H. C. R. No. 7, granting permission to McNeil Griffin to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 16, granting permission to Constantino Costella and Sebena Costella to sue the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 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.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 33, granting permission to Frankie LeRoy Davis and Mary Jean Davis to sue the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 41, granting permission to Annie Mae Allen to sue the State of Texas and the Veterans Land Board.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 59, inviting the International Good Neighbor Council to hold the opening session of its XIV Assembly at a Joint Session of the House and Senate on Tuesday, April 11, 1961, at 11:00 a.m.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 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. 7, granting permission to McNeil Griffin to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

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Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 1961

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

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SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 1961

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Sir: Your Committee on Enrolled Bills to whom was referred

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Has carefully compared same and finds it correctly enrolled.

SHIPLEY, Acting Chairman.

Austin, Texas, April 6, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

FORTY-THIRD DAY

(Continued)

(Monday, April 10, 1961)

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

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

"Judge not, that ye be not judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again. And why behold-
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He stated that if anyone had a better plan to please come forward with it. Because I faced these facts with the people I serve before coming here and because they have voted overwhelmingly in all surveys for a sales tax in preference to other taxes, I presented a sales tax to solve this problem.

In his release the Governor stated that everything would be taxed in my bill when everyone knows that I have amendments to take out food, drugs and farm items, so the tax actually would not hurt those families with small income.

He further stated that industry only pays 10% in this bill, which is untrue. The comptroller estimates in this prepared statement, that industry would pay over 84 million dollars of this bill... which would be 40% of the actual tax payment on their part in this bill.

He has inferred that corporate interests are backing my actions, which is untrue... the real truth is that I am just a salesman and the Governor with all his appointive powers in this state can't get at me other than through the press.

He stated further that the Democratic platform has opposed this tax. He failed to state the names of all those groups and organizations and individual citizens who now favor the sales tax. His prediction that this tax will be defeated has caused concern on the part of many of my friends who kept calling me about it all night, asking that the Governor's program be given a first run. Therefore, I will ask in just a moment that my suspension not be exercised this morning.

In closing I wish to remind the people of Texas that some of us have tried sincerely to bring forth a program which will pay the total cost of the programs the Governor has advocated. I do not wish to be classed as one who would obstruct any tax proposal by the Governor that might possibly do the job for this state.

In closing, however, I wish to state that I would rather be defeated while trying to solve the problems we've had for the past four years, than to go down in history as the man who came into office with money in the till and yet during the past 3 years the State has had a deficit under his guidance which he has not,
The Honorable Forrest A. Harding, having been recognized to speak on personal privilege, addressed the House as follows:

"As co-sponsor of H. B. No. 803, I heartily agree with Mr. Allen's statement. I think this House should not waste valuable time today arguing the merits and demerits of any tax bill, when the Governor has called for the consideration of a compromise measure.

I think we should give the Revenue and Taxation Committee time to see what it can work out between the Hinson bill and the Atwell bill, and that we ought to take a look at that before acting upon any other tax bill.

I most certainly disagree with the Governor's idea that H. B. No. 803, or any other tax bill, should be taken up for the purpose of killing it. This does not make sense.

We should not close the door on any approach to a solution of our revenue problem. We must realize that in closing any door, we may be shutting the faces of the school teachers, the folks drawing old age assistance, the people in state hospitals and other institutions, and all the young Texans who will be attending state colleges and universities in the next few years.

To set about deliberately to kill any plan at this stage, when we have no adequate alternative plan ready, would be sheer folly. Some might think it was good politics, but it would certainly not be good statesmanship.

I agree with Mr. Allen that the Governor ought to come forward now with his own suggested compromise plan, and that further consideration of this H. B. No. 803 or any other tax measure should be postponed."

The Honorable Franklin Spears, having been recognized to speak on personal privilege, addressed the House as follows:

"Mr. Speaker, Members of the House, I do not intend to get worked up over anything because I do not believe that there is anything to get worked up about, but I do believe that the remarks of the preceding speakers should receive some comments to place them in the light of reality.

The straightforward stand of Governor Price Daniel against the general retail sales tax is certainly no surprise to anyone in this chamber and least of all to Mr. Allen and Mr. Harding, the authors of House Bill 803. He has steadfastly taken this position as long as I can remember, a position dramatically documented as early as 1939 when he sat as a member of this House.

The Texas Democratic platform which was adopted at Dallas last year specifically says: 'We oppose a general sales tax and income tax.'

The Governor's position in support of that Democratic platform should come as no surprise to the authors of this bill.

As to the corporate interests supporting a general sales tax, the Governor's statement should take no one by surprise. It is generally known, and I don't know of anyone who denies the fact, that corporate interests favor a general sales tax. Even though Mr. Allen may not be working with them, he is aware of their support and should not be offended by a statement of the truth.

Mr. Allen and Mr. Harding have offered this bill with 'courage and conviction' as the solution to the state's financial problems. In view of this stand it is extremely surprising and disappointing that they would refuse this opportunity to place the bill before the House of Representatives for a vote. It is particularly surprising that the authors say that they are not ready to present the bill since last week they represented to the Revenue and Tax Committee and to the Speaker, Mr. Turman, that they were ready to run with the bill. The people of Texas are entitled to have this House debate upon and vote upon a measure of such significance as the general sales tax.
The Revenue and Tax Committee, from the first meeting of the subcommittee which considered this bill through the full committee meeting that passed out the bill, has acted in complete good faith, believing that the House and the people of this state were entitled to have every revenue measure receiving support an opportunity to be placed before the House for a vote. The Revenue and Tax Committee is disappointed that they have been deprived of the benefit of knowing how the House feels about this measure.

The House is disappointed; the people of Texas are disappointed that this panacea, this cure-all, which was offered with 'courage and conviction' was not brought up for consideration at the opportunity given to the authors.

ADDRESS BY THE HONORABLE W. S. HEATLY

At the conclusion of an address by the Honorable W. S. Heatly, addressing the House on personal privilege on April 10, the House gave a standing ovation to the Honorable Tommy Shannon.

Mr. Cotten, having been recognized by the Chair, requested that the Journal show that the House gave a standing ovation to Mr. Shannon.

(Note: Text of address by Mr. Heatly not available for Journal.)

ADDRESS BY THE HONORABLE MARSHALL O. BELL

The Honorable Marshall O. Bell, having been recognized to speak on personal privilege, addressed the House as follows:

April 10, 1961
Remarks of Marshall O. Bell on Personal Privilege.

"Mr. Speaker, and fellow Members:

Today, I wish to speak on personal privileges on a matter involving our fellow Representative, the Honorable Tommy Shannon, of Tarrant County.

Yesterday, I read in the press that Tommy Shannon had been forced to resign from membership in his Church because he voted in favor of the so-called 'Carling' bill, which would have permitted the establishment of a brewery in Tarrant County.

I have known Tommy Shannon for several years. He is a fine Christian gentleman, and is a credit to his community as well as to our entire state. He has served as Superintendent of his Sunday School and as a member of the Board of Trustees. This, I believe, sets forth very clearly his fine Christian character, and his devotion to religious activities among all groups and ages.

During the twenty years that I have been a Member of the House of Representatives, this is the first time I have ever heard of a Member of the Legislature being ex-communicated from his church because of his convictions, and because of the casting of a vote which he thought to be proper. This matter in fact is the gravest matter, both of principle, as well as government, that I have observed during my service. If such pressure and threats continue in the future, and upon the other Members of the Legislature, it is only a question of time until our Democratic processes will be destroyed, and our Legislative service shall become as ineffective as 'a sounding brass, and a tinkling cymbal.'

Our Constitution guarantees separation of Church and State; and, during the past November General Election, we heard much discussion on this fundamental principle. Today, however, we find drastic action taken on behalf of a church. Certainly, it appears to be a direct interference with Legislative procedure and the right of a Member to exercise his conscience and best judgment in voting.

Recent reports issued by the Texas Employment Commission indicate that there is substantial and widespread unemployment in Tarrant County as a result of Governmental cut-backs in the various plants located in that area. Personally, I can see no wrong in the construction of a $20,000,000 brewery in Tarrant County. It would give wide employment to many thousands of workers. If an individual does not desire that these products be sold in the area, we have elections to solve that problem and prevent such sales.
Time and experience teaches us that moderation in our lives and habits is essential for a happy life. If we indulge in excesses, a penalty must be paid. It is unfortunate that a few, in attempting to impose their extreme views and beliefs, would do such a grievous injury to another who might disagree.

This morning, our fine Chaplain gave a most impressive reading of the Scriptures and prayer when our House convened. Most beautifully and effectively, he read the Scripture, ‘Judge not, that ye be not judged.’ No names were called, but the message was evident. It is a lesson that should be a constant reminder to all.

In closing, I wish to leave this one simple thought. The Bible reports that when the Lord told King Solomon that he could have any wish granted, King Solomon requested ‘an understanding heart.’ Certainly, we should expect those who are ‘Men of the Cloth’ to have ‘an understanding heart.’ I hope that those who are responsible for this most unkind and drastic action against our fellow Member, Tommy Shannon, will, tonight and every night hereafter, get on their knees and pray to their Lord that they be given ‘an understanding heart,’ and that they be granted forgiveness for the injury and grief they have caused Tommy Shannon and his fine family.

