FTY-THIRD DAY
(Continued)
(Tuesday, April 11, 1961)
The House met at 9:00 o'clock a.m., and was called to order by the Speaker.
The invocation was offered by the Reverend Clinton Kersey, Chaplain, as follows:
"Heavenly Father, we thank Thee this morning for Thy watch care over us through the night. We pray today for Thy help that we might have wisdom and understanding for the duties of the day. In Jesus' Name.—Amen."

LEAVE OF ABSENCE GRANTED
Mr. Floyd was granted leave of absence for today on account of illness, on motion of Mr. Miller.

CONSIDERATION OF LOCAL AND UNCONTESTED BILLS
The House, in accordance with a previous motion, proceeded to the consideration of local and uncontested bills.

HOUSE BILL NO. 313 ON SECOND READING
The Speaker laid before the House, on its second reading and passage to engrossment,
H. B. No. 313, A bill to be entitled "An Act amending Section 1 of Chapter 14, Acts of the 55th Legislature, Regular Session, 1957, prohibiting the use of dogs in the taking of any deer in Brazoria County, Matagorda County, Fort Bend County or Wharton County; and declaring an emergency."
The bill was read second time.

(Mr. Hale in The Chair.)

H. B. No. 313 was passed to engrossment.

HOUSE BILL NO. 350 ON SECOND READING
The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 350, A bill to be entitled "An Act providing for an open archery season for certain animals; amending Section 2A of Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended; and declaring an emergency."
The bill was read second time.

Mr. Niemeyer moved that House Bill No. 350 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 352 ON SECOND READING
The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 352, A bill to be entitled "An Act validating Coleman County Water Control and Improvement District No. 1; validating the boundaries of said district; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds heretofore voted; validating the appointment of election of directors; providing that bonds of the district shall be authorized investments and eligible to secure deposits of public funds in certain instances; providing for the ad valorem plan of taxation; declaring all included land and property shall be benefited; declaring the district essential; enacting provisions incident and related to the subject; and declaring an emergency."
The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill 352 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. All proceedings and actions heretofore had and taken in the creation, organization and operation of Coleman County Water Control and Improvement District No. 1 of Coleman County, Texas, created...
or sought to be created under the provisions of Article XVI, Section 59 of the Texas Constitution and the General Laws of the State enacted pursuant thereto, are hereby in all things and in all respects ratified, confirmed, approved and validated as of the respective dates of such proceedings and actions notwithstanding that any of such proceedings and actions may not have been had or accomplished in all respects in strict accordance with the appropriate statutory provisions relating thereto. Said District shall continue to exist as a conservation and reclamation district pursuant to Article XVI, Section 59 of the Texas Constitution and shall be recognized to exercise all of the powers and be a governmental agency and body politic and corporate essential to the accomplishment of the purposes of said Constitutional provisions and created to exercise such rights, powers, privileges and functions as may be contemplated or implied by the aforesaid Constitutional provision, also those now or hereafter conferred by the General Laws of the State relating to Water Control and Improvement Districts wherein not in conflict with this act.

Section 2. The boundaries of said District heretofore and herein established are as follows:

Said District is composed of an area of approximately Eighty-Three (83) square miles all in Coleman County, Texas, and described by number and bounds as follows:

Beginning in the North line of the B. Kuykendall Survey 12 where said line intersects the East line of Coleman County and the West line of Brown County, for the Southeast corner hereof; said corner being about three miles South of and about one mile East of the town of Trickham, Texas;


Thence West, with the South line of said Survey 40, to the Southwest corner of said Moses Little Survey 40, same being an interior corner of the Mary Ann Fisk Survey No. 630;

Thence North, with the West line of said Little Survey No. 40, to the Southeast corner of the Holden Rhodes Survey No. 31, same being a corner of said Fisk Survey;

Thence West, with the South line of said Rhodes Survey No. 31, to the Southwest corner of said Rhodes Survey 631 and in the East line of the Abolton Williams Survey No. 665, same being a corner of said Fisk Survey No. 630;

Thence South to the Southeast corner of said Williams Survey No. 665, same being a corner of said Fisk Survey No. 630;

Thence West, with the South line of said Williams Survey No. 665, to the Southeast corner of said Gray Survey No. 662, said point being in a public road;

Thence West, with said road and North line of said Survey 662, to a point where said road turns Northwest;

