department.

The resolution was referred to the Committee on State Affairs.

TO DECLARE APRIL 4TH "JOHN B. CONNALLY DAY"

Mr. Bridges offered the following resolution:

H. S. R. No. 448

Whereas, His Excellency the President of the United States saw in his wisdom to give great honor and distinction to Texas, and give to the nation and world the services and abilities of a great Texan, and

Whereas, The honorable Secretary of Navy is a distinguished son of the Lone Star State, born in South Texas, the little city of Floresville, and

Whereas, He is a resident of Tarrant County, his home in the Western Hills of Fort Worth, and

Whereas, He began his service to his fellow citizens during college days as president of the student body of the University of Texas, where he was graduated with a law degree in 1939, and

Whereas, He has four brothers, and in the year 1940 married the lovely Idanel B. Brill of Austin, and

Whereas, This gracious and charming couple now have three fine children, John B. III, 14 years old; Sharon, 11 years of age; and Mark, 8 years, and

Whereas, He has a background fabulously filled with phenomenal accomplishments, having served as an outstanding attorney, businessman, and oil operator, further giving his guidance as an officer or director for more than a dozen firms all over the world, and

Whereas, This Texan served his country as a Lieutenant Commander in the United States Navy during World War II, where he further distinguished himself by receiving among other honors the Bronze Star and Legion of Merit; and

Whereas, He is a vociferous and adamant advocate of Democracy and its American way of life, and

Whereas, The Honorable John B. Connally has brought to his home State of Texas national acclaim, prominence, and outstanding recognition, and

Whereas, Secretary Connally will be honored at a South Texas’ dinner in Corpus Christi on April 4th, be it therefore resolved:

That, the House of Representatives of Texas, declare April 4th "John B. Connally Day" in Texas.

BRIDGES, HALE, GLUSING, MULLEN de la GARZA, MURRAY, RAPP, TREVINO, PIPKIN, LONGORIA, ANDREWS, HARING, STROVE, CORY.

The resolution was adopted.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 449, By Mr. Smith of Jefferson: Commending the Fraternal Order of Eagles.


H. S. R. No. 452, By Mr. Collins: Congratulating Candy Ann Bennett and Maxey Lee Kirkley.

H. S. R. No. 453, By Miss Duff and Mr. Markgraf: Commending citizens of the City of Italy and Ellis County.

CONCERNING EXCISE TAXATION BY THE FEDERAL GOVERNMENT

Mr. Smith of Jefferson offered the following resolution:

H. C. R. No. 68

Whereas, The founding fathers of our nation sought to create a system of government wherein the central government provides certain services and benefits and the various states provide other services and benefits under a complementary and harmonious division of authority and responsibility; and

Whereas, To accomplish the objective of our founding fathers in creating our Federal system of government it is necessary that the
WHEREAS, The Legislature needs to know the present money resources so as to make full utilization there­of during the current deficit period, now, therefore, be it
Resolved, by the House of Rep­resentatives of the 57th Legislature, and
That the resolution was referred to the Committee on Revenue and Taxa­tion.

Mr. Oliver moved that H. C. R. No. 69 be withdrawn from the Com­mittee on Revenue and Taxation and referred to the Committee of the Whole House.

H. C. R. No. 69 was read second time.

A record vote was requested on the motion by Mr. Oliver.

The motion to re-refer H. C. R. No. 69 to the Committees of the Whole House was lost by the following vote:

Yeas—51

Adams of Lubbock Fairchild
Allen Floyd
Andrews Atwell
Atwell Garrison
Bastin, Mrs. Gibbens
Barnes Grover
Bartram Heatly
Beal James
Berry Johnson of Dallas
Blaine Jones of Dallas
Boye Jones
Brennan Kellis
Brewer Latimer
Brown Curington
Browning de la Garza
Browne of McLennan

The resolution was referred to the Committee on Revenue and Taxation.

REQUESTING CERTAIN INFORMA­TION FROM THE CHIEF EX­ECUTIVE OF EACH STATE AGENCY, ETC.

Mr. Oliver offered the following resolution:

H. C. R. No. 69

WHEREAS, Hundreds of special funds are subject to the control and disposition of the agencies, institu­tions, and departments which collect­ively constitute the government of the State of Texas; and

WHEREAS, Many agencies which have large sums of cash on hand are asking for increased appropri­ations; and

WHEREAS, Millions of dollars are to be appropriated to the use of the agencies, institutions, and departments; and

WHEREAS, It is obvious to many authorities who have studied the crisis in State finances that the solution to this problem is to be found in a reallocation of the sources of tax revenue between the various states and the central government; now, therefore, be it
Resolved, by the House of Rep­resentatives of the 57th Legislature, That the Federal Government be respectfully requested to enact legislation withdrawing the Federal Government from the field of excise taxation in order that this source of tax revenue may be utilized by the various states to meet their pressing needs for increased re­venues; and be it further
Resolved, by the House of Rep­resentatives, the Senate concurring, That the Congress of the United States be respectfully requested to enact legislation withdrawing the Federal Government from the field of excise taxation in order that this source of tax revenue may be utilized by the various states to meet their pressing needs for increased re­venues; and be it further
Resolved, by the House of Rep­resentatives, the Senate concurring, That the Congress of the United States be respectfully requested to enact legislation withdrawing the Federal Government from the field of excise taxation in order that this source of tax revenue may be utilized by the various states to meet their pressing needs for increased re­venues; and be it further
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Resolved, by the House of Rep­resentatives, the Senate concurring, That the Congress of the United States be respectfully requested to enact legislation withdrawing the Federal Government from the field of excise taxation in order that this source of tax revenue may be utilized by the various states to meet their pressing needs for increased re­sources; and be it further
RECALLING H. B. NO. 396

Mr. Slider offered the following resolution:

H. C. R. NO. 70
Whereas, House Bill No. 396 has passed both the House of Representatives and the Senate and is now in the House Enrolling Room;

Whereas, Said Bill needs to be corrected; now therefore, be it
Resolved by the House of Representatives, the Senate concurring, That the Chief Clerk of the House be instructed to return H. B. No. 396 to the Senate for further consideration.

The resolution was adopted.

SENATE BILL NO. 135 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on Its passage to third reading, S. B. No. 135, Creating a Juvenile Board for Galveston County; and declaring an emergency.

The bill was read second time on March 15 and further consideration was postponed until 11:00 o'clock a.m. today.

Mr. La Valle moved that further consideration of Senate Bill No. 135 be postponed until 11:00 o'clock, April 12.

The motion prevailed.

SENATE BILL NO. 162 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on Its passage to third reading, S. B. No. 162, Changing the name of the Probate Court of Galveston County; and declaring an emergency.

The bill was read second time on March 15 and further consideration was postponed until 11:00 o'clock a.m. today.
Mr. LaValle moved that further consideration of Senate Bill No. 162 be postponed until 11:00 o'clock a.m., April 12.

The motion prevailed.

SENATE BILL NO. 190 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 190, Validating the annexation and extension of boundaries of all cities and towns of eight hundred inhabitants or less, and declaring an emergency.