ADDRESS BY THE HONORABLE HOWARD GREEN

The Honorable Howard Green, having been recognized to speak on personal privilege, addressed the House, as follows:

Mr. Speaker and Members of the House:

I Jude that anything I might add at this time after the foregoing remarks would be anticlimactic but since I am a member of the delega-
tion from Fort Worth, I feel compelled at this time to make just a few remarks. I know Tommy Shan-
non very well. He and I have traveled several thousand miles together between Fort Worth and Austin dur-
ing the last two terms of the Legis-
lature. He and I are confron-
ted with the same problems. We are subjected to the same pressures. I have never seen anyone at any time show more courage or more dedica-
tion to the job at hand than he has. During the past 48 hours, he has been under tremendous pressure. I consider it a privilege to work with him and to have been elected by the same people. We have to be ever vigilant in the cause for freedom, in practicing the right to disagree. I know Tommy Shannon weighs both sides of every issue, and then honestly votes his convictions despite pressures.

There are many times in recorded history when public servants have been subjected to undue and unwarranted pressures. Edmund Burke, while a member of the British Parliament, as a representative of Bristol, having become unpopular with his constituents because of his actions in the Parliament on certain issues, declined to offer himself for re-election, and bad this to say: ‘Certainly, gentlemen, it ought to be the happiness and glory of a representa-
tive to live in the strictest union, the closest correspondence, and the most unreserved communion with his constituents. Their wishes ought to have great weight with him; their opinions great respect; their business unremitting attention.

But his unbiased opinion, his enlightened conscience, he ought not to sacrifice to you or to any set of men living. They are a trust from Providence.

Your representative owes you not his industry only, but his judgment, and he betrays instead of serving you if he sacrifices it to your opinion.’

Edmund Burke, by common ac-
ceptance, is known as one of the world’s greatest statesmen. The peo-
ples of Bristol, England, lost him as their representative and elected someone who never made a mark worthy of note on the pages of his-

tory, all because Burke retained his independence of thought and action.

In closing, I should like to say Tommy Shannon has handled himself in a fine, dignified and honorable manner and has displayed a quiet courage befitting a member of this body. No more conscientious person has entered this house, and although Tommy Shannon has been visibly affected by this unfortunate action, it has not affected his determination to vote his convictions, all pressure to the contrary.
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REMARKS ORDERED PRINTED IN THE JOURNAL

On motion of Mr. Jamison, the remarks of Mr. Bell and Mr. Green, made in addressing the House on personal privilege on this morning, were ordered printed in the Journal.

On motion of Mr. Oliver, the remarks of Mr. Allen and Mr. Harding, made in addressing the House on personal privilege on this morning, were ordered printed in the Journal.

On motion of Mr. Bridges, the remarks of Mr. Heatly, made in addressing the House on personal privilege on this morning, were ordered printed in the Journal.

On motion of Mr. Collins, the remarks of Mr. Spears, made in addressing the House on personal privilege on this morning, were ordered printed in the Journal.

REQUEST OF SENATE GRANTED

On motion of Mr. Melshany, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 217.

CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 217:

Messrs. Melshany, Chairman; Bartram, Cory, Dungan and Eckhardt.

HOUSE BILL NO. 645 ON SECOND READING

Mr. Ratcliff moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 645.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 645, A bill to be entitled "An Act relating to the change in name of the North Texas State Teachers College to North Texas State College; amending Chapter 258, Acts of the Fifty-first Legislature, 1949, so as to change the name of North Texas State College to 'University of North Texas'; ratifying and confirming in behalf of 'The University of North Texas' all legislative Acts and appropriations heretofore passed in behalf of North Texas State Teachers College or North Texas State College, or The University of North Texas; and declaring an emergency."

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

HOUSE BILL NO. 645 ON THIRD READING

Mr. Ratcliff moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 645 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124
Adams of Lubbock Ehrle
Adams of Titus Fairchild
Akins Fairchild
Allen Garrison
Andrews Gibbons
Atwell Gladden
Bailey Glass
Ballman Glassing
Barlow Green
Barrow Grover
Bartram Guffey
Bass Harding
Berry Harrington
Bilwee Heatly
Bouvier Hensley
Buchanan Hollowell
Burgess Huebner
Butler Hudezer
Caldwell Hughes
Cannon Hughes of Grayson
Carriker Hughes of Dallas
Chapman James
Connell Johnson of Bexar
Cole of Hunt Johnson of Bell
Collins Johnson of Dallas
Cook Cory
Cowen Cory of Dallas
Cowles Jones
Crain Jones of Travis
Crews Kennard
Curington Kilpatrick
Da Garza Kiolba
Dungan Lary
Eckhardt La Valle

April 10, 1961  HOUSE JOURNAL  1029

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Akins Fairchild
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Bailey Glass
Ballman Glassing
Barlow Green
Barrow Grover
Bartram Guffey
Bass Harding
Berry Harrington
Bilwee Heatly
Bouvier Hensley
Buchanan Hollowell
Burgess Huebner
Butler Hudezer
Caldwell Hughes
Cannon Hughes of Grayson
Carriker Hughes of Dallas
Chapman James
Connell Johnson of Bexar
Cole of Hunt Johnson of Bell
Collins Johnson of Dallas
Cook Cory
Cowen Cory of Dallas
Cowles Jones
Crain Jones of Travis
Crews Kennard
Curington Kilpatrick
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Connell Johnson of Bexar
Cole of Hunt Johnson of Bell
Collins Johnson of Dallas
Cook Cory
Cowen Cory of Dallas
Cowles Jones
Crain Jones of Travis
Crews Kennard
Curington Kilpatrick
Da Garza Kiolba
Dungan Lary
Eckhardt La Valle
The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read several of the following enrolled bills and resolutions:

<table>
<thead>
<tr>
<th>BILL NO.</th>
<th>BILL Title</th>
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</thead>
<tbody>
<tr>
<td>S. B. No. 122, An Act relating to operation of certain City Water Boards, after a city has annexed all the territory of certain Water Control and Improvement Districts; amending Chapter 161, Acts of the 55th Legislature, Regular Session, 1957, by adding a new Section, Section 2b, thereof; and declaring an emergency.</td>
<td></td>
</tr>
<tr>
<td>S. B. No. 313, An Act providing for the planning, design, construction and equipping of additional floors for the State Insurance Building and the second State Office Building; providing for the completion and equipping of the State Archives and Library Building; providing funds for such purposes; granting authority for the limited use and improvements on Capitol grounds to provide passageways and walks to new buildings; and declaring an emergency.</td>
<td></td>
</tr>
<tr>
<td>H. C. R. No. 70, Requesting that H. B. No. 396 be returned to the Senate for further consideration.</td>
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</tbody>
</table>

MESSAGE FROM THE SENATE
Austin, Texas, April 10, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

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

<table>
<thead>
<tr>
<th>BILL NO.</th>
<th>BILL Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. C. R. No. 45, Extending invitation to the Vice-President of the United States, the Honorable Lyndon B. Johnson, and Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer, to address a joint session of the Texas Legislature Monday, April 17, 1961.</td>
<td></td>
</tr>
<tr>
<td>S. C. R. No. 46, Relating to Nuster Day at Texas A &amp; M.</td>
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</tbody>
</table>

Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate.
HOUSE BILL NO. 409 ON SECOND READING

Mr. Adams of Lubbock moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 409.

The motion prevailed.

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

H. B. No. 409, A bill to be entitled "An Act to provide for the conservation and prevention of waste of underground water and to protect underground water reservoirs from pollution by registering water well drillers and providing for administration and enforcement."

The bill was read second time.

Mr. Glusing offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend H. B. No. 409 by striking all below the enacting clause and substituting therefor the following:

Section 1. Definitions. The following words and phrases as used in this Act shall have the following meanings unless a different meaning clearly appears from the context. The singular form shall also mean the plural form. The masculine gender shall also mean the feminine and neuter genders.

(a) "Person," shall mean any person, firm, partnership, association, corporation, or any other group or combination acting as a unit.

(b) "Board," shall mean the State Board of Water Engineers, or its successor.

(c) "Water Well," shall mean any artificial excavation constructed for the purpose of producing ground water. The term, however, shall not include any hand dug or drive point water well or test or blast holes in quarries or mines, or any well or excavation for the purpose of exploring for, or producing oil, gas, or any other mineral.

(d) "Water Well Driller," shall mean any person who engages for compensation in the drilling, boring, coring, or construction of any water well in this State. The term, however, shall not include any person who drills, bores, cores, or constructs a water well on his own property for his own use.

(e) "Registered Water Well Driller," shall mean any person who holds a certificate from the State Board of Water Engineers as a Registered Water Well Driller.

(f) "Pollution," shall mean an impairment of the physical, chemical or biological properties of water by the acts or instrumentalities of man to a degree which results in a material and adverse effect upon any consumptive or beneficial use of such waters.

(g) "Well Log," shall mean a log accurately kept at the time of drilling of the depth, thickness and character of the different strata penetrated and location of water-bearing strata together with other data required on forms prescribed by the Board.