Thence Northwest, with said road through Holden Rhodes Survey No. 661, to the West line of said Survey 661, and the East line of the H.T. & B.R.R.CO., Survey No. 66;

Thence with said public road through said Survey 66 to the Northwest corner of the B. H. Pittman Survey 56, and the Southeast corner of the H.T. and B.R.R. Co. Survey No. 55;

Thence West, with said Public road and the South line of said Survey 55, and the South line of the E.F. R.R. Co. Survey No. 52 to the intersection of said Public road with an Farm to Market Highway said point being in the South line of the S.F. H. R. Co. Survey No. 52, and to the North line of P. Zoeller Survey No. 21;
Thence Southerly with said F. M. Highway through the Zoeller Survey No. 21 and the H. T. Cosby Survey 149 to the North line of the H.T. & B. R.R. Co. Survey 57.

Thence East, to the Northeast corner of said H.T. & B. R.R. Co. Survey 57.

Thence South, with the East line of the W. F. Guthrie Survey No. 21 and the West line of H.T. & B. R.R. Co. Surveys 57 and 62, and the West line of the Wm. Johnson Survey No. 214 to the Northwest corner of said Survey 61, the Southwest corner of said Survey 62, and in the North line of the W. A. Featherstonhaugh Survey No. 112.

Thence South, with the West line of said Survey 112, to the Northwest corner of the W. A. Featherstonhaugh Survey No. 115; and the West line of the H.E. & W.T. R.R. Co. Survey No. 115.

Thence East to the Northeast corner of said H.E. & W.T. R.R. Co. Survey No. 116; and the West line of the Wm. Johnson Survey No. 213.

Thence East, with the South line of said Survey 213, to the Northeast corner of the Jno. Hall Survey No. 247.

Thence South to the Northeast corner of said Hall Survey No. 247.

Thence West to the Northeast corner of the W. F. Guthrie Survey No. 212;

Thence South, with the East line of said Survey 212, to the Southwest corner of the W. A. Featherstonhaugh Survey No. 214, Pleasant Young Survey No. 496, Pleasant Young Survey No. 494, J. A. Butler Survey 214, Elijah Votaw Survey 224, Joseph S. Martin Survey No. 221 to the South line of said Martin Survey No. 221.

Thence East, with the South line of said Survey 221, to the Northeast corner of the Jno. Hall Survey No. 247.

Thence South, to the Northeast corner of said Hall Survey No. 247.

Thence West, to the Northeast corner of the W. F. Guthrie Survey No. 213.

Thence South, with the West line of said Survey 213, to the Southwest corner of the Wm. Johnson Survey No. 215, same being in the East line of the Wm. Johnson Survey No. 215, same being in the East line of the Wm. Johnson Survey No. 216, to the West line of the Wm. Johnson Survey No. 216, to the Southeast corner of said Survey 63, Wharton County Survey No. 221 to the Northeast corner of said Survey 63, Wharton County Survey No. 221.

Thence East, with the Northwest corner of said Survey 63, Wharton County Survey No. 221, to the West line of the Wm. Johnson Survey No. 215, same being in the West line of the Wm. Johnson Survey No. 215, to the Southeast corner of said Survey 63, Wharton County Survey No. 221 to the Northeast corner of said Survey 63, Wharton County Survey No. 221.

Thence East, with the North line of the Wm. Johnson Survey No. 221, to the Northeast corner of said Survey 63, Wharton County Survey No. 221, to the West line of the Wm. Johnson Survey No. 215, same being in the West line of the Wm. Johnson Survey No. 215, to the Southeast corner of said Survey 63, Wharton County Survey No. 221 to the Northeast corner of said Survey 63, Wharton County Survey No. 221.

April 11, 1961
HOUSE JOURNAL 1061

Thence Southerly with said F. M. Highway through the Zoeller Survey No. 21 and the H. T. Cosby Survey 149 to the North line of the H.T. & B. R.R. Co. Survey 57.

Thence East, to the Northeast corner of said H.T. & B. R.R. Co. Survey 57.

Thence South, with the East line of the W. F. Guthrie Survey No. 21 and the West line of H.T. & B. R.R. Co. Surveys 57 and 62, and the West line of the Wm. Johnson Survey No. 214 to the Northwest corner of said Survey 61, the Southwest corner of said Survey 62, and in the North line of the W. A. Featherstonhaugh Survey No. 112, to the North corner of said H. Starnes Survey 83 and also being in the Santa Anna to Wharton Public road.

