SENT TO GOVERNOR
April 12, 1961
H. C. R. No. 74
H. C. R. No. 75

FORTY-FIFTH DAY
(Continued)
(Thursday, April 13, 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 Honorable H. A. Leaverton, as follows:
1. The Lord is my shepherd; I shall not want.
2. He maketh me to lie down in green pastures: he leadeth me beside the still waters.
3. He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.
4. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me."

Our Heavenly Father, We thank thee for the peace and the quiet and the rest of the night, for the glories and the freshness of the morning, for the challenge of the new tasks of another day. Use thy rod sparingly on us when we err in thy sight, but extend thy staff so that we may have help in overcoming our weaknesses, our errors, and our sins.

Father, sit with us today and in some way impart to us the will, the strength and the courage to be worthy to be called thy creatures.—Amen.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. DeWey for today and tomorrow to attend the Legislative Advisory Council meeting of the Southern Regional Educational Board in New Orleans, Louisiana, on motion of Miss Duff.

Mr. Carrick for today on motion of Mr. Springer.

Mr. Bridges for today on motion of Mr. Longoria.

Mr. Adams of Titus for today on motion of Mr. Parsons.

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

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

The following Members were granted leaves of absence on account of deaths in their families:

Mr. Slider for today on motion of Mr. Haring.

Mr. Allen for today on motion of Mr. Tunnell.

INTRODUCTION OF HOUSE BILLS

Mr. Haring asked unanimous consent of the House to introduce at this time and have placed on first reading House Bill No. 1072.

There was no objection offered and it was so ordered.

Mr. McIlhaney asked unanimous consent of the House to introduce at this time and have placed on first reading House Bill No. 1073.

There was no objection offered and it was so ordered.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

Mr. Miller asked unanimous consent of the House to introduce at this time and have placed on first reading House Joint Resolutions No. 79 and No. 50.

There was no objection offered and it was so ordered.

REQUEST OF SENATE GRANTED

On motion of Mr. Johnson of Dallas, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 113.

SENATE BILL NO. 114 ON SECOND READING

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

S. B. No. 114, Transferring a tract of land in Houston County, now
composing a part of the site of the Colored Girls Training School, from the State of Texas to the Crockett Independent School District, and declaring an emergency.

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

SENATE BILL NO. 114 ON THIRD READING

Mr. Richards moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 114 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>124</td>
<td>5</td>
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The Speaker then laid Senate Bill No. 114 before the House on third reading and final passage.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>131</td>
<td>5</td>
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</table>

The Speaker then laid Senate Bill No. 114 before the House on third reading and final passage.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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</thead>
<tbody>
<tr>
<td>131</td>
<td>5</td>
</tr>
</tbody>
</table>
Mr. Richards moved to reconsider the vote by which S. B. No. 114 was passed and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 203

Mr. Springer submitted the following Conference Committee Report on Senate Bill No. 203:

Austin, Texas, April 12, 1961

Honorable Ben Ramsey, President of the Senate.

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

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 203, have met and had same under consideration, and beg to report it back with the recommendations that it do pass in the form attached.

HAZLEWOOD, Baker, Schwartz, KAZEN,

On the part of the Senate.

SPRINGER, Wilson of Potter, Osborn, COTTEN,

On the part of the House.

S. B. No. 203.

By Hazlewood:

A BILL TO BE ENTITLED

AN ACT authorizing the Texas State Parks Board to pledge the revenues from Palo Duro Canyon State Park for the purpose of constructing improvements, including a dam or dams and appurtenances
Section 2. Said Board is authorized and empowered to issue its bonds from time to time and in such amounts as it shall consider necessary or appropriate for the construction of the improvements herein authorized. All such bonds shall mature serially or otherwise in not to exceed forty (40) years from their date and may be made redeemable prior to maturity, at the option of the Board, at such times and prices and under terms and conditions as may be prescribed in the authorizing proceedings. The bonds may be sold, either at public or private sale, at a price and under terms determined by the Board to be the most advantageous reasonably obtainable, provided that the interest cost of the money received therefor does not exceed six per cent (6%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard bond interest tables currently in use by insurance companies and investment houses, excluding however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