Sec. 2. Registration Required, (a) It shall be unlawful for any person to drill, bore, core, or construct any water well in this State for compensation, without first registering with the State Board of Water Engineers and securing a certificate of registration as a Registered Water Well Driller.

(b) Application for a certificate of registration shall be in writing and in the form prescribed by the Board. The application shall give the business residence and permanent mailing address of the applicant and shall contain such further relevant information as the Board may require.

(c) At the time of making application, each applicant shall pay to the Board the sum of Twenty-five Dollars ($25) as a registration fee.

(d) All certificates of registration issued under this Act shall expire on August 31, of each year, and on or before that date, each person holding a certificate of registration shall pay to the Board the sum of Twenty-five Dollars ($25) as an annual registration renewal fee.
(e) A certificate of registration shall not be transferable or assign­able.

(f) A certificate of registration to replace a certificate, lost, destroy­ed or mutilated shall be issued by the Board upon the payment of a fee of One Dollar ($1).

(g) Any person actively engaged in business in this State as a water well driller on the effective date of this Act shall be entitled to a certificate of registration upon the filing of an application and the payment of a registration fee as provided herein.

(h) Except as provided in Subsection (g) above, after the effective date of this Act, any person who has not less than two (2) years experience in the drilling of water wells shall, upon proper showing of such experience, be entitled to a certificate of registration upon the filing of an application as herein provided and the payment of the required registration fee.

Sec. 3. Reciprocity. The Board, upon application therefor and the payment of a fee of Twenty-five Dollars ($25) may issue a certificate of registration as a Registered Water Well Driller to any person who holds a certificate of qualification or registration issued to him by proper authority of any state or territory of possession of the United States, or of any country, if the registration for the requirement of Registered Water Well Driller under which said certificate of registration was issued does not conflict with the provisions of this Act and are of a standard not lower than that specified by the provisions of this Act, and if that particular state, territory or possession of the United States, or country, extends similar privileges to the persons registered under the provisions of this Act.

Sec. 4. Reporting of Well Logs. (a) Every registered water well driller drilling, deepening or taking logs of a water well within this State, shall make and keep, or cause to be made and kept, a legible and accurate water well log thereof, and within sixty (60) days from the completion or cessation of drilling, deepening or logging of such water well, deliver or transmit by certified mail to the Board, on forms prescribed by the Board, a sworn copy of such water well log.

Sec. 5. Rules and Regulations. The Board shall have authority to pro­mulgate and enforce rules and regulations for the administration and enforcement of this Act. The Board of Water Well Drillers shall constitute an Advisory Committee to the Board. This Advisory Committee shall furnish such information, assistance, and advice as the Board shall request.

Sec. 6. Water Well Drillers Board. The Board of Water Engineers shall appoint the seven (7) member Water Well Drillers Board as follows, to­wit:

(a) One (1) member of the Board of Water Engineers to be selected by its Chairman.

(b) One (1) member from the State Department of Health to be selected by the Commissioner of Health.

(c) Five (5) registered water well drillers under the following conditions, to-wit:

(1) Each such driller to have a minimum of ten (10) years experience in water well drilling prior to his appointment.

(2) Each such driller to be a citizen of the State of Texas.

(3) One (1) of such drillers shall be selected from the following geographic areas of the State of Texas:

A. Gulf Coast Area
B. Trans-Pecos Area
C. Central Texas Area
D. North-East Texas Area
E. Panhandle-South Plains Area

(4) The Board shall not appoint to the Water Well Drillers Board more than one (1) person who is employed by, or owns an interest in a company or business association which is engaged in any phase of the water well drilling business.

(e) The five (5) water well driller members herein provided shall be appointed for the following terms: The initial appointments of two (2) members shall expire September 15, 1965. The initial appointment of two (2) other members shall expire September 15, 1965. The initial appointment of the remaining one (1) member shall expire September 15, 1967. All regular appointments shall be for terms of six (6) years. The terms of members shall begin on Septem.
The initial appointments of the (5) members shall be made immediately following the effective date of this Act.

(f) Members of the Water Well Drillers Board shall serve without additional compensation but may receive from the State Agencies they serve, traveling expenses as otherwise provided by law.

Sec. 7. Revocation of Certificate of Registration. The certificate of registration of any registered water well driller who violates any provision of this Act or any rule or regulation promulgated by the Board under the authority of this Act may be revoked by the Board.

Sec. 8. Appeal. Any person whose certificate of registration is revoked by the Board shall have the right to file suit in the District Court of Travis County against the Board, as defendant, to set aside the order revoking such certificate of registration. The suit shall be tried de novo as such term is commonly used in an appeal from justice court to the county court, and the substantial evidence rule shall have no application in such appeal.

Sec. 9. Disposition of Revenues. All money derived by the Board under the provisions of this Act shall be placed in a special fund in the State Treasury to be known as the “Registered Water Well Drillers Fund” and all expenditures for the administration and enforcement of this Act shall be made from this Fund, and it is specifically provided that no moneys from any other source in the State Treasury shall ever be appropriated or expended for the administration or enforcement of this Act.

Sec. 10. Penalty. Any person not holding a certificate of registration as a registered water well driller who drills, borers, cores or constructs any water well in this State for compensation shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Twenty-five ($25) nor more than Two Hundred Dollars ($200) or by confinement in the county jail for a period not to exceed one hundred and twenty (120) days, or by both such fine and imprisonment, and each day's violation shall constitute a separate offense.

Sec. 11. Construction. Nothing in this Act shall be construed as affecting the ownership, or the rights of the owner of the land, in underground water.

Sec. 12. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the 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. 13. Cumulative Clause. This Act shall be cumulative of all laws or parts of laws relating to this subject.

Sec. 14. Emergency Clause. The fact that the laws of this State do not adequately provide for the gathering of data and the prevention of pollution of underground waters in this State creates an emergency and it is so enacted.

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

Amend Committee Amendment No. 1 to H. B. No. 499 by adding to Section 8 the following:

In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as such term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no interfering administrative or executive action or decision. Under no circumstances shall the
substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be se- verable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional, or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

The amendment to Committee Amendment No. 1 was adopted.

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

Amend Committee Amendment No. 1 of H. B. No. 409 by striking Sec. 5 in its entirety and inserting in lieu thereof the following:

"Sec. 5. Rules and Regulations. The Board, with the advice of the Water Well Drillers Board shall promulgate rules and regulations concerning the construction and reconstruction of water wells to insure that all water well drillers observe rules of sanitary construction so as to avoid pollution to the underground waters of Texas, said rules and regulations to be not inconsistent with the constitution and laws of this State, or within their respective jurisdictions, with the rules and regulations of any underground water conservation districts that have been or may hereafter be duly created under Article 7880-3(c) Revised Civil Statutes of Texas, as amended, or the Acts of the 53rd Legislature of Texas, page 17, Chapter 10."

The amendment to Committee Amendment No. 1 was adopted.

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

Amend Committee Amendment No. 1 to H. B. No. 409 by adding the following Section in lieu of Section 9:

"Sec. 9. Disposition of Revenues. All money derived by the Board under the provisions of this Act shall be placed in the General Revenue Fund."

The amendment to Committee Amendment No. 1 was adopted.

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

Amend Committee Amendment to H. B. 409, Sec. 8, Page 8, line 17, by striking out the words "of Travis County" and inserting the words "of the County of his residence." The amendment to Committee Amendment No. 1 was adopted.

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

Amend Sec. 10 of Committee Amendment No. 1 by adding at line 31 between the word "Compensation" and the word "shall" the following: "—other than wells drilled for livestock and stock raising purposes and personal use in which a casing of six inches or less can be installed."

Mr. Oliver moved to table the amendment by Mr. Heatly to Committee Amendment No. 1.

The motion to table was lost.

Mr. Nugent requested a full reading of the Committee Amendment No. 1, with all amendments thereto.

On motion of Mr. Oliver, the House dispensed with the reading of the amendments.

The amendment by Mr. Heatly was lost.

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

A record vote was requested on the passage of H. B. No. 409 to engrossment.

H. B. No. 409 was passed to engrossment by the following vote:

Yeas—29
Adams of Lubbock Ballman
Adams of Titus Barnes
Allen Bartram
Atwell Bass
Bailey Bell

H. B. No. 409 was passed to engrossment by the following vote:

Yeas—99
Adams of Lubbock Ballman
Adams of Titus Barnes
Allen Bartram
Atwell Bass
Bailey Bell
<table>
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<th>Yeas</th>
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<td>Adams of Titus</td>
<td>Andrews</td>
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<tr>
<td>Hughes of Hill</td>
<td>Hughes of Grayson</td>
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</table>
Mr. Hughes of Grayson moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 363.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 363, A bill to be entitled “An Act to abolish the requirement of unanimous concurrence of the jurors in civil actions and to restore the Constitutional provision permitting nine members of a jury, concurring, in civil causes to render a verdict; providing that when the verdict shall be rendered by less than the whole number of the jury, it shall be signed by every member of the jury concurring in it; repealing all laws and rules in conflict herewith; requiring verdicts in all criminal cases by unanimous concurrence of all jurors; and declaring an emergency.”

The bill was read second time.

CONGRATULATORY RESOLUTION ADOPTED

By Messrs. Smith of Jefferson, Whitfield, Kilpatrick, Harrington and Oliver: H. S. R. No. 492, Complementing Mr. O. B. Archer.