Thence Southeasterly with said Wharton Public road through the following Surveys: H. Starnes Survey No. 63, Wharton County School Land Survey No. 496, Pleasant Young Survey No. 494, J. A. Butler Survey 214, Elijah Votaw Survey 224, Joseph S. Martin Survey No. 221 to the South line of said Martin Survey No. 221.

Thence East, with the South line of said Survey 221, to the Northeast corner of the Jno. Hall Survey No. 247.

Thence South to the Northeast corner of said Hall Survey No. 247.

Thence West to the Northeast corner of the W. F. Guthrie Survey No. 212.

Thence South, with the East line of said Survey 212, to the Southwest corner of the W. A. Featherstonhaugh Survey No. 214, Pleasant Young Survey No. 496, Pleasant Young Survey No. 494, J. A. Butler Survey 214, Elijah Votaw Survey 224, Joseph S. Martin Survey No. 221 to the South line of said Martin Survey No. 221.

Thence East, with the South line of said Survey 221, to the Northeast corner of the Jno. Hall Survey No. 247.

Thence South, to the Northeast corner of said Hall Survey No. 247.

Thence West, to the Northeast corner of the W. F. Guthrie Survey No. 213.

Thence South, with the West line of said Survey 213, to the Southeast corner of said Survey 63, Wharton County Survey No. 221, to the Northeast corner of said Survey 63, Wharton County Survey No. 221.

Thence East, with the North line of the Wm. Johnson Survey No. 221, to the Northeast corner of said Survey 63, Wharton County Survey No. 221, to the West line of the Wm. Johnson Survey No. 215, same being in the West line of the Wm. Johnson Survey No. 215, to the Southeast corner of said Survey 63, Wharton County Survey No. 221 to the Northeast corner of said Survey 63, Wharton County Survey No. 221.

Thence East, with the North line of the Wm. Johnson Survey No. 221, and the North line of the Wm. Win­

nother Survey No. 115; and the North line of said Kuykendall Survey No. 12, to the place of begin­

ning.
plants and facilities deemed essential or beneficial to the District and its purposes and also when an authorized may levy, assess and collect annual taxes to provide funds adequate to defray the cost of the maintenance, operation and administration of the District; and also when so authorized may levy, assess and collect annual taxes to provide funds adequate for the payment and discharge of the interest and to provide an adequate sinking fund for the payment and discharge of bonds, preliminary bonds, and other bonds that said District has or may issue. Elections for the levy of such taxes shall be ordered by the Board of Directors and shall be held and conducted in the manner provided by General Law relating to elections for the purpose of securing, smalling the use of bond proceeds for the purpose of refunding any outstanding bonds authorized by this Act, and the interest thereon without the necessity of an election. Such refunding bonds may be issued to refund more than one series of outstanding bonds, and in case of bonds secured in whole or in part by net revenues, the District may combine the pledges of the outstanding bonds for the security of the refunding bonds and may secure them by other or additional revenues. Bonds payable wholly from the District's net revenues or from the proceeds of any water contract or contracts, or by any means other than ad valorem taxes may be issued pursuant to resolution of the Board of Directors without the necessity of any hearing or election, provided that such resolution is authorized by unanimous vote of all members of the Board of Directors.

Sec. 7. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians, and sinking funds of cities, towns, villages, counties, school districts or other political subdivisions of the State of Texas, and for all public funds of cities, towns, villages, counties, school districts or other political subdivisions of the State of Texas or its agencies excluding the State Permanent School Fund. Such bonds shall be eligible to secure deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appertaining thereto.

Sec. 8. All bonds issued hereunder and their transfer and the income therefrom, including the profits on the sale thereof, at all times shall be free from taxation by the
State or by any municipal corporation, county or other political subdivision or taxing district of the State.

Sec. 9. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District.