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

SENATE BILL NO. 190 ON 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. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-121

Adams of Lubbock de la Garza
Adams of Titus
Ahalt
Allen
Andrews
Bailey
Ballman
Barlow
Barres
Barram
Bass
Bell
Blaine
Boyan
Buchanan
Burgess
Butler
Calwell
Cannon
Carricker
Chapman
Cole of Harris
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
Crews

Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Korich
Lack
Lary
Latimer
La Valle
Lawrence
Lewis
Longoria
McGregor
of McLennan
McGregor
of El Paso
McNairy
Markgraf
Martin
Miller
Moore
Mullen
Mutscher
Nichols
Niehaus
Parr
Penny
Peery
Peele
Petty
Peters
Pitcairn
Pipkin
Preston
Price
Price

Nays-14

Bridges
Bridges
Brown
Collins
Collins
Cran
Curaing
Cutting
Dewey
Dewey
Duff, Miss
Duff,

Atwell
Banfield, Mrs.
Berry
Bridges
Brown
Brown
Brown
Collins
Collins

Abstent
Absent
Absent—Excused

Asbjornson
Barnes
Barram
Barres
Bass
Bell
Blaine
Boyan
Buchanan
Burgess
Butler
Carricker
Chapman
Cole of Harris
Cole of Hunt
Connell
Cook
Cory
Cowen
Cowles
Crews

Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Korich
Lack
Lary
Latimer
La Valle
Lawrence
Lewis
Longoria
McGregor
of McLennan
McGregor
of El Paso
McNairy
Markgraf
Martin
Miller
Moore
Mullen
Mutscher
Nichols
Niehaus
Parr
Penny
Peery
Peele
Petty
Peters
Pitcairn
Pipkin
Preston
Price
Price

The Speaker then laid Senate Bill No. 196 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
Yeas—139
Adams of Lubbock
Hughes of Dallas
Adams of Titus
Alixa
Allen
Andrews
Atwell
Bailey
Ballman
Ballman, Mrs.
Barrows
Bartram
Bass
Bell
Blaine
Boysen
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carver
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Coyle
Cowen
Cowles
Craft
Crews
Curtis ton de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrle
Farrington
Felder
Fletcher
Floyd
Foreman
Garrion
Gibbons
Gladden
Glass
Goling
Green
Grove
Guelfy
Hale
Harding
Haring
Hays
Healy
Hinson
Hollowell
Hubner
Humes
Sprunger
Walker
Stewart
Ward
of Galveston
Ward
of Wichita
Stewart
Struve
Thurman
Thurmond
Wilson of Trinity
Wilson of Potter
Townsend
Trevino
Tunnell
Absent
Barlow
Niemeyer
Berry
Cole of Harris
Harrington
Schram
Mutchter
Absent—Excused
Shannon
Mr. Gladden moved to reconsider the vote by which S. B. No. 190 was passed and to table the motion to reconsider. The motion to table prevailed.

SENATE BILL NO. 215 ON SECOND READING
The Speaker laid before the House on its second reading and passage to third reading,
- S. B. No. 215, To provide that the Hondo Creek Watershed Improvement District may call an election for the authorization or a tax for maintenance purposes, and declaring an emergency.
The bill was read second time and was passed to third reading.

SENATE BILL NO. 215 ON THIRD READING
Mr. Haring moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 215 be placed on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—133
Adams of Lubbock
Atwell
Adams of Titus
Alixa
Hollowell
Allen
Humes
Barlow
The Speaker then laid Senate Bill No. 215 before the House on third reading and final passage. The bill was read third time and passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas-134</th>
<th>Nays-2</th>
</tr>
</thead>
</table>

- Adams of Titus
- Garrison
- Allen
- Gibbons
- Andrews
- Glasing
- Bailey
- Green
- Ballman
- Grover
- Banfield, Mrs.
- Guffey
- Burrens
- Hale
- Bircham
- Hardin
- Base
- Harrin
- Blaine
- Nursery
- Bell
- Harrington
- Bridges
- Heflin
- Hollowell
- Butler
- Huesner
- Caldwell
- Cannon of Grayson
- Carpenter
- Chapman
- Cole of Hunt
- Collins
- Connell
- Jarvis
- Cook
- Cory
- Johnson of Bell
- Cory
- Jones of Dallas
- Cowan
- Jennis
- Cowen
- Cowman
- Cochran
- Crain
- Crews
- Cummings
de la Garza
- Dewey
- Duff, Miss
- Dunn
- Earles
- Eckhardt
- Ehrle
- Fairechild
- Fletch
- Floyd
- Foreman
- Gibbons
- Glad
- Glass
- Glossing
- Green
- Grover
- Guay
- Hardin
- Har
- Harrington
- Haynes
- Heady
- Hisson
- Holcomb
- Huesner
- Hughes of Grayson
- Hughes of Dallas
- Isaacs, Miss
- James
- Jennis
- Johnson of Dallas
- Johnson of El Paso
- Johnson of Bell
- Jones of Dallas
- Jones of Travis
- Kennard
- Kilpatrick
- Koliba
- Lack
- Larry
- Latimer
- Leavenson
- Lewis
- Leongoria
- McGuigan
- Murray
- Mutch
- Oberman
- Phelps
- Pecey
- Peete
- Pipkin
- Preston
- Prine
- Quilliam
- Rapp
- Richardson
- Roberts of Hilt
- Ross
- Rosson
- Sandahl
- Shipley
- Shock
- Side
- Smith of Bexar
- Smith of Jefferson
- Seldon
- Speirs
- Spenman
- Springer
- Stewart of Galveston
- Stewart of Charta
- Straw
- Tho
- Tunnell
- Walker
- Ward
- Watson
- Wells
- Whitefield
- Wilson of Trinity
- Wilson of Potter
- Woods
- Yeark
- Jarvis
- Nugent
- Absent
- Berry
- Ratcliff
- Cole of Harris
- Read
- Garrison
- Richards
- Kirkland
- Roberts of Dawson
- Scharf
- Oliver
- Thurman
- Absent-Excused
- Shannon
- Absent

The bill was read third time and was passed by the following vote:
Mr. Adams of Lubbock moved that further consideration of Senate Bill No. 19 be postponed until 10:00 o'clock a.m., April 12. The motion prevailed.

HOUSE BILL NO. 559 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 559, Relative to amending Para. (1), Art. 13.02, Title 122A, Taxation-General, R.S., to extend the applicability of the occupation tax on the gross receipts of certain gas, electric and water utilities to all intrastate gross receipts, and imposing a gross receipts tax at a uniform rate of 1.997%.

The bill was read second time on March 1, considered on March 28 and further consideration was postponed until 4:15 o'clock p.m., March 28, with Committee Amendment No. 1 pending.

Mr. Carriker moved that further consideration of House Bill No. 559 be postponed until 9:00 o'clock a.m., April 10. The motion prevailed.

HOUSE BILL NO. 36 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 36, Relative to making findings and declaring policies relating to occupational safety.

The bill having heretofore been read second time, considered by the House on March 28, and further consideration was postponed until 4:15 o'clock p.m., March 28.

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

Committee Amendment No. 1

Amending H. B. No. 36 by striking everything contained therein below the enacting clause and substituting therefor the following:

"Section 1. Findings and Policies.

The use by some employers of equipment, devices, processes, plant
layouts, and methods of inspection, maintenance and construction which are unsafe and hazardous, and the failure of some employers to use safe and un hazardous equipment, devices, processes, plant layouts, and methods of inspection, maintenance, construction, and accident prevention educational methods, lead to an increase of industrial accidents and occupational injuries and fatalities among the working men and women of the State of Texas and have the necessary effect of adversely affecting growth and condition of industry, health and welfare of its workers and the commerce and economy of the State of Texas by loss of production, reduction of man hours worked, temporary and permanent disability of working men and women, dependence of themselves and their dependent children upon welfare aid and rehabilitation services of tax supported State and Federal agencies, increased costs of workmen's compensation insurance with attendant unfavorable competitive position of Texas manufacturers in the national and international markets for their manufactured products and services of industry, and the increased cost of commodities and services paid by the general public because of costly work injuries and fatalities that may largely be prevented by the application of proven methods of accident prevention engineering and education.