RELATING TO MUSTER DAY AT TEXAS A. AND M. COLLEGE

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

S. C. R. No. 46

Whereas, The Agricultural and Mechanical College of Texas opened its doors to students in the Fall of 1876, and

Whereas, It will soon complete its 85th year as the state’s oldest state supported institution of higher learning, and

Whereas, Its graduates and ex-students have attained enviable distinction in the occupations of their choice, not only in Texas, but in widely separated places in America and also in foreign lands, and

Whereas, This college is said to have provided more officers in the U. S. military forces in both World
Whereas, Wars I and II than any other military school in our country, and
Whereas, The Agricultural and Mechanical College of Texas now provides both undergraduate and graduate training not only in the fields and occupations it was originally planned to fill, but also provides training in the Arts and Sciences and other general fields of education, and
Whereas, On April 21, 1903, the students of A and M College spontaneously initiated the custom of holding a Muster Day. This custom has been followed by the ex-students of this college for fifty-seven years, and the 21st day of April of each year has been observed as a day for the holding of a Muster Day meeting of ex-students of this college. Among the purposes of these gatherings is the recalling of incidents of college days and also the observance of suitable recognition of the memory of those graduates and ex-students who have departed this life in the preceding twelve months, and
Whereas, It is believed that the number of Muster Day meetings held by ex-students of Texas A and M College in various places in America and throughout the world exceeds the number of meetings held by groups of ex-students from any other college in America for a similar purpose; now therefore be it
Resolved, That the Texas Senate, the House of Representatives concurring, does hereby congratulate the ex-students of Texas A and M College upon their many achievements and their commendable custom of holding a Muster Day on the 21st day of April of each year since 1903, and hopes that this desirable custom will continue in the years to come; and be it further
Resolved, That a copy of this resolution be sent to the Chancellor of the A and M College and to the President of the Ex-Students Association of that college.

The resolution was adopted.

RECALLING H. J. R. NO. 2

Mr. Harlow offered the following resolution:

H. C. R. No. 75

Whereas, House Joint Resolution No. 2 was sent to the Senate in error; and
Whereas, The House needs to further consider House Joint Resolution No. 2; now therefore be it
Resolved, by the House of Representatives of the State of Texas, the Senate concurring, that the Senate be requested to return House Joint Resolution No. 2 for further consideration.

The resolution was adopted.

INVITATION TO VICE-PRESIDENT LYNDON B. JOHNSON AND CHANCELLOR KONRAD ADENAUER

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

S. C. R. No. 45

Whereas, On April 16 and 17, 1961, The State of Texas will be host to His Excellency the Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer, on the occasion of his visit to the home of the Vice-President of the United States, the Honorable Lyndon B. Johnson; and
Whereas, The Vice-President of the United States, the Honorable Lyndon B. Johnson, with his guest, Chancellor Konrad Adenauer, will arrive by helicopter from the "LBJ" Ranch and land in the vicinity of the Municipal Auditorium on the banks of the Colorado River in Austin, Texas, at approximately 11:15 A. M., Monday, April 17, 1961; and
Whereas, The Vice-President of the United States, the Honorable Lyndon B. Johnson, and Chancellor Konrad Adenauer of the Federal Republic of Germany will from this point proceed by parade up Congress Avenue to the State Capitol of Texas; and
Whereas, All the people of Texas, and especially the people of Central Texas and Austin enthusiastically welcome this distinguished world statesman to our State and to the Capitol City of Texas; and
Whereas, This visit by so distinguished a world statesman is commensurate with a State's visit, all State employees shall be accorded the privilege of attending the ceremonies in connection with said visit, including the parade: and
WHEREAS, Following the parade up Congress Avenue to the State Capitol, the Vice-President of the United States, the Honorable Lyndon B. Johnson, and Chancellor Konrad Adenauer of the Federal Republic of Germany are hereby invited to appear before a joint session of the Texas House of Representatives and the Senate of the State of Texas at high noon on Monday, April 17, 1961, assembled in the House of Representatives, and on this occasion to make such remarks as they may desire; and

WHEREAS, The appearance of the Vice-President of the United States, the Honorable Lyndon B. Johnson, and Chancellor Konrad Adenauer of the Federal Republic of Germany is of world-wide significance and importance and such will be covered by the press, radio and television, including the Voice of America sent to all corners of the world, that the facilities of the House of Representatives of the State of Texas be made available to those covering this momentous occasion at said joint session; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, the House of Representatives concurring, in due recognition of the visit of the Vice-President of the United States, the Honorable Lyndon B. Johnson and Chancellor Konrad Adenauer of the Federal Republic of Germany to Texas and the Capitol City of Austin, meet in joint session at twelve noon on Monday, April 17, 1961, in the House of Representatives for the purpose of hearing the Vice-President of the United States, the Honorable Lyndon B. Johnson, and Chancellor Konrad Adenauer of the Federal Republic of Germany.

The resolution was adopted.

SENATE BILL ON FIRST READING

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

S. B. No. 131 to the Committee on Insurance.

COMMITTEE APPOINTED

The Speaker announced the appointment of the following Committee Members on the part of the House pursuant to H. C. R. No. 12, the Poet Laureate resolution:

Messrs. Harrington and Lewis.

RECESS

Mr. Eckhardt moved that the House recess until 2:30 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess the House at 12:16 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

HOUSE BILL NO. 363 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being H. B. No. 363, relating to abolishing the requirement of unanimous concurrence of the jurors in civil actions.

The bill was read second time on this morning.

Mr. Crews offered the following amendment to the bill:

Amend House Bill 363, line 16, Section 1 thereof, by striking the word "nine" and substituting therefor the word "ten."

The amendment was lost.

Mr. Miller offered the following amendment to the bill:

Amendment to Section 1, H. B. 363, Change the word "nine" to the word "eleven."

MILLER, TOWNSEND.

Mr. Hughes of Grayson moved to table the amendment by Mr. Miller.

The motion to table prevailed.

Mr. McGregor of El Paso moved to reconsider the vote by which the above amendment by Mr. Crews was previously lost.

The motion to reconsider prevailed.
Mr. Hughes of Grayson then moved that the amendment by Mr. Crews be adopted.

The motion prevailed.

Mr. Slack offered the following amendment to the bill:

Amend Section 1 of H. B. 363 by inserting on line 16, following the word "State", the following:

"upon the agreement of all parties to the litigation,"

Mr. Hughes of Grayson moved to table the amendment by Mr. Slack.

The motion to table prevailed.

A record vote was requested on the passage of H. B. No. 363 to engrossment.

H. B. No. 363 was passed to engrossment by the following vote:

Yeas--71

Nays--62

Mr. Latimer moved that the regular order of business be suspended.
to take up and have placed on its second reading and passage to engrossment, H. B. No. 417.

The motion prevailed.

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

H. B. No. 417, A bill to be entitled "An Act to reorganize the Thirty-second and the One Hundred Fourth Judicial Districts by removing Fisher County from the One Hundred Fourth Judicial District and adding Fisher County to the Thirty-second Judicial District and making certain other provisions relating thereto; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 417 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. After the effective date of this Act the 32nd Judicial District shall be composed of and concerning Nolan, Mitchell, and Fisher Counties, and shall be known as the 32nd Judicial District. The 32nd Judicial District shall have and exercise civil and criminal jurisdiction co-extensive with the limits of Nolan, Mitchell, and Fisher Counties in all actions, proceedings, matters and causes of which District Courts of general jurisdiction are given jurisdiction by the Constitution and laws of the State of Texas.

The terms of the District Court of the 32nd Judicial District shall be as follows:

In Nolan County on the second Monday in January, on the third Monday in April, and on the second Monday in September of each year, and each term may continue in session until the Saturday immediately preceding the Monday for the convening of the next regular term of the court in Nolan County.

In Mitchell County on the third Monday in February, May and October of each year, and each term may continue in session until the Saturday immediately preceding the Monday for the convening of the next regular term of the Court in Mitchell County.

In Fisher County on the second Monday in March, June, and November of each year, and each term may continue in session until the Saturday immediately preceding the Monday for the convening of the next regular term of the Court in Fisher County.

Section 2. The One Hundred and Fourth Judicial District of the State of Texas is composed of the Counties of Jones and Taylor, and the District Courts and terms thereof in said Counties shall be held in said Counties as follows:

Said Court shall convene in Jones County on the first Monday in January of each year, and on the 15th Monday after the first Monday in January of each year and on the first Monday in September of each year, and each of said terms of Court in said County shall continue until the convening of the next succeeding term of Court in said County.

Said Court shall convene in Taylor County on the 11th Monday after the first Monday in January of each year, and on the 24th Monday after the first Monday in January of each year and on the 5th Monday after the first Monday in September of each year, and each of said terms of Court in said County shall continue until the convening of the next succeeding term of Court in said County.

It shall be the duty of the Commissioner's Court of Taylor County to provide in the county courthouse of said county, suitable quarters for holding the terms of Court of the 104th Judicial District of Texas, in Taylor County, as well as suitable quarters for the officers of said Court.