Sec. 10. The Legislature hereby declares that said District is established under the provisions of Section 59 of Article XVI of the Texas Constitution; that the District shall have the power by resolution to provide an alternative procedure conformable to such Constitutional provisions for which the District is empowered to proceed until such time as certain formal questions of the District are resolved creating an emergency and imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect immediately and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 370, A bill to be entitled "An Act providing that in all counties having a population of not less than 75,000 inhabitants nor more than 85,000 inhabitants according to the last preceding Federal census, a biennial audit shall be made of all county books, records, and accounts of the county; hospitals, farms, and other properties pertaining to the fiscal affairs of the county; providing the method of contracting for the biennial audit report and payment therefor; providing that the annual Independent audits of the regular county auditors or other special audit reports shall be in lieu of biennial audits; providing that this audit shall be in addition to the audit reports of the regular county auditors or other special audit reports that are made pursuant to Articles 1328, 1641, and 1641c of Vernon's Civil Statutes; providing that the first audit shall be made in 1961 and completed prior to December 31, 1961; and a biennial audit shall be made withstanding the invalidity of any other provision or provisions hereof.

Sec. 12. The public importance of this Act and the purposes herein contemplated and the fact that material benefits and improvements will result to the territory embraced within the District, under the operation hereof, and the further fact that the proposed program of the District cannot proceed until such time as certain formal questions as to the organization and other actions of the District are resolved create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect immediately and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 352, was passed to engrossment.

HOUSE BILL NO. 370 ON SECOND READING

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

H. B. No. 370, A bill to be entitled "An Act providing that in all counties having a population of not less than 75,000 inhabitants nor more than 85,000 inhabitants according to the last preceding Federal census, a biennial audit shall be made of all county books, records, and accounts of the county; hospitals, farms, and other properties pertaining to the fiscal affairs of the county; providing the method of contracting for the biennial audit report and payment therefor; providing that the annual Independent audits of the regular county auditors or other special audit reports shall be in lieu of biennial audits; providing that this audit shall be in addition to the audit reports of the regular county auditors or other special audit reports that are made pursuant to Articles 1328, 1641, and 1641c of Vernon's Civil Statutes; providing that the first audit shall be made in 1961 and completed prior to December 31, 1961; and a biennial audit shall be made withstanding the invalidity of any other provision or provisions hereof.

Sec. 12. The public importance of this Act and the purposes herein contemplated and the fact that material benefits and improvements will result to the territory embraced within the District, under the operation hereof, and the further fact that the proposed program of the District cannot proceed until such time as certain formal questions as to the organization and other actions of the District are resolved create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect immediately and be in force from and after its passage, and it is so enacted.

The amendment was adopted.
every two years thereafter on the odd numbered years and completed not later than December 31 of such year; providing for a repealing clause; and declaring an emergency.

The bill was read second time.

Mr. La Valle offered the following amendment to the bill:

Amendment No. 1

Amend House Bill No. 376 by striking out all below the enacting clause and inserting in lieu thereof the following:

Sections 1. In every county in the State of Texas having a population of not less than seventy-five thousand (75,000) inhabitants nor more than eighty-five thousand (85,000) inhabitants according to the last preceding Federal census, a biennial independent audit shall be made of all books, records, and accounts of the district, county, and precinct offices, agents or employees, including regular auditors of the counties and all governmental units of the county hospitals, farms, and other institutions of the county, and all matters pertaining to the fiscal affairs of the county.

Sec. 2. In all counties in which the above applies, the first independent audit shall be made in 1962 and completed prior to December 31, 1962, and thereafter a biennial independent audit shall be made of all office books and records enumerated in Section 1 of this Act. Thereafter, said audits shall be made on the even numbered years in such counties and the audit report shall be completed before December 31 of such year.

Sec. 3. The commissioners court in all counties affected by this Act shall employ a disinterested, competent, experienced public accountant or certified public accountant to audit all of the above records and accounts enumerated in Section 1 of this Act.

Sec. 4. At the first regular meeting of the commissioners court in January, 1962, and at the regular meeting of the commissioners court in January every two (2) years thereafter, the court shall enter into a contract with a disinterested, competent, experienced public accountant or certified public accountant to audit all the books and records of the county that are enumerated in Section 1 of this Act. It shall not be necessary that the commissioners court advertise for competitive bids before selecting the public accountant or certified public accountant to prepare the audit or audits required by the provisions of this Act, and the consideration specified in each contract shall be paid out of the general fund of the respective county.