Experience in other States has demonstrated that acceptance and implementation by employers and employees of measures relating to hazard control, safe behavior of employees, and improved methods of operation reduce industrial accidents and occupational injuries, increase production, stabilize workmens compensation insurance costs, improve the competitive position of employers in the national and international markets for their manufactured products and industrial services, and mitigate the effect of existing Texas industries and stabilize employment. The adoption, application and implementation of safety measures in industry and enterprise, and by protecting the working citizens of Texas against unsafe, unhealthful and hazardous working conditions and by encouraging correction of only such working conditions existing in Texas industry and enterprise.

Section 2. Definitions.
When used in this Act:
(a) 'Board' means the Industrial Accident Board.
(b) 'Director' means the Director of the Division of Occupational
Every employer shall furnish every place where, either temporarily or permanently, any trade, craft, or business is carried on, or any trade, industry or business is carried on, or where any person is directly or indirectly employed by another for direct or indirect gain or profit, but not including domestic service performed in a private residence.

Section 3. Duties of Employers.

(a) Every employer shall furnish and maintain employment and a place of employment which shall be reasonably safe and healthful for employees. Every employer shall install, maintain and use such methods, processes, safety devices and safeguards, including methods of sanitation and hygiene, as are reasonably necessary to protect the life, health and safety of such employees, and shall do every other thing reasonably necessary to render such employment and place of employment reasonably safe and healthful for employees. Every employer shall comply with every rule lawfully made by the Board in accordance with the provisions of this Act.

(b) Every employer shall comply with every rule lawfully made by the Board in accordance with the provisions of this Act.

(c) Every employer not exempt therefrom in accordance with his safety classification as determined from time to time by the Board pursuant to Section 8 (1) of this Act, shall be subject to the right of entry and inspection provided in Section 10 of this Act.

Section 4. Rule Making Power.

(a) In addition to such other powers and duties as may be conferred upon it by law, the Board shall have authority to make and to modify reasonable rules for the prevention of accidents and occupational injuries, the construction, repair and maintenance of places of employment as the Board shall find, upon the basis of substantial evidence presented at a public hearing held in accordance with the provisions of Section 5, to be necessary for the protection of the safety of employees. In making such findings, the Board may consider among other relevant factors: (1) the cause of industrial accidents and occupational injuries and fatalities and the extent to which such accidents, injuries, and fatalities result from the use of, or a failure to use, particular equipment, safety devices, processes, plant layouts, and methods of inspection, maintenance and construction and from the existence of particular working conditions; (2) the effectiveness of particular equipment, safety devices, processes, plant layouts, and particular methods of inspection, maintenance and construction in preventing industrial and occupational injuries; (3) the applicable code, if any, formulated and/or approved by the American Standards Association.

(b) In the performance of its duties the Board may appoint an Industrial Accident Board Advisory Council composed of equal number of employer, employee and public members, who shall serve voluntarily and without compensation for terms whose duration shall be determined by the Board; said Advisory Council may propose to the Board such rules or amendments thereof as it may deem necessary to carry out the provisions of this Act, and it may also propose for appointment by the Board the members of safety code committees comprised of equal number of employee, employer and public representatives who are qualified to cope expertly with parti-
cular safety subjects assigned to them and to whom the Board may delegate the details of developing new rules, deletion of present rules and amendments or changes in existing rules; members of such code committees shall, like members of the Advisory Council, serve voluntarily and without compensation.

(c) Every rule promulgated under this Act shall have the force and effect of law and shall be enforced by the Board through the Division of Occupational Safety.

(d) The rules prescribed by the Board shall not conflict with the rules of the Railroad Commission of Texas designed to effectuate safety in the industries regulated by the Railroad Commission.


Before any rule is adopted, amended, or repealed by the Board, there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days preceding such hearing, in such newspaper or newspapers of general circulation as the Board may prescribe.

Section 6. Hearings of Reasonableness of Safety Regulations.

(a) Any employer or other person affected by any safety rule or regulation, or by an amendment, modification or repeal thereof, may petition the Board for a hearing on the reasonableness of such regulations.

(b) Such petition for hearing shall be by verified petition filed with the Board, setting out specifically and in full detail the rule, regulation, amendment, modification or repeal, upon which a hearing is desired and the reasons why such rule, regulation, amendment, modification or repeal is unreasonable. All hearings shall be open to the public.

Upon receipt of such petition the Board may determine the same by confirming without hearing its previous determination. If the material issues presented by the petition have not been previously considered at hearings, the Board shall hold a hearing for consideration of the issues involved and for its determination. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the Board may find directly interested in the issues involved in the petition.

(d) If the Board shall find that the rule, regulation, amendment, modification or repeal complained of is unreasonable, it shall in accordance with the procedure set forth in the provisions of this Act, formulate and propose such substitute rule or regulation as the Board shall determine to be reasonable, and a hearing shall be directed and held upon such substitute rule as provided in Section 7 hereof.

Section 7. Effective Date of Rules: Publications.

(a) Every rule and all amendments, substitutions and repeals thereof shall, unless otherwise prescribed by the Board, take effect thirty days after the first publication thereof and certified copies thereof shall be filed in the office of the Secretary of State.

(b) Every rule adopted and every amendment or repeal thereof shall be published in such manner as the Board may determine and the Board shall deliver to every person making application therefor. The Board shall include the text of each rule or amendment thereto in an appendix to its Biennial Report next following the adoption or amendment of such rule.

Section 8. Classification, Consultative and Educational Powers.

(a) For the purposes of establishing a safety classification for employers, the Board is authorized, empowered and directed to secure medical and compensation cost data regularly compiled by the State Board of Insurance in carrying out its rate-making duties and functions with respect to the Employer’s Liability and Workmen’s Compensation Insurance Law and, based upon such data and in cooperation with the State Board of Insurance, to separate employers covered by the Employer’s Liability and Workmen’s Compensation Insurance Law into three safety groups according to their accident cost experience. Such groups shall be as follows:

1. Group one shall be composed of every employer whose medical and compensation costs at the end of each workmen’s compensation
insurance manual rate revision year, as determined by the State Board of Insurance, are less than expected losses and whose workmen's compensation insurance manual rates are reduced by the application of an experience credit;

(3) Group two is to be composed of every employer whose medical and compensation costs at the end of its experience debit and every category of employer not specifically included in group (1) and group (3) of this section;

(3) Group three is to be composed of every employer whose medical and compensation costs at the end of each workmen's compensation insurance manual rate revision year, as determined by the State Board of Insurance, are above expected losses and whose workmen's compensation insurance manual rates are increased by the application of an experience debit and every category of employer not specifically included in group (1) and group (3) of this section;

Employers in group one shall be exempt from the entry and inspection provisions of Section 10 (a) of this Act, but so long as they remain in either group employers of group two and group three shall be subject to such entry and inspection provisions.

The Board is authorized and empowered through any member authorized by it for such purposes to endeavor to eliminate any impediment to occupational safety called to its attention and to otherwise effectuate the purpose of this Act by means of conference, consultation and persuasion; in carrying out such endeavor it is authorized and empowered to advise and consult with any employer directly involved and with representatives of employers and employees and public officials.

(c) The Board is empowered to issue or cause to be issued such publications and such results of study and research as in its judgment will tend to promote occupational safety and health and minimize or eliminate any impediment to safety called to its attention and to otherwise effectuate the purposes and policies of this Act.

Section 9. Division of Occupational Safety.

To facilitate the administration and enforcement of this Act, there is hereby created within the Industrial Accident Board a Division of Occupational Safety. The Board shall have the power and is hereby authorized to appoint a Director of the Division of Occupational Safety, who shall have charge and supervision of the Division and with the approval of the Board shall do any and all things proper and necessary to carry out the work of the Division and the purpose of this Act.

Section 10. Right of Entry and Subpoena Power.