The District Clerk of Taylor County shall act as clerk of the reorganized 104th Judicial District of Texas, in Taylor County, as well as the 104th Judicial District of Texas, and in filing civil suits, the clerk shall file same alternately in said two district courts and in numbering all suits in each of said courts, said clerk shall place after all numbers of all suits which are filed after this Act takes effect; the letters A or B, so as to distinguish causes pending in said two courts, placing
incal District may, upon request of the District Attorney of the 104th Judicial District assist the said district attorney in the trial of any criminal case or habeas corpus case pending in the District Court of said 104th Judicial District in Taylor County, and likewise the District Attorney of the 104th Judicial District may upon request of the District Attorney for the 42nd Judicial District assist said district attorney in the trial of any criminal case, or habeas corpus case, pending in the District Court of said 104th Judicial District in Taylor County, and in all such cases the district attorney assisting shall receive the same compensation for such services as is now provided by law for such services in the district for which he was elected, but nothing herein shall be construed as limiting the authority of the district attorneys of the two districts from having absolute control and management of criminal cases and habeas corpus cases which are tried in their respective courts.

Section 4. It is further provided that all Grand and Petit Juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the Counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same.

Section 5. The District Judge and District Attorney of the 32nd and of the 104th Judicial Districts now elected and acting as such shall continue to hold the offices of District Judge and District Attorney of the 32nd and 104th Judicial Districts respectively in said counties as herein fixed and until the terms for which they have been elected expire and until there has been elected and qualified successors thereto.
Section 6. The effective date of this Act is January 1, 1962.

Section 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 8. The importance of this legislation and the crowded condition of the calendar in both houses, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and it is so enacted.

The amendment was adopted.

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

Committee Amendment No. 2
Amend H. B. 417 by striking all above the enacting clause and inserting in lieu thereof the following:

"A BILL
To Be Entitled
An Act to reorganize the Thirty-second and the One Hundred-fourth Judicial Districts by removing Fisher County from the One Hundred-fourth Judicial District and adding Fisher County to the Thirty-second Judicial District and making certain other provisions relating thereto; and declaring an emergency."

The amendment was adopted.

House Bill No. 417 was then passed to engrossment.

HOUSE BILL NO. 417 ON THIRD READING

Mr. Latimer moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 417 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—120

Adams of Lubbock Bartram
Allen Bass
Andrews Bell
Atwell Berry
Barlow Baine
Barnes Boyesen

Nays—10

Crain Nugent
Curington Read
Guffey Roberts of Hill
Hollowell Thoman
Jarvis Wheatley

Bridges Longoria
Buchanan Mc Coppin
Butler McGregor
Caldwell McD Donnan
Cannon McGregor
Carrier Mc El Paso
Chapman Mcllhany
Cole of Harris Markgraf
Cole of Hunt Martin
Colles Miller
Counsel Mullan
Cory Murray
Cotton Nemesper
Cowles Oliver
Crews Parsons
de la Garza Peery
Dewey Peeler
Dowey Pirtatt
Duff, Mims Pipkin
Dungan Preston
Eckhardt Pearson
Ehrle Peeler
Faithchild Peery
Fletcher Pedler
Foreman Pettit
Foreman Pigg
Fontana Preston
Garrison Quilliam
Gibbens Rapp
Gladdens Ralcliff
Glaubert Richards
Gladden Richardson
Green Ross
Green Rooson
Greer Sandahl
Hale Schram
Hale Shannon
Harding Shipley
Harrell Bider
Haring Smith of Bexar
Harrington Smith of Bexar
Hays Smith of Jefferson
Hays Stesselin
Healy Spears
Hedder Spilman
Huebner Springer
Johnson of Bell Stewart
Jones of Bell of Galveston
Jones of Dallas Stewart
Jones of Travis of Wichita
Jones of Travis of Grayson
Kennard Greene
Kilpatrick Thurmond
Kipling Townsend
Koliba Trexino
Koroth Tunnell
Lack Walker
Lary Watson
Leawood Wells
Leazer Whitfield
Leaver Wilson of Trinity
Leverett Wilson of Potter
Lesser Woods
Lewis Yezak
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Absent
Adams of Titus  Johnson of Bexar
Alanis  Moore
Bailey  Osborn
Ballman  Petty
Barnes  Prine
Glusing  Robert of Dawson
Hughes of Dallas  Slack
Johnson of Dallas Ward

Absent—Excused
Banfield, Mrs. Floyd
Cook

The Speaker then laid House Bill No. 417 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Latimer moved to reconsider the vote by which H. B. No. 417 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
I want to be shown as voting no on H. B. 417 on final passage.
LEON THURMAN

HOUSE BILL NO. 507 ON SECOND READING

Mr. Schram moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 507.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 507, A bill to be entitled "An Act relating to manufacture and sale of bedding; amending Section 6 of Senate Bill No. 306, General Laws of the 46th Legislature, Regular Session, page 374, which pertains to the permits for manufacturing and selling bedding; enforcement provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency.

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

HOUSE BILL NO. 507 ON THIRD READING

Mr. Schram moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 507 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117
Adams of Lubbock Jones of Travis
Alanis  Kennard
Allen  Kilpatrick
Andrews  Kohiba
Barlow  Kortih
Barney  Lack
Bartram  La Valle
Bass  Leaverton
Berry  Longoria
Blaine  McCoppus
Boyse  McGregor
Budge  of McLennan
Buchanan  McGregor
Butler  of El Paso
Caldwell  Molinany
Carroll  Markgraf
Carrick  Martin
Chapman  Miller
Cole of Hunt  Mullen
Collins  Murray
Connell  Mutscher
Cory  Niemeyer
Crenshaw  Oliver
Crews  Parsons
de la Garza  Peary
Dewey  Peeler
Duff, Miss  Pieratt
Dunham  Piggie
Eckhardt  Preston
Ellie  Price
Feltch  Quilliam
Fletcher  Rapp
Foreman  Ratcliff
Garrett  Richards
Garrison  Richardson
Gibbens  Ross
Glass  Sandahl
Green  Schram
Grover  Shahan
Hall  Shapley
Hamp  Sider
Harrington  Smith of Bexar
Hayes  Smith of Jefferson
Hayces  Sessions
Healey  Spears
Hollowell  Spilman
Hoffner  Springer
Hughes of Grayson  Stewart
Hughes of Dallas  of Galveston
James  Stewart
Jamison  Stewart
Johnson of Dallas  of Wichita
Johnson of Bexar  Struve
Johnson of Bell  Thurmond
Jones of Dallas  Townsend
The Speaker then laid House Bill No. 507 before the House on third reading and final passage.

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

**Yeas-129**

- Adams of Lubbock
- Cole of Hunt
- Collins
- Connell
- Cory
- Cowles
- Craig
- Cresa
- Curington
- de la Garza
- Dewey
- Duff, Miss
- Duncan
- Eckhardt
- Ehlers
- Fairchild
- Fletcher
- Foreman
- Garrison
- Gibbens
- Gladden
- Glass

- Green
- Grover
- Grover
- Hall
- Haring
- Harrington
- Haynes
- Hinson
- Hollowell
- Huebner
- Hughes of Grayson
- Hughes of Dallas
- Isaacks, Miss
- James
- James
- Jarvis
- Johnson of Bexar
- Johnson of Bell
- Jones of Dallas
- Jones of Travis
- Kendall
- Kiepke
- Koliba
- Kortenhof
- Lack
- Lattimer
- La Valle
- Leaverton
- Lewis
- Longoria
- McCoppin
- McGregor of McLennan
- McGregor of El Paso
- McIlvain
- Markgraf
- Martin
- Miller
- Mullen
- Murray
- Mitchell
- Niemann
- Nogent
- Oliver

- Present—Not Voting
  - Cotten
  - Harding

- Absent
  - Adams of Titus
  - Atwell
  - Bailey
  - Ballman
  - Burgess
  - Coleman
  - Crews
  - de la Garza
  - Dewey
  - Duff, Miss
  - Duncan
  - Eckhardt
  - Ehlers
  - Fairchild
  - Fletcher
  - Foreman
  - Garrison
  - Gibbens
  - Gladden
  - Glass

**Nays-11**

- Adams of Lubbock
- Cole of Hunt
- Collins
- Connell
- Cory
- Cowles
- Craig
- Cresa
- Curington
- de la Garza
- Dewey
- Duff, Miss
- Duncan
- Eckhardt
- Ehlers
- Fairchild
- Fletcher
- Foreman
- Garrison
- Gibbens
- Gladden
- Glass

- Green
- Grover
- Grover
- Hall
- Haring
- Harrington
- Haynes
- Hinson
- Hollowell
- Huebner
- Hughes of Grayson
- Hughes of Dallas
- Isaacks, Miss
- James
- James
- Jarvis
- Johnson of Bexar
- Johnson of Bell
- Jones of Dallas
- Jones of Travis
- Kendall
- Kiepke
- Koliba
- Kortenhof
- Lack
- Lattimer
- La Valle
- Leaverton
- Lewis
- Longoria
- McCoppin
- McGregor of McLennan
- McGregor of El Paso
- McIlvain
- Markgraf
- Martin
- Miller
- Mullen
- Murray
- Mitchell
- Niemann
- Nogent
- Oliver