Sec. 5. Nothing in this Act shall be construed so as to prevent any county coming under the provisions of this Act from having an annual independent audit made of the records covered by this Act, provided that when such annual independent audit reports covering such books, accounts and records are completed prior to December 31 of each year such annual independent audits may be considered as compliance with the audits provided by this Act.

Sec. 6. The audits provided for in this Act shall be in addition to any regular or special audit report that may be prepared by the regular county auditor.

Sec. 7. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 8. The fact that the present law does not make it mandatory that an independent biennial audit be made in counties having a population of not less than seventy-five thousand (75,000) inhabitants nor more than eighty-five thousand (85,000) inhabitants according to the last preceding Federal census, 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 that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 376 was passed to engrossment.

HOUSE BILL NO. 411 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 411, A bill to be entitled "An Act to enlarge the territorial limits of Dona's Irrigation District, Hidalgo County No. 1, so as to include and incorporate therein certain described land; and declaring an emergency."

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

HOUSE BILL NO. 412 ON SECOND READING

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

H. B. No. 412, A bill to be entitled "An Act amending Chapter 25, Acts of the 55th Legislature, First Called Session, 1947, so as to specifically provide that the Eselto Creek Watershed Improvement District may call an election for the authorization of a tax for maintenance purposes; and declaring an emergency."

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

HOUSE BILL NO. 432 ON SECOND READING

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

H. B. No. 432, A bill to be entitled "An Act abolishing the office of County Superintendent in all counties in this State having a population of not less than forty-five thousand (45,000) and not more than forty-five thousand, five hundred (45,500), according to the last preceding Federal Census and in which there are no Common School Districts; and declaring an emergency."

Mr. Jones of Dallas offered the following Committee Amendment to the bill:

"Committee Amendment No. 1

Amend House Bill No. 432 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. From and after the effective date of this Act the duties now performed by County Superintendents in all counties in this State having a population of not less than forty-five thousand (45,000) and not more than forty-five thousand, five hundred (45,500), according to the last preceding Federal Census and in which there are no Common School Districts, shall be performed by the County Judges of such counties, and the office of County Superintendent as such, shall cease to exist; provided, however, that the County Superintendents in such counties who have been heretofore elected to the office of County Superintendent shall serve until the expiration of the time for which they were elected, and that thereafter the duties now performed by County Superintendents in such counties shall be performed by the County Judges of such counties.

"Section 2. In counties coming under the provisions of this Act, the County Judges shall receive and retain for his services in performing the duties of County Superintendent of Public Instruction, in addition to all other compensation provided by law, such salary as the county
and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 452 was passed to engrossment.

HOUSE BILL NO. 468 ON SECOND READING

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

H. B. No. 450, A bill to be entitled "An Act making it unlawful for a period of five (5) years for any person to hunt, take or kill or attempt to kill by any means in Bandera, Bexar, and Kendall Counties any axis deer outside of property enclosed with deer-proof fencing; providing penalties; and declaring an emergency."

The bill was read second time.

Mr. Nugent offered the following amendment to the bill:

Amend H. B. No. 450 by deleting therefrom Bandera County wherever the same appears in said bill.

The amendment was adopted.

House Bill No. 450 was then passed to engrossment.

HOUSE BILL NO. 451 ON SECOND READING

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

H. B. No. 451, A bill to be entitled "An Act creating juvenile boards in Comal, Hays, Caldwell, Austin and Fayette Counties; prescribing the membership and powers of the boards and providing for compensation of members; repealing conflicting laws; providing for severability; and declaring an emergency."

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

HOUSE BILL NO. 468 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 458, A bill to be entitled
"An Act regulating the hunting and killing of quail in Refugio County; providing penalties; and declaring an emergency."

The bill was read second time.

Mr. Cory offered the following amendment to the bill:
Amend House Bill 458 by adding the words "Victoria County and" in front of the word "Refugio" wherever the same shall appear in the Bill.

The amendment was adopted.

H. B. No. 458 was passed to engrossment.

HOUSE BILL NO. 509 ON SECOND READING

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

H. B. No. 509, A bill to be entitled
"An Act amending Chapter 297, Acts of the 52nd Legislature, Regular Session, 1957, as amended, relating to fishing in certain counties; and declaring an emergency."