Section 3. The Board is authorized and empowered to irrevocably pledge the rents, revenues and income from the improvements authorized to be constructed herein and to pledge the rents, revenues and income from any other revenue producing facilities and other properties of Palo Duro Canyon State Park, including the fees collected for admission to said Park, to the payment of the interest on and the principal of the bonds authorized to be issued hereunder, and to enter into such agreements regarding the imposition of sufficient charges and other revenues and the collection, pledge and disposition of the same as it may deem appropriate. In making such pledge of the rents, revenues and income, the right under the conditions therein specified to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued may be expressly reserved. In the event the Parks Board is unable to sell the revenue bonds after reasonable effort to do so has been made, said bonds (including refunding bonds) may be additionally secured by a deed of trust lien upon the lands and properties comprising the Palo Duro Canyon State Park, or any part thereof, after the Board has obtained the written approval therefor by the Governor of Texas, provided, however, that the Governor shall not give such written approval until he
Section 4. Subject to the restrictions contained in this Act, the Board is given complete discretion in fixing the form, conditions and details of the bonds authorized to be issued hereunder, and such bonds may be refunded or otherwise refinanced whenever the Board deems such action to be appropriate or necessary.

Section 5. Any bonds at any time issued by the Board under any Texas Statute, including, without limitation, Chapter 64, Acts of 1947, Fiftieth Legislature of Texas, Regular Session (Vernon's Texas Civil Statutes, Article 6077j), and payable from any part of the revenues of any revenue-producing facility, operation, or property of Palo Duro Canyon State Park, may be refunded or otherwise refinanced by the Board pursuant to the provisions of this Act, and in such case all of the provisions of this Act shall be fully applicable to such refunding bonds the same as if the bonds being refunded had been issued originally pursuant to this Act. In refunding or otherwise refinancing any such bonds the Board may, in the same authorizing proceedings, also refund or refinance any bonds issued pursuant to this Act and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this Act into one or more issues or series, and may provide for the subsequent issuance of additional parity bonds, under such terms and conditions as may be set forth in said authorizing proceedings.

Section 6. From the proceeds of the sale of any issue of bonds the Board may set aside for the payment of interest anticipated to accrue during the construction period and to provide for a deposit into the reserve for the interest and sinking fund in the exact amount prescribed in the authorizing proceedings. The Board shall have full power to employ such engineers, attorneys, and fiscal agents or financial advisers which in its discretion are necessary in carrying out the objectives of this Act, and proceed from the sale of the bonds may also be used for the payment of the fees, engineer's fees, and all expenses of the issuance and sale of the bonds, including the fees of fiscal agents or financial advisers.

Section 7. The bonds authorized to be issued hereunder shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the 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 political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for such deposits to the extent of their value, when accompanied by all unmatured coupons appertaining thereto.

Section 8. All bonds issued by the Board pursuant to the provisions of this Act shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law of this State. Prior to delivery thereof, all bonds authorized to be issued hereunder shall be submitted to the Attorney General of Texas for examination, and if he finds that they have been issued in accordance with the Constitution and this Act, and that they will be binding special obligations of the Board, he shall approve them, and thereafter, they shall be registered by the Comptroller of Public Accounts of the State of Texas, and after such approval and registration, they shall be contestable.

Section 9. Nothing herein shall be construed as creating a debt against the State of Texas or as binding the State of Texas in any way except as to the mortgage of the lands and properties comprising the Palo Duro Canyon State Park and as to the pledge of the rents, revenues and income thereof, as herein provided.

Section 10. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.
Section 11. This Act shall not repeal any statute now in effect, but shall be cumulative of all other statutes pertaining to the Texas State Parks Board and Palo Duro Canyon State Park, and shall not modify or abridge any rights or powers now held by said Board to control and pledge the rents, revenues and income and properties of Palo Duro Canyon State Park; provided, however, that to the extent that the provisions of this Act may be in conflict with the provisions of any other law, including Chapter 64, Acts of the Regular Session of the Fiftieth Legislature (Vernon’s Texas Civil Statutes, Article 6077j), the provisions of this Act shall take precedence and prevail; and provided further that this Act shall not in any wise affect the security of any bonds herefore issued and now outstanding payable from any of the revenues of Palo Duro Canyon State Park.

Section 12. The fact that Palo Duro Canyon State Park is the only State park available to provide recreation facilities for a large segment of the Texas Panhandle, and the further fact that the Park has great potential for recreation but has never been developed adequately because of the limited funds available to the Texas State Parks Board for its State-wide program 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. Springer moved that all necessary rules be suspended for the purpose of considering the Conference Committee Report on Senate Bill No. 203.

The motion to suspend all necessary rules for the purpose of considering the Conference Committee Report on S. B. No. 203 prevailed (having received the necessary two-thirds vote).

Mr. Springer moved that the House adopt the Conference Committee Report on Senate Bill No. 203.