- Present—Not Voting
  - Cotten
  - Harding

- Absent
  - Adams of Titus
  - Atwell
  - Bailey
  - Ballman
  - Burgess
  - Coleman
  - Crews
  - de la Garza
  - Dewey
  - Duff, Miss
  - Duncan
  - Eckhardt
  - Ehlers
  - Fairchild
  - Fletcher
  - Foreman
  - Garrison
  - Gibbens
  - Gladden
  - Glass

- Green
- Grover
- Grover
- Hall
- Haring
- Harrington
- Haynes
- Hinson
- Hollowell
- Huebner
- Hughes of Grayson
- Hughes of Dallas
- Isaacks, Miss
- James
- James
- Jarvis
- Johnson of Bexar
- Johnson of Bell
- Jones of Dallas
- Jones of Travis
- Kendall
- Kiepke
- Koliba
- Kortenhof
- Lack
- Lattimer
- La Valle
- Leaverton
- Lewis
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  - Harding

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  - Fletcher
  - Foreman
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  - Gibbens
  - Gladden
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- Present—Not Voting
  - Cotten
  - Harding

- Absent
  - Adams of Titus
  - Atwell
  - Bailey
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  - de la Garza
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  - Duff, Miss
  - Duncan
  - Eckhardt
  - Ehlers
  - Fairchild
  - Fletcher
  - Foreman
  - Garrison
  - Gibbens
  - Gladden
  - Glass
Mr. Schram moved to reconsider the vote by which H. B. No. 507 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 479 ON SECOND READING

Mr. McGregor of El Paso moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 479.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 479, A bill to be entitled "An Act to provide for the annual adoption by the State Board of Education of an operating budget for the administration and supervision of the Central Education Agency, for procedure and filing incident thereto; providing that items budgeted shall be paid from the Foundation School Fund except where otherwise payable in whole or in part from Federal and/or other special funds appropriated; providing amount budgeted shall not exceed a fixed percentage of the total cost of the Foundation School Program annually estimated for purposes of the Foundation School Program Act; providing authority of the State Board of Education to accept grants to discharge responsibilities assigned: providing a severability or savings clause and declaring an emergency."

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

MOTION TO PLACE HOUSE BILL NO. 479 ON THIRD READING

Mr. McGregor of El Paso moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 479 be placed on its third reading and final passage.

The motion was lost by the following vote: (Not receiving the necessary four-fifths vote)

Yea-89
Adams of Titus
Alanis

Nays-41
Adams of Lubbock
James
Andrews
Atwell
Harnes
Hartham
Butler
Crain
Crews
Curtington
de la Garza
Fletcher
Garrison
Gibbens
Guffey
Haring
Hartley
Frazees, Miss

Lack
Latimer
LaValle
Leaverton
McCoppin
McGregor
McLeamnan
McGregor
McEl Paso
McIlhany
Markgraf
Martín
Mullen
Mutcher
Museum
Perry
Pikeett
Preston
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Sandahl
Schram
Shannon
Sheid
Shider
Smith of Bexar
Smith of Jefferson
Spelos
Spears
Springer
Stewart
of Galveston
of Wichita
Struve
Trejo
Ward
Watson
Wheatley
Wilson of Trinity
Wilson of Potter
Woods

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### HOUSE BILL NO. 670 ON SECOND READING

Mr. Lewis moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 670.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 670, A bill to be entitled "An Act specifically providing any husband and his wife with the power of creating out of their community property, joint estates, real, personal, or mixed with rights of survivorship; and declaring an emergency."

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

### HOUSE BILL NO. 670 ON THIRD READING

Mr. Lewis moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yea—125**

Adams of Lubbock
Barans
Alamá
Allen
Andrews
Atwell
Barlow

**Nay—8**

Crain
Guffey
Haring
Jarvis

**Yeas**

Bailey
Ballman
Burgess
Connell
Cowen
Glusing
Heatly
Hughes of Dallas
Johnson of Bexar
Lary
Moore
Oliver
Osborn
Price
Wells

**Nays**

Banfield, Mrs.
Cook
Floyd
Boysen
Bridge
Buchanan
Butler
Calder
Cannon
Carr
Chapman
Cole of Harris
Cole of Hunt
Collins
Cory
Cullen
Cowen
Parsons
Cowles
Creels
Curtin
de la Garza
Dewey
Duff, Miss
Dunagan
Eckhardt
Ehle
Fletcher
Foreman
Gibbons
Glass
Gibbens
Green
Grover
Hale
Harding
Harrington
Haynes
Healy
Hinon
Hollowell
Huber
Hughes of Grayson
Hughes of Dallas
Hicok, Miss
James
Jamison
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kerr
Kolba
Koroth
Lack
Lattimer
LaVelle
Leaverton
Lewis
Longoria
McCoplin
McGregor
of El Paso
McGregor
McIlhany
Mackraf
Martin
Miller
Mullen
Murray
Mutchler
Niemeyer
Oliver
Price
Quillam
Rapp
Ratcliff
Read
Richards
Richardson
Rous
Rosson
Sands
Schram
Shannon
Shipley
Slack
Slider
Smith of Bexar
Smith of Jefferson
Snelson
Stapley
Springer
Stewart
Stewart
Wilson of Galveston
Wilson of Potter
Woods
Yezak
Nugent              Roberts of Hill
Peeler              Thurman
Absent
Adams of Titus      Johnson of Bexar
Bailey              Kilpatrick
Ballman             Lary
Burgess             Moore
Connell             Osborn
Fairchild           Petty
Glusing             Absent
Absent—Excused
Banfield, Mrs.      Floyd
Cook
The Speaker then laid House Bill No. 470 before the House on third reading and final passage.

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

Yeas---132

Adams of Lubbock Garrison
Allen               Gibbens
Andrews             Gladden
Atwell              Glass
Barlow              Green
Barrows             Grover
Bartram             Guffey
Eds                 Hale
Bell                Harding
Berry               Haring
Bjana               Harrington
Boysea              Haynes
Bridges             Healy
Buchanan            Hines
Buxton              Hollar
Caldwell            Husbear
Cannon              Hughes
Carriker            of Lufkin
Chapman             Hughes of Dallas
Cole of Harris      Isaacs Miss
Cole of Hunt        James
Collins             Jamieson
Cory                Jarvis
Cotten              Johnson of Dallas
Cowen               Johnson of Bexar
Cowen               Johnson of Bell
Cowies              Jones of Dallas
CRAIN               Jones of Travis
Crews               Kennard
Curraington         Kilpatrick
De la Garza         Kolb
Deaver              Kronth
Duff, Miss          Lack
Dungan              Latimer
Echard              La Valle
Ehrlie              Leaveyton
Parchild            Lewis
Fletcher            Longoria
Foreman             Mccopin
McGregor            Shannon
McGregor            of McLennan
McGregor            of El Paso
Meib Img            Smith of Bexar
Markgraf            Smith of Jefferson
Martin              Neelso
Miller              Spillman
Mullen              Springer
Murray              Stewart
Mutchner            of Galveston
Niemeyer            Stewart
Nugent              of Wichita
Oliver              Straws
Parnes              Thurman
Pearcy              Thurmond
Piearat             Townsend
Pipkin              Trevino
Preston             Tussell
Price               Walker
Quilliam            Ward
Rapp                Watson
Ratcliff            Wells
Richards            Wheatley
Richardson          Whifield
Robert of Hill      Wilson of Trinity
Robert of Dawson    Wilson of Potter
Ross                Woods
Rosson              Yes
Sandahl             Absent
Adams of Titus      Moore
Alaniz              Osborn
Bailey              Peeler
Ballman             Petty
Burgess             Reed
Glusing             Schram
Lary                Spears
Absent—Excused
Banfield, Mrs.      Floyd
Cook
Mr. Lewis moved to reconsider the vote by which H. B. No. 670 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 113 ON SECOND READING

Mr. Rosson moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment. H. B. No. 113.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment.
H. B. No. 113, A bill to be entitled "An Act adopting rules and regulations governing the transportation of migrant agricultural workers within this State; providing for enforcement and penalties; providing that holders of a valid certificate of compliance with Interstate Commerce Commission regulations governing the transportation of migrant agricultural workers shall be deemed to have complied with the provisions of this Act; providing that the provisions of this Act shall be cumulative of existing laws; providing for severability; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 113 by striking all below the enacting clause and substituting therefor the following:

Section 1. As used in this Act, unless the context otherwise requires:

(a) "Migrant agricultural worker" means any person performing or seeking to perform farm labor and who occupies living quarters other than his own permanent home during the period of such employment. For this purpose, the term "farm labor" includes that necessary to the processing of agricultural food products.

(b) "Carrier of migrant agricultural workers by motor vehicle" means any person, including any "contract by motor vehicle," but not including any "common carrier by motor vehicle," who or which transports within this State at any one time five or more migrant agricultural workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon, except a migrant agricultural worker transporting himself or his immediate family.

(c) "Motor carrier" means any carrier of migrant agricultural workers by motor vehicle as defined in paragraph (b) above.

(d) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, but does not include a passenger automobile or station wagon, any vehicle, locomotive, or car operated exclusively on a railroad, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passengers transportation in street-railway service.