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

HOUSE BILL NO. 546 ON SECOND READING

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

H. B. No. 546, A bill to be entitled
"An Act closing the season for hunting wild deer in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

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

HOUSE BILL NO. 547 ON SECOND READING

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

H. B. No. 547, A bill to be entitled
"An Act closing the season for hunting alligators in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

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

HOUSE BILL NO. 554 ON SECOND READING

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

H. B. No. 554, A bill to be entitled
"An Act limiting the provisions of this Act to Borden County; making it unlawful, except under the provisions stated in this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.
trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said County; authorizing the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; etc., and declaring an emergency."

The amendment was adopted.

HOUSE BILL NO. 570 was passed to engrossment.

HOUSE BILL NO. 582 ON SECOND READING

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

HOUSE BILL NO. 591 ON SECOND READING

Mr. Thurmond offered the following amendment to the bill:

Amend House Bill 570 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. This Act shall apply in all county-wide independent school districts, whether created under the General Laws or by Special Act of the Legislature and having a board of seven (7) trustees and where the population of the county is less than two thousand, six hundred and one (2,601), as shown by the last preceding Federal Census, and where the county has a common border with the Republic of Mexico, and where, heretofore, four (4) trustees were elected for two (2) year terms on the first Saturday in April in even-numbered years and three (3) trustees were elected for two (2) year terms in odd-numbered years.

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

HOUSE BILL NO. 592 ON SECOND READING

Mr. Thurmond offered the following amendment to the bill:

Amend House Bill 570 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. This Act shall apply in all county-wide independent school districts, whether created under the General Laws or by Special Act of the Legislature and having a board of seven (7) trustees and where the population of the county is less than two thousand, six hundred and one (2,601), as shown by the last preceding Federal Census, and where the county has a common border with the Republic of Mexico, and where, heretofore, four (4) trustees were elected for two (2) year terms on the first Saturday in April in even-numbered years and three (3) trustees were elected for two (2) year terms in odd-numbered years.

The amendment was adopted.

HOUSE BILL NO. 570 was passed to engrossment.

HOUSE BILL NO. 582 ON SECOND READING

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

HOUSE BILL NO. 591 ON SECOND READING

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

HOUSE BILL NO. 592 ON SECOND READING

The bill was read second time.
Mr. Jones of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 1 to H. B. No. 592
Amend H. B. No. 592 by adding the words "not to exceed" immediately following the word "of" and immediately preceding the word "eight" on line 3 of section 1.

The amendment was adopted.

H. B. No. 592 was passed to engrossment.

HOUSE BILL NO. 598 ON SECOND READING

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

H. B. No. 598, A bill to be entitled "An Act prescribing the lawful period for hunting quail in San Patricio County, Texas; and declaring an emergency."

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

HOUSE BILL NO. 602, A bill to be entitled "An Act regulating hunting of wild turkeys and deer in Bastrop County for certain periods and certain described areas within Bastrop County; and declaring an emergency."

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

HOUSE BILL NO. 595 ON SECOND READING

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

H. B. No. 595, A bill to be entitled "An Act relating to the hunting, taking, or killing of deer and wild turkey in Throckmorton County; providing penalties; and declaring an emergency."

The amendment was adopted.

H. B. No. 595 was passed to engrossment.

HOUSE BILL NO. 637 ON SECOND READING

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

H. B. No. 637, A bill to be entitled "An Act relating to the regulatory authority of the Game and Fish Commission over the wildlife resources of Williamson, Washington, and Archer Counties; amending Section 1 of Chapter 134, Acts of the Fifty-sixth Legislature, Regular Session, 1969, as amended, by removing Washington County from the application of said Act; and declaring an emergency."

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

HOUSE BILL NO. 640 ON SECOND READING

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

H. B. No. 640, A bill to be entitled "An Act relating to the taking and transportation of minnows in certain counties; amending Chapter 45, Acts of the 44th Legislature, 1935, as amended, by adding Ellis County to those counties to which this Act shall apply; and declaring an emergency."

The bill was read second time and was passed to engrossment.
HOUSE BILL NO. 681 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 681, A bill to be entitled
"An Act constituting a local law for the maintenance of public roads and highways in McMullen County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency."

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

HOUSE BILL NO. 685 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 685, A bill to be entitled
"An Act amending Article 6967, Revised Civil Statutes of Texas, 1925, as last amended and Article 8967, Revised Civil Statutes of Texas, 1925, as last amended by increasing the impounding fee of swine; and declaring an emergency."