(a) Members of the Board or the Board's authorized representatives shall have the power and authority to enter and inspect places of employment, question employees in such places of employment, and investigate such facts, conditions, practices, or matters as he may deem appropriate to determine whether any person has violated any provision of this Act, or any rule or regulation issued thereunder, or which may aid in the enforcement of the provisions of this Act; but this authority shall be exercised with reason and discretion and with a minimum burden upon the employer.

(b) The Board or its designated representative, in the performance of any duty or the executing of any power prescribed by this Act, shall have the power to administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records and testimony. In case of the failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any district court to which the matter may be referred by the Board, or the judge thereof, upon application of the Board, or its designated agent, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such a court or a refusal to testify therein.
Section 11. Judicial Review.

(a) Any person aggrieved by a rule issued by the Board under this Act shall, within ten days after issuance of said rule, commence an action in a court of competent jurisdiction in Travis County, Texas, and not elsewhere, against said Board as defendant, to set aside such rule on the ground that it is unlawful or unreasonable, or for any other proper reason. Said action shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said court. Either party to said action may appeal as in other civil cases to the court having jurisdiction of said causes; and said action so appealed shall have precedence in said appellate court of all causes of different character therein pending. Provided further that no preliminary injunction shall be issued without notice to the opposite party and a hearing had thereon.

(b) In any proceeding under this section, rules and regulations of the Board shall be deemed prima facie lawful and reasonable. No such rules and regulations shall be held invalid because of technical defects provided there is substantial compliance with the provisions of this Act.

Section 12. Penalties and Injunctions.

(a) Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction be fined in a sum not less than fifty dollars ($50) nor more than five hundred dollars ($500), and each day of violation shall constitute a separate offense.

(b) The Board shall have authority and it shall be its duty to institute proceedings in the District Court of the county within which the defendant resides, or at the place of employment, or in any county as authorized by the venue statutes of this State, to enjoin any violation of this Act, or any rule issued by the Board in accordance with the provision of this Act.

Section 13. Accident Reports.

The Board may require of employers and of any other source, including the Board of Insurance of the State of Texas, which it may determine to be appropriate such accident, personal injury, fatality, or other accident and injury statistical reports and information on forms prescribed by and covering periods of time designated by the Board; provided, however, where any employer is presently making accident reports to any other State agency, the forms for such reporting under the provisions of this Act shall not differ from such forms presently being used by such other State agency.


(a) Duly authorized representatives of the Industrial Accident Board shall report to the State Health Officer any deviations from healthful practices that come to their attention in such places of employment as visited. In like manner, violations of good safety practices observed by the State Health Officer or his authorized representatives shall be promptly reported to the Industrial Accident Board for appropriate action.

(b) Nothing in this Act shall be construed to conflict in any manner with the provisions of Section 19 of Article 447.1, Chapter 4A (Acts 1945, 49th Leg., p. 234, ch. 178), Revised Civil Statutes of the State of Texas, and amendments thereto.

Section 15. Severability.

If any section, sub-section, sentence or clause of this Act shall for any reason be held void or unconstitutioinal, such decision shall not affect the validity of any other portion of this Act; it being the intention of the Legislature to pass the valid sections, sub-sections, sentences, clauses and parts of this Act even though one or more of the same shall be held to be invalid.


All laws or parts of laws in conflict with the provisions of this Act are hereby repealed by the provisions of this Act.

Section 17. Emergency.

The fact that industrial workers throughout Texas are sustaining preventable injuries, fatalities, and lost-earning power, that arise and grow out of occupations which do not observe universally accepted safety standards of equipment safe-
guards and occupational environment, processes and safety educational practices, that the industrialists of the State are experiencing unnecessarily increased casualty insurance and production costs as a direct result of such preventable injuries, fatalities and damaged equipment and material; that the purchasing power of the general public is thus decreased by its absorption of such avoidable costs in the retail prices of commodities and services; that the present and future economic and social welfare of the people of Texas is thereby adversely affected, an emergency exists thereby creating an imperative public necessity that the Constitutional Rule that all bills be read on three several days in each House be and the same is hereby suspended and that this Act shall be in effect immediately from and after its passage and it is so enacted.

Mr. Shipley offered the following substitute amendment for the amendment by Mr. Eckhardt:

Amend H. B. 36 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Amend Article 8307, Revised Civil Statutes of 1925, as amended, by adding a new Section 7a to read as follows:

"Section 7a. Industrial and Occupational Safety Coordinator.

(1) There is hereby created the office of Industrial and Occupational Safety Coordinator of the Industrial Accident Board, which officer shall be under the control and direction of the Board. Upon effective date of this Act, the Board shall employ a Coordinator who must have the following qualifications:

(a) He shall have a degree in engineering from an accredited college or university or shall be a registered professional engineer and, in addition, shall have been engaged in safety engineering with at least one year's experience; or

(b) He shall have a college degree other than that specified in (a) hereof and, in addition, shall have been engaged in safety engineering with at least three year's experience; or

(c) In lieu of a college degree as specified in (a) and (b) hereof, shall have been engaged in safety engineering for period of not less than five years.

(2) Said Coordinator shall be responsible for the performance of the duties of said office which shall be as follows:

(a) Compiling, classifying, and analyzing statistical information gathered from the records of industrial injuries and accidents in the files of the Board.

(b) Accumulating current information relative to industrial safety programs, and designing proposed safety programs for various types of business and industry based on current information and techniques in the field of industrial safety, making such information available to both subscribing and non-subscribing employers in this state upon request.

(c) To notify any subscriber under the Act when the subscriber's industrial accident rate is excessive or reflects an appreciable increase, and submit to the subscriber suggested measures for improving safety conditions together with consultation service for the purpose of implementing a safety program; provided, however, the findings, recommendations or suggestions of the Coordinator shall not be admissible in any judicial proceeding.

"Section 2. Severability.

If any section, subsection, sentence or clause of this Act shall for any reason be held void or unconstitutional, such decision shall not affect the validity of any other portion of this Act; it being the intention of the Legislature to pass the valid sections, subsections, sentences, clauses and parts of this Act even though one or more of the same shall be held to be invalid.

"Section 3. Conflicting Laws Repealed.

All laws or parts of laws in conflict with the provisions of this Act are hereby superseded by the provisions of this Act.

"Section 4. Emergency.

The fact that industrial workers throughout Texas are sustaining preventable injuries, and lost-earning power, that arise and grow out
of occupations which do not observe universally accepted safety standards of safeguards and occupational environment, processes and safety educational practices; that the industrialists of the State are experiencing unnecessarily increased casualty insurance and production costs as a direct result of such preventable injuries, fatalities and damaged equipment and material; that the present and future economic and social welfare of the people of Texas is thereby adversely affected, an emergency exists thereby creating an imperative public necessity that the Constitutional Rule that all bills be read on three several days in each House be and the same is hereby suspended and that this Act shall be in effect immediately from and after its passage and it is so enacted.

SHIPLEY, MILLER, FLOYD, GARRISON, GROVER.

The substitute amendment by Mr. Shipley for the Committee Amendment No. 1 by Mr. Eckhardt was adopted.

The Committee Amendment No. 1, as substituted, was adopted.

House Bill No. 36 was then passed to engrossment.

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. Korioth:
H. B. No. 1058, A bill to be entitled "An Act amending Subsection (1) of Section 1 of Chapter 442, Acts of the 55th Legislature, Regular Session, 1957, to provide for inclusion in the definition of 'security' life insurance contracts (whether ordinary life or otherwise); and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. Cannon, Watson, Bridges, Atwell and Trevino:
H. B. No. 1059, A bill to be entitled "An Act to amend Article 827a of the Revised Penal Code of Texas by adding a new article to be numbered Article 827a-1 pertaining to certain motor vehicle specifications and traffic of motor vehicles in combinations designed exclusively to carry other motor vehicles, trucks and buses; relating to the length of motor vehicles designed exclusively for transporting automobiles, trucks and buses; repealing all laws and parts of laws in conflict herewith; containing a severability clause; and declaring an emergency."