(e) "Bus" means any motor vehicle designed, constructed, and used for the transportation of passengers, except passenger automobiles or station wagons other than taxicabs.

(f) "Truck" means any self-propelled motor vehicle except a truck tractor, designed and constructed primarily for the transportation of property.

(g) "Truck tractor" means a self-propelled motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(h) "Semitrailer" means any motor vehicle other than a "pole trailer," with or without motive power, designed to be drawn by another motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.

(i) "Driver or operator" means any person who drives a motor vehicle.

(j) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Section 2. The regulations prescribed in this Act shall be applicable to motor carriers of migrant agricultural workers only in the case of transportation of any migrant worker for a total distance of more than fifty (50) miles.

Section 3. Every motor carrier of migrant agricultural workers and his officers, agents, representatives and employees who drive motor vehicles or are responsible for the hiring, supervision, training, assignment or dispatching of drivers shall comply with and be conversant with the requirements listed herein.
(a) Minimum physical requirements. No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

1. No loss of foot, leg, hand, or arm.
2. No mental, nervous, organic, or functional disease, likely to interfere with safe driving.
3. No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation likely to interfere with safe driving.
4. Eyesight: Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal median shall not be less than a total of 140 degrees; ability to distinguish colors, red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.
5. Hearing: Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.
6. Liquor, narcotics and drugs: Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.
7. Initial and periodic physical examination of drivers: No person shall drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless within the immediately preceding 36 month period such person shall have been physically examined and shall have been certified in accordance with the provisions of subparagraph 8 hereof by a licensed doctor of medicine or osteopathy as meeting the requirements of this subsection.
8. Certificate of physical examination: Every motor carrier shall have in its files at its principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by subparagraph 7 hereof or a legible photographically reproduced copy thereof, and every driver shall have in his possession while driving, such a certificate or photographically reproduced copy thereof covering himself.

(b) Minimum age and experience requirements. No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

1. Age. Minimum age shall be 21 years.
2. Driving skill. Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.
3. Knowledge of regulations. Familiarity with the rules and regulations prescribed in the law pertaining to the driving of motor vehicles.
4. Driver’s permit. Possession of a valid permit qualifying the driver to operate the type of vehicle driven by him in the jurisdiction by which the permit is issued.
Sec. 4. Every motor carrier shall comply with the requirements of this Section, shall instruct its officers, agents, representatives and drivers with respect thereto, and shall take such measures as are necessary to insure compliance therewith by such persons. All officers, agents, representatives, drivers, and employees of motor carriers directly concerned with the management, maintenance, operation, or driving of motor vehicles, shall comply with and be conversant with the requirements of this Section.

(a) Driving rules to be obeyed. Every motor vehicle shall be driven in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations in this law which impose a greater affirmative obligation or restraint.

(b) Driving while ill or fatigued. No driver shall drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to begin or continue to drive, except in case of grave emergency where the hazard to passengers would be increased by observance of this section and then only to the nearest point at which the safety of the passengers is assured.

(c) Schedules to conform with speed limits. No motor carrier shall permit nor require the operation of any motor vehicle between points in such a period of time as would necessitate the vehicle being operated at speeds greater than those prescribed in the jurisdictions in or through which the vehicle is being operated.

(d) Equipment and emergency devices. No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts, accessories, and emergency devices are in good working order; nor shall any driver fail to use or make use of such parts, accessories, and devices when and as needed:

Service brakes, including trailer brake connections.

Parking (hand) brake.

Steering mechanism.

Lighting devices and reflectors.

Tires.

Horn.

Windshield wiper or wipers.

Rear-vision mirror or mirrors.

Coupling devices.

Fire extinguisher, at least one properly mounted.

Road warning devices, at least one red burning fusee and at least three red flares (oil burning pot torches), red electric lanterns, or red emergency reflectors.

(e) Safe loading. (1) Distribution and securing of load. No motor vehicle shall be driven nor shall any motor carrier permit or require any motor vehicle to be driven if it is so loaded, or if the load thereon is so improperly distributed or so inadequately secured, as to prevent its safe operation.

(2) Doors, tarpaulins, tailgates and other equipment. No motor vehicle shall be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of said vehicle, and all means of fastening the load, are securely in place.

(3) Interference with driver. No motor vehicle shall be driven when any object obscures his view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

(4) Property on motor vehicles. No vehicle transporting persons and property shall be driven unless such property is stowed in a manner that will assure: (i) unrestricted freedom of motion to the driver for proper operation of the vehicle; (ii) unobstructed passage to all exits by any person; and (iii) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

(5) Maximum passengers on motor vehicle. If the trip is for a total of 60 miles or more, no motor vehicle shall be driven if the total number of passengers exceeds the seating capacity which will be permitted on seats prescribed in Section
when that section is effective. All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion.

(g) Rest and meal stops. Every carrier shall provide for reasonable rest and meal stops at least once between meal stops. Meal stops shall be made at intervals not to exceed six hours and shall be for a period of not less than 30 minutes duration.

(h) Kinds of motor vehicles to which agricultural workers may be transported. Workers may be transported in or on only the following types of motor vehicles: a bus, a truck with no trailer attached, or a semitrailer attached to a truck tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

(i) Limitation on distance of travel in trucks. Any truck when used for the transportation of migrant workers, if such workers are being transported in excess of 600 miles, shall be stopped for a period of not less than eight consecutive hours either before or upon completion of 600 miles of travel, and either before or upon completion of any subsequent 600 miles of travel to provide rest for drivers and passengers.

(j) Lighting devices and reflectors. No motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, by any part of the load, by dirt, or otherwise, and all lighting devices required by law shall be lighted during darkness or at any other time when there is not sufficient light to render vehicles and persons visible upon the highway at a distance of 500 feet.

(k) Ignition of fuel; prevention. No driver or any employee of a motor carrier shall: (1) fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle; (2) smoke or expose any open flame in the vicinity of a vehicle being fueled; (3) fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (4) permit any other person to engage in such activities as would be likely to result in fire or explosion.
solvables and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this Section, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(a) Lighting devices. Every motor vehicle shall be equipped with the lighting devices and reflectors required by law in this State.

(b) Brakes. Every motor vehicle shall be equipped with brakes as required by the laws of this State.

(c) Coupling devices; fifth wheel mounting and locking. The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of the fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to the truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed so to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(d) Tires. Every motor vehicle shall be equipped with tires of adequate size to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with re-grooved, re-capped, or re-treaded tires on front wheels.

(e) Passenger compartment. Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(1) Floors. A substantially smooth floor, without protruding obstructions more than two inches high, except as are necessary for the securing of seats or other devices to the floor, and without cracks or holes.

(2) Sides. Side walls and ends above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all six-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(3) Nails, screws, splinters. The floor and the interior of sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects, likely to be injurious to passengers or their apparel.

(4) Seats. On and after November 1, 1961, a seat shall be provided for each worker transported if the total trip is for 100 miles or more. The seats shall be securely attached to the vehicle during the course of transportation; not less than 16 inches nor more than 18 inches above the floor, at least 15 inches deep; equipped with backrests extending to a height of at least 26 inches above the floor, with at least 24 inches of space between the backrests or between the edges of the opposite seats when face to face; designed to provide at least 16 inches of seat for each passenger; without cracks more than one-fourth inch wide, and the backrests, if slatted, without cracks more than two inches wide, and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.
(5) Protection from weather. Whenever necessary to protect the passengers from inclement weather conditions, be equipped with a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(6) Exit. Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the side wall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(7) Gates and Doors. Gates or doors shall be provided to close the means of ingress and egress and each such gate or door shall be equipped with at least one latch of other fastening device of such construction as to keep the gate or door securely closed during the course of transportation; and readily operative without the use of tools.

(8) Ladders or steps. Ladders or steps for the purpose of ingress and egress shall be used when necessary. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is empty.

(9) Hand holds. Hand holds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(10) Emergency exit. Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door, latch and hold as prescribed in this section and located on a side or rear not equipped with the exit described in subparagraph (5) of this subsection.

(11) Communication with driver. Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

(g) Protection from cold. Every motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall heaters of the following types be used:

(1) Exhaust heaters. Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space.

(2) Unenclosed flame heaters. Any type of heater employing a flame which is not fully enclosed.

(3) Heaters permitting fuel leakage. Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(4) Heaters permitting air contamination. Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(5) Any heater not securely fastened to the vehicle.

Sec. 6. Hours of service of drivers; maximum driving time. No person shall drive nor shall any motor carrier permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate (excluding rest stops and stops for meals) in any period of 24 consecutive hours, unless such driver be afforded eight consecutive hours rest immediately following the 10 hours aggregate driving. The term "24 consecutive hours" as used in this Section means any period starting at the time the driver reports for duty.

Sec. 7. Inspection and maintenance of motor vehicles. Every motor carrier shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that such motor vehicles and their accessories are in safe and proper operating condition.
Sec. 8. Any peace officer in this State is authorized to enforce the provisions of this Act, and any carrier of migrant agricultural workers who fails to comply with the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars ($5) nor more than fifty dollars ($50).