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

HOUSE BILL NO. 739 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 739, A bill to be entitled
"An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess any game bird or game animal in Burleson County at any time; to take, kill, or trap any fur-bearing animal in said County; prescribing the legislative policies with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said County; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said County; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of the proclamations, orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; etc., and declaring an emergency."

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

HOUSE BILL NO. 689 ON SECOND READING

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

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 689 by adding a new section at the end of Section 2 to be known as Section 2-A, reading as follows:

1070
"Sec. 2-A. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power heretofore or hereunder granted, makes necessary the relocation, raising, re-routing, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipelines, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The amendment was adopted.

H. B. No. 689 was passed to engrossment.

HOUSE BILL NO. 750 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 750, A bill to be entitled "An Act amending Section 8 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, so as to fix the minimum and maximum salaries of certain officials in all counties of the State having a population of 1,000,000 or more inhabitants according to the last preceding Federal Census; and declaring an emergency."

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

HOUSE BILL NO. 751 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 751, A bill to be entitled "An Act relating to the representation of the State by the District Attorney for Borden County in all criminal cases before the County Court of Borden County; providing for supplemental compensation by the Commissioners Court; and declaring an emergency."

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

HOUSE BILL NO. 789 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 789, A bill to be entitled "An Act creating Jasper County Road District No. 8, of Jasper County, Texas under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries of said district and including provisions relating thereto; granting said district the authority to issue bonds and containing provisions relating to said bonds and the issuance thereof; providing that the fact that said district may overlap other road districts shall not affect said district or the powers granted by this Act; providing for the assumption of bonds of road districts included within said district; containing provisions with respect to abolishing road districts included within said district; providing a severability clause, containing other provisions relating to the subject; and declaring an emergency."

The bill was read second time.

Mr. Collins offered the following amendment to the bill:

Amend House Bill No. 789 by striking out the word "projects" occurring in line one of page 2 and substituting therefor the word "intersects," and Further amending House Bill No. 789 by striking out the word "southwest" occurring in line five on page 4 and substituting therefor the word "southeast," and
Further amending House Bill No. 789 by striking out the word "east­ery" occurring in line eight on page 4 and substituting therefor the word "eastern."

The amendment was adopted.

House Bill No. 789 was then passed to engrossment.

**HOUSE BILL NO. 786 ON SECOND READING**

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

H. B. No. 786, A bill to be entitled "An Act amending Section 45, Chapter 142, General Law, by giving the City of Athens the right to take and receive compensation for: (1) the annexation thereof to the City of Athens subsequent to May 2, 1957, and declaring an emergency."

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

**HOUSE BILL NO. 847 ON SECOND READING**

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

H. B. No. 847, A bill to be entitled "An Act amending Chapter 142, General Law relating to the salary of District Attorneys by the State, and to the City of Athens subsequent to May 2, 1957 (the effective date of the aforementioned Chapter 142) which created the original Authority within said limits) until hereafter enlarged as provided for in this Act; providing that no territory annexed to the City of Athens subsequent to May 2, 1957, shall hereafter be considered a part of said Authority solely by virtue of the annexation thereof to the City of Athens; providing the methods by which territory hereafter may be annexed to the Authority; etc.; and declaring an emergency."

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

**HOUSE BILL NO. 857 ON SECOND READING**

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

H. B. No. 857, A bill to be entitled "An Act authorizing the Commissioner of Finance to supplement the salary of the District Attorney of the 31st Judicial District; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 857 by striking everything below the enacting clause and substituting in lieu thereof the following:

Section 1. The District Attorney of the 31st Judicial District or the 8th Judicial District shall be compensated for his services in such amount as may be fixed by the General Law relating to the salary to be paid to District Attorneys by the State; and in addition his services may be supplemented by the Commissioners Courts of the counties comprising such districts, or any one or more of such Commissioners Courts; providing, however, that the total salary of each of such District