Referred to the Committee on Motor Traffic.

APPOINTMENT OF COMMITTEE TO ESCORT COMMANDER TED CONNELL

The Speaker announced the appointment of the following Escort Committee for the distinguished visitor, Commander Ted Connell, and party to the Speaker's Rostrum:

Messrs. Peary, Johnson of Bell, Mrs. Banfield, and Messrs. Boyzen and Yezak.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON H. J. R. NO. 46

Mr. Buchanan moved that all necessary rules be suspended for the purpose of considering and adopting the Conference Committee Report on H. J. R. No. 46 at this time.

The motion to suspend all necessary rules for the purpose of considering and adopting the Conference Committee Report on H. J. R. No. 46 prevailed by the following vote (having received the necessary two-thirds vote):

Yea—134

- Adams of Lubbock
- Burgess
- Adams of Titus
- Buier
- Alani
- Caldwell
- Allen
- Cannon
- Andrews
- Carriker
- Atwell
- Chapman
- Ballman
- Cole of Harris
- Barlow
- Cole of Hunt
- Barnes
- Collins
- Bartram
- Cowan
- Bass
- Cook
- Bell
- Cory
- Berry
- Cowen
- Blaine
- Cowies
- Bridges
- Crain

Buchanan

Crews
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**Absentees**

- Bailey
- Banfield, Mrs.
- Barrett
- Cotten
- Hughes of Dallas
- Kendall of Wichita
- Mutscher
- Pearson

**Present**

- Absent—Excused
- Shannon

**CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION NO. 46**

Austin, Texas, March 28, 1961

Hon. Ben Ramsey
President of the Senate

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. J. R. No. 46, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

**PARKHOUSE, HARDEMAN, CRUMP, AIKIN, OWEN.**

(On the part of the Senate)

**BUCHANAN, BARTRAM, JOE N. CHAPMAN, COLLINS, FAIRCHILD.**

(On the part of the House)

By Buchanan et al.

**H. J. R. No. 46**

**A JOINT RESOLUTION**

Proposing an Amendment to the Constitution of Texas by adding to Article III a new section to be known as Section 49-d authorizing the Texas Water Development Board to acquire and develop storage facilities in reservoirs and to dispose of such storage facilities and water upon such terms as the Legislature shall prescribe; providing for the use of funds received from the disposition of acquired storage and water; providing that any enabling Acts shall not be invalid because of their anticipatory character; prescribing the form of ballot and providing for the necessary proclamation and publication.
March 29, 1961  HOUSE JOURNAL  923

Be It Resolved By The Legislature of The State of Texas:

Section 1. That Article III of the Constitution of Texas be amended by adding a new section thereto to be known as Section 49-d, as follows:

"Section 49-d. It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the public waters of the State, which waters are held in trust for the use and benefit of the public. To this end, and with the approval of the Board of Water Engineers or its successor, the proceeds from the sale of State bonds deposited in the Texas Water Development Fund as provided in Article III, Section 49-c of this Constitution, may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by general law, for the additional purposes of acquiring and developing storage facilities, for the conservation and development of water for useful purposes in and from reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, by any one or more of the following governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the State; by interstate compact commissions to which the State of Texas is a party; and by public water systems.

"Under such provisions as the Legislature may prescribe by general law, the Texas Water Development Board may also with the approval of the Board of Water Engineers or its successor, execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas, as in the same manner and with the same effect as State bonds issued under the authority of the preceding Section 49-c of this Constitution, and the provisions in said Section 49-c with respect to payment of principal and interest on State bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the State's investment.

"The aggregate of the bonds authorized by said Section 49-c, plus the principal of the obligations incurred under any contracts authorized hereunder, shall not exceed the $300,000,000 in bonds authorized by said Section 49-c of Article III of this Constitution.

"The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities at a price not less than the direct cost of the Board in acquiring same; and the Legislature may provide terms and conditions for the Board to sell any unappropriated public waters of the State that might be stored in such facilities. As a prerequisite to the purchase of such storage facilities by any applicant therefor shall have secured a valid permit from the Board of Water Engineers or its successor authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of storage facilities shall be used to pay principal and interest on State bonds issued or contractual obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such storage facilities may be used for the acquisition of additional storage facilities or for providing financial assistance as authorized by said Section 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of required facilities, and for the payment of principal and interest required to be paid thereon.
of principal and interest on debt incurred.

"Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such Acts shall not be void by reason of their anticipatory character."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at the General Election to be held on November 6, 1962, at which election all ballots shall have printed thereon:

"FOR the Amendment to Article III of the Constitution of Texas by adding a new Section to be known as Section 49-d, providing for a State program of acquiring conservation storage facilities in reservoirs,"

and

"AGAINST the Amendment to Article III of the Constitution of Texas by adding a new Section to be known as Section 49-d, providing for a State program of acquiring conservation storage facilities in reservoirs."

Sec. 3. The Governor shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and laws of this State.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON S. B. NO. 68

Mr. Cole of Harris moved that all necessary rules be suspended for the purpose of considering and adopting the Conference Committee Report on S. B. No. 68 at this time.

The motion to suspend all necessary rules for the purpose of considering and adopting the Conference Committee Report on S. B. No. 68 prevailed by the following vote (having received the necessary two-third vote):

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Honorable Ben Ramsey
President of the Senate

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

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 68, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

KRUEGER, BAKER, REAGAN, CREIGHTON, HERRING.

(On the part of the Senate)

CRISS COLE of Harris

COLLINS, DEWEY, HOLLOWELL, PIERATT.

(On the part of the House)

By Krueger
S. B. No. 68

A BILL To Be Entitled

An Act providing for the licensing of by-product, source and special nuclear materials and the registration of other sources of ionizing radiation; authorizing the Governor of the State of Texas to enter into an agreement with the Atomic Energy Commission transferring from the Federal Government to the State of Texas certain regulatory power; designating the Texas State Department of Health as the State Radiation Control Agency; establishing the Radiation Advisory Board; defining terms; prescribing penalties for violation thereof; permitting the development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; and declaring an emergency.

Be It Enacted By The Legislature of The State of Texas:

Section 1. Declaration of Policy. It is the policy of the State of Texas in furtherance of its responsibility to protect the public health and safety:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the Federal Government, (b) a single, effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public.

Sec. 2. Purpose. It is the purpose of this Act to effectuate the policies set forth in Section 1 by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the Federal Government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized; and

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to by-product, source and special nuclear materials; and

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

Sec. 3. Definitions. (a) By-product material means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing
or utilizing special nuclear material.

(b) Ionizing radiation means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

to:
(c) License-General and Specific.
(1) General license means a license effective pursuant to regulations promulgated by the Texas State Radiation control Agency without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(2) Specific license means a license issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(d) Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than Federal Government Agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(e) Source materials means (1) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials in such concentration as the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) Special nuclear material means (1) plutonium, uranium 233, uranium enriched in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) Registration means notification of the Agency within thirty (30) days following the commencement of an activity involving the operation of ionizing radiation producing equipment or the manufacture, use, handling or storage of radioactive material. Said notice shall state the location, nature, and scope of such operation, manufacture, use, handling or storage, and shall be reviewed and if necessary brought up to date annually thereafter. Acknowledgment of registration shall not imply the approval by the Agency but shall merely indicate that the Agency has a record of the locations and establishments where ionizing radiation producing equipment and/or radioactive materials are used, or stored.