Sec. 9. Any carrier of migrant agricultural workers who possesses a certificate of compliance with the Interstate Commerce Commission regulations governing the transportation of migrant workers in interstate commerce issued to said person by the Interstate Commerce Commission and valid during the period of inspection by any peace officer in this State shall be deemed to have complied with the provisions of this Act.

Sec. 10. The provisions of this Act are cumulative of existing laws and shall not be construed as repealing or replacing any of the provisions of the Uniform Act Regulating Traffic on Highways or any other existing law.

Sec. 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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. 12. The urgent need to regulate the transportation of migrant agricultural workers in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Rosas offered the following amendment to Committee Amendment Number 1:

Amend Committee Amendment Number 1 to H. B. 113 as follows:

Section 3. (a) (9)

"Doctor's certificate: The doctor's certificate shall certify as follows:

(Note)

I have kept on file in my office a completed examination.

Signature of Driver _____________________________

Address of Driver _____________________________

The amendment to Committee Amendment No. 1 was adopted.

Mr. Rosas offered the following amendment to the Committee Amendment Number 1:

Amend Committee Amendment Number 1 to H. B. 113 as follows:

Section 4. (e) (5)

"Maximum passengers on motor vehicle. If the trip is for a total of 100 miles or more, no motor vehicle shall be driven if the total number of passengers exceeds the seating capacity which will be permitted on seats prescribed in Section 5 when that section is effective. All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion."

The amendment to Committee Amendment No. 1 was adopted.

Mr. Rosas offered the following amendment to Committee Amendment Number 1:

Amend Committee Amendment Number 1 to H. B. 113 as follows:

Section 2. "The regulations prescribed in this Act shall be applicable
to motor carriers of migrant agricultural workers only in the case of transportation of any migrant worker for a total distance of more than (100) miles.

The amendment to Committee Amendment No. 1 was adopted.

The Committee Amendment, as amended, was adopted.

H. B. No. 113 was passed to engrossment.

Mr. Rosas moved to reconsider the vote by which H. B. No. 113 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 113 ON THIRD READING

Mr. Rosas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 113 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving necessary four-fifths vote.)

Yeas—101
Alaniz  Allen  Andrews  Bailey  Barlow  Barron  Bass  Bell  Berry  Boyden  Bridges  Butler  Caldwell  Cannon  Carrick  Chapman  Cole of Harris  Connell  Cory  Cowan  Cowles  Curington  de la Garza  Dewey  Doff, Miss  Duncan  Eakheart  Ehrle  Fletcher

Nays—30
Adams of Lubbock  Lewis  Adams of Titus  Nugent  Atwell  Osborn  Baran  Ratcliffe  Buchanan  Read  Collins  Roberts of Hill  Cotten  Roberts of Dawson  Crain  Rosson  Crews  Slack  Hollowell  Sluder  James  Spillman  Jarvis  Thurman  Johnson of Dallas  Tunnell  Jones of Dallas  Walker  Latimer  Wells

Absent

Absent—Excused
Banfield, Mrs.  Floyd  Cook

HOUSE BILL NO. 156 ON SECOND READING

Mr. Spears moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 156.
A record vote was requested on the motion to suspend the regular order of business. The motion prevailed by the following vote:

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- Absent-Excused

Banfield, Mrs. Floyd

Cook

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 156, A bill to be entitled “An Act relating to the authority of the Railroad Commission to provide similar rate-making procedure on intrastate traffic movements as are in effect on interstate traffic movements which are under the jurisdiction of the Interstate Commerce Commission; and providing that this be accomplished by repealing Articles 6455, 6456, 6458 and 6459; amending Articles 6445, 6448, 6449, 6450, 6452, 6453, 6454, 6457, 6473, and 6513; and declaring an emergency."

The bill was read second time.

Mr. Spears moved that further consideration of House Bill No. 156 be postponed until 10:00 o'clock a.m. tomorrow.

CONGRATULATORY RESOLUTION ADOPTED

H. C. R. No. 74, By Mr. Jones of Dallas: Congratulating Chilly Wills.

RECALLING HOUSE BILL NO. 77

The Speaker laid before the House for consideration at this time, the following resolution:
Whereas, H. B. 77 has passed the Senate and is now in the House; and
Whereas, it is necessary to make certain corrections in H. B. 77; now therefore be it
Resolved, By the Senate, the House of Representatives concurring, That the House be and is hereby requested to return H. B. 77 to the Senate for further consideration.

The resolution was read and was adopted.

RELATIVE TO CAMPAIGN MATERIAL DISPLAYED IN THE HOUSE OF REPRESENTATIVES

Mr. Koliba offered the following resolution:

H. S. R. No. 488

Whereas, The House of Representatives desires to protect the dignity and integrity of its proceedings at all times, including keeping the House chamber and furnishings therein in a state which would be pleasing to Members and to visitors on the House floor and in the gallery; and
Whereas, Texas is in the midst of a run-off race for the high office of United States Senator and there is naturally in evidence over the State campaign placards, automobile stickers, et cetera; and
Whereas, Some of this campaign material has been in evidence in this chamber, which houses a membership elected from and loyal to the Democratic Party; and
Whereas, The State Capitol, including the legislative chambers, belongs to all of the people of Texas regardless of political affiliation and no part thereof should be used to display campaign placards, automobile stickers, et cetera, regardless of the party or parties in whose behalf said political advertising is displayed; now, therefore, be it
Resolved, That it is the sense of the House that campaign placards, stickers, et cetera, be not placed on or attached in any manner to any desk, chair or other furniture in the House chamber; and be it further
Resolved, That failure to remove promptly said campaign placards, stickers, et cetera, presently displayed shall, after notice to remove same has been given by the adoption of this resolution, be sufficient cause for the Chairman of the Committee on Rules to direct the Sergeant-At-Arms to remove any such campaign placards, stickers, et cetera; and be it further
Resolved, That this resolution is not intended to affect campaign buttons or other evidence of political support displayed on the persons of Members; and further, that this resolution shall in no wise be interpreted as an expression in support of or in opposition to either candidate in the current run-off race for United States Senator or criticism of any Member of the House.

The resolution was read and was referred to the Committee on Rules.

SENATE BILL ON FIRST READING

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

S. B. No. 368 to the Committee on Conservation and Reclamation.

RECESS

Mr. Oliver moved that the House recess until 9:00 o'clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to recess the House at 4:23 o'clock p.m., took recess until 9:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 6, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

"H. B. No. 7, A bill to be entitled "An Act to define and regulate the business of lending in amounts of
Three Thousand Dollars ($3,000) or less; to authorize the licensing and regulation of persons engaged in such businesses; to permit the issuance of a greater rate of interest than that paid; to provide maximum rates of interest that licensees are permitted to charge; to regulate the purchase or assignment of wages or salaries earned or to be earned when given as security for a loan or as consideration for a payment of Three Thousand Dollars ($3,000) or less, to provide for administration and enforcement of this Act and the issuance of regulations and orders therefor; to authorize the making of examinations and investigations and the publication of reports thereof; to provide for the review of administrative acts hereunder; to provide penalties, to amend Chapter 144, Acts of the Forty-eighth Legislature, Regular Session, 1945, and Articles 994, 9971 and 9973, Revised Civil Statutes of Texas, 1925; to repeal Chapter 148, Acts of the Fifty-second Legislature, Regular Session, 1933, and Chapter 17, Acts of the Fortieth Legislature, First Called Session, 1927 as last amended by Chapter 196, Acts of the Forty-ninth Legislature, Regular Session, 1945, and Subdivision (5) and (6) of Article 1901, Title 132A, Taxation-General, Revised Civil Statutes of Texas, $.25, to all other laws or parts of laws in conflict; to provide for severability; and to declare an emergency.

JAMES V. ADAMS, Chairman

SENT TO GOVERNOR
April 10, 1961
H. C. R. No. 70.

H. G. WELLS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS
Austin, Texas, April 10, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 399, A bill to be entitled "An Act to be known and cited as the Legislative Reorganization Act of 1961; amending Article 449, Revised Civil Statutes of Texas, relative to the selection of Officers of the House of Representatives; providing for the selection, functions, meetings and powers of standing committees in each House; providing for special committees in each House and joint committees of the two Houses; authorizing each House of the Legislature to create by Resolution a General Investigating Committee and prescribing its membership, organization, powers, duties, and functions; amending Section 1 of Chapter 377, Acts, Fifty-third Legislature, Regular Session, 1953, to eliminate provision for termination of membership on interim committees by failure to seek re-election; authorizing the administration of oaths; requiring oaths of all witnesses; authorizing process for all witnesses; prohibiting witnesses from refusing to testify and making provisions therefore; providing for contempt of the Legislature and directing prosecutions therefore and prescribing penalties; providing that false testimony shall constitute perjury and provide penalties; authorizing the payment of fees to witnesses; directing the cooperation of all State Agencies; authorizing staff and expenses for committees; authorizing contingent expenses for members of the Legislature; authorizing appropriations for the purposes of this Act; amending Article 303 and Article 306 of the Penal Code of the State of Texas; repealing Acts 1927, Forty-fifth Legislature, page 67, Chapter 41, and all other laws or parts of laws in conflict herewith; providing for severability of the several parts of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

H. G. WELLS, Chairman.

SENT TO GOVERNOR
April 10, 1961
H. C. R. No. 70.