**HOUSE BILL NO. 858 ON SECOND READING**

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

H. B. No. 858, A bill to be entitled "An Act amending Chapter 142 passed at the Regular Session of the 62nd Legislature of Texas in 1957 relating to the Athens Municipal Water Authority, providing that the territory comprising the Authority shall be confined to that which was embraced within the corporate limits of the City of Athens, Henderson County, Texas, on the 2nd day of May, 1957 (the effective date of the aforementioned Chapter 142 which created the original Authority within said limits) until hereafter enlarged as provided for in this Act; providing that no territory annexed to the City of Athens subsequent to May 2, 1957, shall hereafter be considered a part of said Authority solely by virtue of the annexation thereof to the City of Athens; providing the methods by which territory hereafter may be annexed to the Authority; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.
Attorneys shall not be supplemented to exceed the salary paid to the highest paid County Attorney of any county in the said 31st Judicial District or the said 8th Judicial District or the sum of Eleven Thousand Dollars ($11,000.00), whichever is highest. The Commissioners Courts of the counties comprising said districts, or any one or more of them, are hereby authorized to pay the supplemental salary herein authorized, in such amount within the limit fixed above.

Section 2. The fact that there is no present law that would permit the Commissioners Court of any county of the 31st Judicial District or the 8th Judicial District to supplement the salary of the District Attorneys of the 31st Judicial District and the 8th Judicial District 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 and the same is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 967 was passed to engrossment.

ADJOURNMENT

Mr. McLlhany moved that the House adjourn until 9:55 o'clock a.m. today. The motion prevailed.

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

In accordance with the motion to adjourn the House at 9:51 o'clock a.m., adjourned until 9:55 o'clock a.m. today.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 71, extending congratulations to Chitt Wills on being nominated by the Motion Picture Academy of Arts and Sciences for the Academy Award.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 75, requesting the Senate to return House Joint Resolution No. 2 to the House for further consideration.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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—
store the constitutional provision permitting ten (10) 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; requiring verdicts in all criminal cases by unanimous concurrence of all jurors; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 409, A bill to be entitled An Act to provide for the prevention of pollution of underground water by registering water well drillers and providing for administration and enforcement; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 417, A bill to be entitled An Act to reorganize the 32nd and the 104th Judicial Districts by removing Fisher County from the 104th Judicial District and adding Fisher County to the 32nd Judicial District and making certain other provisions relating thereto; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 479, A bill to be entitled An Act to provide for the 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 thereunto; 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.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred 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. 200, General Laws of the Forty-sixth Legislature, Regular Session, page 376, which pertains to the permits for manufacturing and selling bedding; enforcing provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred 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
April 11, 1961

**HOUSE JOURNAL 1075**

“to "The 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."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 10, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred 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. Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

FORTY-FOURTH DAY

(Tuesday, April 11, 1961)

The House met at 9:55 o'clock a.m., pursuant to adjournment, and was called to order by the Honorable L. DeWitt Hale.

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

Mr. Speaker Buchanan
Adams of Lubbock Burges
Adams of Titus Butler
Allen Caldwell
Andrews Carrilk
Atwell Chapman
Bailey Cole of Harris
Ballman Cole of Hunt
Bedford, Mrs. Collin
Barlow Connell
Barnett Cook
Bartram Cory
Bass Cotton
Bell Cowen
Berry Cowles
Blake Crews
Boyars
Bridges Carlington

de la Garza Mullen
Dewey Murray
Duff, Miss Mullineer
Dungan Nienmeier
Richardt Nugent
Ehrle Oliver
Fairchild Osborn
Fletcher Parsons
Foreman Pearce
Garrison Peeler
Gibbens Petty
Glidden Piersall
Glass Pipkins
Glueg Preston
Green Price
Grover Quilliam
Guffey Rapp
Hale Ratliff
Harbing Richards
Harington Richardson
Haynes Roberts of Hill
Hessel Roberts of Dawson
Hinson Ross
Hollowell Rosson
Hubber Schram
Hughes Shannon
Hughes of Dallas Shipley
Isaacs, Miss Slack
James Smith of Bexar
James Smith of Jefferson
Jarvis Spears
Johnson of Dallas Scislion
Johnson of Bell Spliman
Jones of Dallas Springer
Jones of Travis Stewart
Kendall of Galveston
Kilpatrick of Wichita
Kolba Strove
Kordth Tharman
Lock Thurmond
Lafayette Towsend
La Valle Trevor
Laverton Tunnell
Lewis Walker
Longoria Ward
McGregor Wells
McGregor Whaley
McIlhany Whittled
McIlhany Wilson of Trinity
Mackraft Wilson of Potter
Martin Woods
Miller Yezak
Moore

Absent

McCoppin

Absent—Excused

Floyd