(h) Excessive exposure means the exposure to ionizing radiation in excess of the maximum permissible levels as provided under rules or regulations adopted by the Texas State Board of Health.

Sec. 4. State Radiation Control Agency. (a) The Texas Department of Health is hereby designated as the State Radiation Control Agency hereinafter referred to as the Agency.

(b) The Commissioner of the Texas State Department of Health shall designate an individual to be Director of the Radiation Control Program, hereinafter referred to as the Director, who shall perform the functions vested in the Agency pursuant to the provisions of this Act.

(c) In accordance with laws of the State of Texas, the Agency may employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this Act.

(d) The Agency shall for the protection of the occupational and public health and safety:

(1) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation;
(2) Develop programs with due regard for compatibility with federal programs for regulation of by-products, sources, and special nuclear materials; 

relates. Formulate, adopt, promulgate and repeal codes, rules, and regulations, which may provide for licensing, relating to control of sources of ionizing radiation; and furnish such technical advice as may be required on matters relating to development, utilization and regulation of sources of ionizing radiation; pending or promulgated, and shall have qualified, and from other sources, public or private; meetings or for authorized business; 

(4) Formulate, adopt, and repeal codes, rules, and regulations, which may provide for licensing, relating to control of sources of ionizing radiation; and furnish such technical advice as may be required on matters relating to development, utilization and regulation of sources of ionizing radiation.

Sec. 5 Radiation Advisory Board. As soon as practicable after the expiration of the period described in Section 3 of this Act, the Governor shall appoint to the Board the nine persons described in Section 3 hereof, to serve for a period of six (6) years. Provided, members of the Board shall receive no salary for services but may be reimbursed for actual expenses incurred in connection with attendance at Board meetings or for authorized business of the Board.

(b) The Advisory Board shall:

(1) Review and evaluate policies and programs of the state relating to ionizing radiation. The Board shall maintain a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations. 

(2) Develop programs with due regard for compatibility with federal programs for regulation of by-products, sources, and special nuclear materials; 

(3) Review proposed rules and regulations of the State Radiation Control Agency relating to use and control of sources of ionizing radiation to assure that such rules and regulations are consistent with rules and regulations of other agencies of the state and report its findings to the State Radiation Control Agency. 

(4) A majority of the Board shall constitute a quorum for the transaction of business. The Board shall elect from its membership a Chairman, Vice-Chairman, and Secretary. A record of all meetings shall be kept and the Board shall meet at
(b) The Texas State Radiation Control Agency is authorized to require registration or licensing of other sources of ionizing radiation.

(c) The Texas State Radiation Control Agency is authorized to exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this Section when the Agency makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

Sec. 7. Inspection. The Texas State Radiation Control Agency or their duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this Act and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

Sec. 8. Records. (A) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of ionizing radiation to maintain records relating to its utilization, receipt, storage, transfer or disposal and such other records as the Agency may require subject to such exemptions as may be provided by rules or regulations.

(b) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the
radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the Agency. Copies of these records and those required to be kept by Subsection (a) of this Section shall be submitted to the Agency on request. Any person possessing or using a source of ionizing radiation shall furnish to each employee for whom personnel monitoring is required a copy of such employee's personal exposure record annually, at any time such employee has received excessive exposure, and upon termination of employment.

Sec. 9. Federal-State Agreements.
(a) The Governor, on behalf of this state, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereby by this state.

(b) Any person who, on the effective date of an agreement under subsection (a) above, possesses a license issued by the Federal Government, shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire either ninety (90) days after receipt from the Texas State Radiation Control Agency of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

Sec. 10. Inspection Agreements and Training Programs.
(a) The Texas State Radiation Control Agency is authorized to enter into, subject to the approval of the Governor, an agreement or agreements with the Federal Government, other states or interstate agencies, whereby this state will perform on a cooperative basis with the Federal Government, other states or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

(b) The Texas State Radiation Control Agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this Act, and may make said personnel available for participation in any program or programs of the Federal Government, other states or interstate agencies in furtherance of the purposes of this Act.
(c) Any final order entered in any proceeding under Subsections (a) and (b) above shall be subject to judicial review by any District Court of Travis County, Texas, in the manner prescribed.

Sec. 13. Injunction Proceedings. Whenever, in the judgment of the Texas State Radiation Control Agency, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any rule, regulation or order issued thereunder, and at the request of the Agency, the Attorney General may make application to any District Court in Travis County for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the Agency that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Sec. 14. Prohibited Uses. It shall be unlawful for any person to use, manufacture, produce, transport, receive, acquire, own or possess any source of ionizing radiation unless licensed by or registered with the Texas State Radiation Control Agency in accordance with the provisions of this Act.

Sec. 15. Impounding of Materials. The Texas State Radiation Control Agency shall have the authority in the event of any emergency to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fail to observe the provisions of this Act or any rules or regulations issued thereunder.

Sec. 16. Penalties. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), and for the second or subsequent offense shall be subject to a fine of not less than One Thousand Dollars ($1,000.00) or imprisonment in the county jail for a period of not more than one (1) year or both such fines and imprisonment.

Sec. 17. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provision or application 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 to be severable.

Sec. 18. Repeal. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 19. Effective Date. The fact that there is an ever increasing use of radioactive materials and ionizing radiation producing equipment, in commerce and industry and in the diagnosis and treatment of human disease; and the further fact that the possession, use and transfer of radioactive materials and ionizing radiation producing equipment are inadequately regulated at this time; and the fact that the handling, possession, and transfer of such materials and equipment may damage and endanger the public health and welfare, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage and it is so declared. The provisions of this Act relating to the control of by-product, source and special nuclear materials shall become effective on the effective date of the agreement between the Federal Government and this State as provided in Section 9 of this Act.

HOUSE BILL NO. 7 ON SECOND READING

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

H. B. No. 7, A bill to be entitled "An Act to define and regulate the business of making loans of less than One Hundred Dollars ($100) and One Hundred Dollars ($100) to Three Thousand Dollars ($3,000) inclusive; prescribing the rates of charges therefor; regulating the purchase or assignment of compensation for services; repealing Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, and Chapter 17, Acts of the 40th Legislature, 1st Called Session, 1927, as last amended by Chapter 195, Acts of the
The bill was read second time.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. C. H. No. 34, Inviting Ted Connell to address a Joint Session.
H. B. No. 424, An Act limiting the provisions of this Act to the County of Burnet making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in said County at any time; to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said County or to take or attempt to take any fish or other aquatic or marine animal from said County or to take or attempt to take any fish or other aquatic or marine animal from said County by any means or method, etc., and declaring an emergency.

H. B. No. 474, An Act to provide that the Commissioners Court set the salaries of investigators, assistants and stenographers of the 36th Judicial District; amending Sections 1 and 2 of Chapter 462, Acts of the Fifty-fifth Legislature, Regular Session, 1957; repealing conflicting laws; and declaring an emergency.

H. B. No. 524, An Act amending Chapter 469, Acts of the Fifty-sixth Legislature, Regular Session, 1959, pertaining to the Valley Creek Water Control District of Nolan, Runnels and Taylor Counties; finding a benefit to all land and other property within the District; providing District was and is created to serve a public use and benefit; restating the field notes of the District without making any changes in the boundaries of the District nor including nor excluding any lands or other property; finding a closure and related matters; exempting property of the District from taxation; providing for bonds of District to be eligible investments; providing for the amount and kind of bonds for directors; etc., and declaring an emergency.

H. B. No. 611, An Act relating to the hunting, taking, or killing of wild quail in Camp County; amending Section 1 of Chapter 67, Acts of the Fifty-second Legislature, Regular Session, 1951, by making it lawful to hunt, take, or kill wild quail in Camp County on any day except Sunday during a special season; and declaring an emergency.
H. B. No. 632, An Act making it unlawful to kill deer in Morris and Camp Counties before November, 1953; and declaring an emergency.
H. B. No. 633, An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris and Camp Counties; and declaring an emergency.
H. C. R. No. 57, Concerning an adjournment for Easter holidays.

ADDRESS BY COMMANDER TED C. CONNELL
(The Senate and the House of Representatives in Joint Session.)

In accordance with the provisions of Senate Concurrent Resolution No. 34, providing for a Joint Session of the Senate and the House today, for the purpose of hearing an address by Ted C. Connell, Commander-in-Chief of the Veterans of Foreign Wars of the United States, the Honorable Senators were escorted to a seat on the House's rostrum.

Senator Ray Roberts, President Pro Tempore of the Senate, was escorted to a seat on the Speaker's rostrum.

Senator Ray Roberts called the Senate to order.

A quorum of the Senate was announced present.

Honorable James A. Turman, Speaker, called the House of Representatives to order and directed the Clerk to call the roll of the House.

The roll of the House was called.
A quorum of the House was announced present.

The Speaker stated that the two Houses were in Joint Session for the purpose of hearing an address by Commander Ted C. Connell.

At 11:45 o'clock a.m., Commander Connell and party, accompanied by Governor Price Daniel and escorted by Senators Secrest, Krueger, Willis, Crump and Reagan, Committee on the part of the Senate, and Messrs. Pearcy, Johnson of Bell, Mrs. Banfield and Messrs. Boysen and Yezak, Committee on the part of the House, were announced at the bar of the House and being admitted, were escorted to seats on the Speaker's Rostrum.

Senator Roberts presented Senator Secrest who introduced the following guests to the Joint Session:

Mrs. Ted C. Connell, Mr. and Mrs. Paul Goode and other citizens of Killeen, Texas, present in the House Chamber.

Senator Secrest then presented Governor Price Daniel who introduced Commander Ted C. Connell to the Joint Session.

Commander Connell addressed the Joint Session, speaking as follows:

REMARKS OF TED C. CONNELL, COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

One of the experiences I have enjoyed most since being elected Commander-In-Chief of the Veterans of Foreign Wars has been the opportunity to appear before many groups and organizations in our great country. Not only do I consider it a high honor and privilege, but also an opportunity to tell the real story of the Veterans of Foreign Wars.

Naturally, being an organization of one million three hundred thousand overseas veterans, the V.F.W. is primarily interested in the rehabilitation of former Comrades in arms. In addition to our own members, we do all we can to assist all veterans and see that they receive just compensation for disabilities incurred in service to their country—whether they belong to the V.F.W. or not—and to provide for the widows and orphans of all men who fought for America. To carry out this work we maintain legislative and rehabilitation offices in Washington and branch rehabilitation offices in all of the 50 states. These are at the service of all American veterans.

Starting with the War of the Revolution and running through the Korean Conflict, some 22 million men and women have served the United States Armed Forces during time of war. On June 30, 1940, about 22 and 1/4 million of these veterans were still alive. That means about one in every eight of our citizens is a veteran. Of all men in the United States about two out of every five are veterans and of men between the ages of forty and forty-five, three out of every four are veterans. And just to carry this thing a bit further, of one hundred and eighty-one million Americans in this country, eighty-one million of them are veterans, members of veteran families, or dependent survivors of deceased veterans. Thus, of the total population, forty-five per cent are persons who are present or potential beneficiaries of programs administered by the Veterans Administration.

These individuals are our clientele. They are the reason for the Veterans Administration, they are the reason for the Texas Veterans Affairs Commission and they are one of the principal reasons for Veteran Organizations.

Bringing this picture a little closer to home, of the nation's 12 and 1/4 million veterans, one million one hundred and fifty-two thousand reside in Texas. That is 5.1% of the total veteran population. Last year the Veterans Administration spent six billion, ninety-five million, four hundred and twenty-seven thousand dollars on the welfare of veterans and their dependents. Texas veterans and their dependents received $325,394,960 of the total. I am happy, gentlemen, to report that this figures out to 5.3% of the total which indicates to me that the Texas Veterans Affairs Commission is doing its job in an outstanding manner.

You will note that our monetary recoveries to veterans and their families are two tenths higher than the national level. More important,
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and this is certainly something we should be proud of. It is interest-
ing to note that the monetary re-
covers made by our Texas Veter-
an Affairs Commission cost the
taxpayers of this state, seventeen
cents per veteran last year. That
is correct; seventeen cents. In some
states this figure runs as high as
three dollars per veteran and there
is not one state in the United
States that spends less per veter-
am on their service departments than
we do here in Texas.

I have served as a member of the
Veterans Affairs Commission since
April 3, 1956. Since my appointment,
I have been very closely associated
with the personnel of the Commis-
sion. I want you to know that I
have never known a more dedicated
group of men. In many cases these
men remain on their jobs at great
personal sacrifice to themselves and
their families. I sincerely hope that
the day is not far off when our
great state will recognize the
outstanding job these men are doing.

Today the V. F. W. is also con-
cerned with other problems. Because
all of our members have served
overseas, we know at first hand
the horrors of war and want to do
everything possible to attain a just
peace. We realize that peace depends
ultimately not on the United Na-
tions, which we support—not on
universal disarmament, which we
would like to see—nor wholly on
the armed forces of the United
States.

True peace depends on justice—
and justice—based on morality.
We cannot have peace in the world
today because one of the most pow-
erful forces on earth rejects all moral
standards. It says the only morality
is the yardstick of what advances
the cause of world Communism; re-
volution.

Revolution is the hallmark of
the American way of life—and the op-
opposite of life under Communism.
I mean freedom to do good by words
and actions, not freedom to destroy
what is good. I think of the hun-
dreds of thousands of community
service projects carried out each
year by V. F. W. posts and aux-
iliaries. The projects include hun-
dreds of different types of activities.
They range from sponsorship of
Boy Scout troops and the donation
of equipment to hospitals, fire and
police departments, to cooperation
with churches and schools.

On the national level just six
weeks ago I was extremely proud
when the National Council of Ad-
ministration of the Veterans of
Foreign Wars, meeting in Washing-
ton, D. C., voted to actively support
a University of the Americas.

In its early stages this university
would be staffed by former instruc-
tors from the University of Havana.
More than 75% of these instructors
are now refugees from their own
country and living in the United
States. It is our hope that the first
students at this proposed university
will be from among the more than
60,000 Cuban refugees now in this
country. We realize that sooner
or later the Cuban crisis will pass
and then the University of the
Americas can be devoted to instruct-
ing students from all of Latin Amer-
ica.

As this new project begins to take
shape I feel certain that the Veter-
as of Foreign Wars will always
be proud that it was the first organi-
zation to make a financial contribu-
tion to this worthy cause.

I would not be completely candid
with you if I did not confess that,
like many Americans, I am disturbed
by the signs of weakened patriotism
of significant numbers of our fellow
citizens. Too many do not bother to vote,
too many Americans are willing to trade in hard
won freedom and independence— our
sovereignty for a world government
or Atlantic Union. Too many are
somewhat ashamed of proclaiming
their love of country—because they
may be referred to as "flag wavers."
Too many are fearful of protesting
communist mass murder and enslave-
ment abroad and its treasons here
at home.

What is wrong with waving this
country's flag—a thing which great
and honorable men have done
through history? Why should we be
ashamed or afraid to speak up
against communism, which would
destroy everything that all decent
people in every corner of the globe
believe in?

Can you and I believe in Free-
dom if we remain silent when free-
dom is destroyed?

I have been greatly disturbed in
recent weeks by statements made by
the British foreign minister. He had
indicated that the United States and others in the free world should face up to the facts of international life and recognize Red China. This is one of the most disgusting statements of appeasement that I have read in a long time.

I say to you that in facing up to the international facts of life by recognizing Red China, we would, in fact, face up to international blackmail—yes, even international blackmail—yes, even international blackmail. Red China has never yet lived up to an international agreement and I see no reason why we should believe that she will do so now. The Veterans of Foreign Wars doesn't like doing business with international gangsters and that is exactly what we will be doing if we fail to fight the admission of Red China into the United Nations.

Of course, at the moment the Red China question is overshadowed by an extremely dangerous situation in Laos. The Veterans of Foreign Wars are in complete agreement with President Kennedy's statements that we must not back down. We believe that the time has long passed by when we can afford to give up any amount of real estate to communism.

And even as I talk about Laos here this morning, there is another threat that is pot boiling up near the brim that we don't bear too much about these days. Gentlemen, I would like to warn here and now that our situation in South Korea is becoming more desperate with each passing day. Communists from North Korea are waging a full fledged propaganda attack that threatens once again to force our troops from Korea.

The build up is almost identical to the situation that forced us out of Korea immediately prior to the Korean War. The time has come when our nation must counterattack. Match the Reds word for word and idea for idea. Certainly there is something wrong if we can't show the people of South Korea the advantages of Democracy over Communism. Mind you these are people who felt the oppression of Communism only a few short years ago. If we fail to sell the people of South Korea, and I warn, we are falling, then we as a nation are going to fall the thousands of men who gave their lives so that Korea might remain free.

We need a powerful Armed Forces to remain in free. Yes, but that is not enough and will fail to keep us free if we ourselves, each and every one of us, are not wholly dedicated to our country and its ideals of freedom. In the final analysis, our real security lies not in our Armed Forces or our material might, but with ourselves, in our patriotism, in our love for our country and our unqualified devotion to what it stands for. The United States, more than any other nation or political organization on the face of the earth is worthy of such devotion. I urge all of you, and I urge all Americans to rededicate themselves to what the V. F. W. believes today is the most vital of all its objectives, the fostering of a renewed spirit of patriotism within our own people. Love of America is love of the highest and noblest ideals. It is our—and the whole world's—best guarantee that peace and justice will be restored to the earth.

MESSAGE FROM THE SENATE

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 adopted the Conference Committee report on S. B. No. 68 by the following vote: 29 yeas, 1 nay.

I am directed by the Senate to inform the House that the Senate has
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concurred in House Amendments to Senate Bill No. 233 by the following vote: Yeas 26, Nay 1.

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

H. C. R. No. 20, Directing the Board for Texas State Hospitals and Special Schools to enter into negotiations with the City of Big Spring for a new contract to cover increased demands for water for the Big Spring State Hospital. (with amendments)

H. C. R. No. 61, Congratulating the Ex-Students Association of Texas Technological College.

H. C. R. No. 52, Inviting Gabe Paul to speak to Joint Session of House and Senate.

S. B. No. 297, Relating to Harris County Houston Ship Channel Navigation District; and declaring an emergency.

S. B. No. 324, To change the term of office of certain junior college trustees; and declaring an emergency.

S. B. No. 352, Relating to overtime pay and hours of female employees in banks; and declaring an emergency.

S. B. No. 360, Continuing firemen and policemen pension funds established pursuant to Chapter 101, 1st Called Session, 43rd Legislature, as amended, notwithstanding future federal census shows change in population bracket; and declaring an emergency.

S. B. No. 36, Amending Art. 3.62-1 Ins. Code, to include Statewide mutual assessment companies subject to penalties for delay in payment of losses on policies; and declaring an emergency.

S. B. 248, To provide public weighers may have their seals printed on weight certificates and then authenticated by signature; and declaring an emergency.

S. B. No. 411, Authorizing exemption of certain medical equipment from accounting responsibility of State Health Department; and declaring an emergency.

S. B. No. 267, Regarding penalty for taking and carrying away merchantable timber of value less than $100.00; and declaring an emergency.

S. B. No. 322, Amending Secs. 2 and 3, Adult Probation and Parole Law (Art. 781d, Code of Criminal Procedure) to permit use of probation in misdemeanor cases; and declaring an emergency.

S. B. No. 412, Providing certain supplementary salary for the District Attorney of the 31st Judicial District; and declaring an emergency.

S. B. No. 407, Bringing Cochran County within regulatory authority of Game and Fish Commission; and declaring an emergency.

S. B. No. 69, Increasing fees charged for certified copies of records of Registrar of Vital Statistics; and declaring an emergency.

S. B. No. 235, Authorizing Court of Civil Appeals for 1st Supreme Judicial District to transact business at either Galveston or Houston; and declaring an emergency.

S. B. No. 398, Creating Bowie County Water Supply District, a conservation district; and declaring an emergency.

S. B. No. 230, Authorizing Natural gas public utilities to exercise right of eminent domain to acquire underground reservoirs for storage of natural gas, and declaring an emergency.

S. B. No. 125, Authorizing acceptance and conditional use of Texas Woman's University of certain donated property; and declaring an emergency.

S. J. R. No. 19, Permitting the Legislature to delegate certain zoning powers to the governing body
of any county bordering on the Gulf of Mexico or the tidewater limits thereof.

S. B. No. 392, Relating to appointment of shorthand reporters for district courts of 72nd, 140th and 99th Judicial Districts and County Courts at Law Nos. 1 and 2 in Lubbock County; and declaring an emergency.

S. B. No. 284, Regarding powers of Tarrant County Water Control and Improvement District No. 1 to issue bonds for sewage and waste disposal facilities; and declaring an emergency.

S. B. No. 381, Amending Chapter 308, Acts 54th Legislature, to change name of Haltom City Water Authority to Northeast Tarrant County Water Authority; and declaring an emergency.

S. B. No. 384, Authorizing execution of a right-of-way easement to certain lands in Lubbock County of Texas Tech. College to City of Lubbock; and declaring an emergency.

S. B. No. 293, Authorizing certain cities to contract with water districts regarding sewage disposal; and declaring an emergency.

S. B. No. 350, Relating to filing fee for candidates for all State-wide elections; and declaring an emergency.

S. B. No. 280, Creating Upper Leon River Municipal Water District; and declaring an emergency.

S. B. No. 330, Creating a Hospital District for Ochiltree County; and declaring an emergency.

S. B. No. 386, Providing for division of certain water improvement districts into divisions for election of directors; and declaring an emergency.

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

ADJOURNMENT

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

Mr. Oliver moved that the House adjourn until 10:30 o'clock a.m. tomorrow.

A record vote was requested on the motion to adjourn.

The motion to adjourn prevailed by the following vote:
In accordance with the motion to adjourn the House at 12:23 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

REASON FOR VOTE
I voted no on the motion to adjourn because we have plenty of work to do this afternoon and I feel that we should work.

SCOTT BAILEY.

**APPENDIX**

**STANDING COMMITTEE REPORTS**

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

- Judiciary: H. B. No. 52 and H. B. No. 1052.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS
Austin, Texas, March 29, 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. 2, proposing an amendment to Article VIII of the Constitution of the State of Texas.
Has carefully compared same and finds it correctly engrossed.
H. G. Wells, Chairman.

March 28, 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. 3, proposing an amendment to Article I of the Constitution of Texas.
Has carefully compared same and finds it correctly engrossed.
H. G. Wells, Chairman.

March 29, 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. 70, requesting H. B. No. 396 be returned to the Senate for further consideration.
Has carefully compared same and finds it correctly engrossed.
H. G. Wells, Chairman.

FORTY-SECOND DAY
(Thursday, March 30, 1961)
The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.
The roll of the House was called and the following Members were present:
Mr. Speaker Adams of Titus
Adams of Lubbock
Allen Andrews