The motion prevailed by the following vote:

Yeas—130
Adams of Lubbock Andrews

SENATE BILL NO. 248 ON SECOND READING

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

S. B. No. 248, To provide that public weighers may have their seals printed on weight certificates and then authenticated by signature; and declaring an emergency.

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

SENATE BILL NO. 248 ON THIRD READING

Mr. Gladden moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—123


Nay—4

Haring Read Nagst Whitefield

Abst

Alleniz Murray BoySEN Oliver Burgess PERRATT

Duff, Miss Roberts of Dawson Ehrl Schram Harding Springer Harrington Stewart McGregor of Wichita

McGregor of McLennan

Yezak

Adams of Titus

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Wheatley Wilson of Potter Woods

Wilson of Trinity Yezak

Absent

Alapan McGregor

Culleton of McLennan Murray

Erin Oliver

Harrington Roberts of Dawson Spears

Longoria Struve

Absent—Excused


Fletcher Moore

Foreman Mullen

Garrison Knutcher

Gibbens Niemeyer

Gladden Osborn

Glas PATtons

Gistung PEARcy

Green Peeler

Grover Petty

Guffey Pipkin

Hale Preston

HAYNES Price

Henny Quilliam

Hine Rapp

Hollowell Ratcliff

Husburger Richards

Hughes Richardson Roberts of Hill

Hughes of Dallas Rosses

Hughes of Dallas Rosson

James Sandahl

James Shannon

James Shigley

Kilpatrick Black

King STRuve

Lacy Thurman

Lalimer Thurmond

La Vallee Townsend

Leaverton Trevino

Lewis Tunnell

Longoria Walker

McClung Ward

McGregor WATSON

McIlhany Wheatley

Markgraf Wilson of Trinity

Martin Wilson of Potter

Miller Woods

Miller Yezak

Nays—4

Haring Read Nagst Whitefield

Abst

Alapan Murray BoySEN Oliver Burgess PERRATT

Duff, Miss Roberts of Dawson Ehrl Schram Harding Springer Harrington Stewart McGregor of Wichita

McGregor of McLennan

Yezak

Adams of Titus
The Speaker then laid Senate Bill No. 248 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
Hughes
Alanis
of Grayson
Andrews
Hughes of Dallas
Aitwell
Bailey
Baii, Mrs.
Bariow
Barras
Johnson of Dallas
Bartram
Hage
Johnson of Bell
Bell
Blake
Boysen
Kennard
Buchanan
Kilpatrick
Burgess
Kolba
Butler
Korinth
Caldwell
Lack
Cannon
Larry
Chapman
Latimer
Cole of Harris
La Valle
Cole of Hunt
LaVernon
Collins
Lewis
Connell
Longoria
Cook
McCoplin
Cory
McGregor
Cotten
of El Paso
Cowen
Mellhany
Cowles
Markgraf
Crain
Martin
Crews
Miller
Curlington
de la Garza
Mullen
Duff, Miss
Muthcher
Dungan
Nie畔ey
Sickelstadt
Norbert
Fletcher
Mitchell
Foreman
Peery
Garrison
Peeler
Gibbens
Petty
Glaudron
Piersait
Glass
Pipkin
Glasing
Proston
Green
Price
Grover
William
Grew
Rapp
Hair
Hatcliff
Harding
Read
Harrington
Richards
Haynes
Richardson
Healy
Roberts of Hill
Hinson
Ross
Hollowell
Reason

Nays--2

Haring
Watfield

Abstain

Hallman
Murray
Berry
Oliver
Behl
Parnon
Fairchild
Roberts of Dawson
Heubner
Black
McGregor
of McLennan

Mr. Gladden moved to reconsider the vote by which S. B. No. 248 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 559 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 559. A bill to be entitled "An Act amending paragraph (1), Article 11.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to extend the application of the occupation tax on the gross receipts of certain gas, electric and water utilities to all intrastate gross receipts from the sale of gas, electricity and water, and imposing said tax at a uniform rate of 1.997% of all such gross receipts; and declaring an emergency.

The bill was read second time on March 1, considered on March 28 and 29, and further consideration
April 13, 1961

HOUSE BILL NO. 622 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business on its passage to engrossment, H. B. No. 622, A bill to be entitled "An Act establishing a Juvenile and Domestic Relations Court for Galveston County; providing for a seal; prescribing jurisdiction; providing for transfer of cases; setting out the qualifications of the judge and providing for his initial appointment and subsequent election; prescribing the oath of office and salary of the judge; providing for a special judge in case the regular judge is disqualified or is for any reason unable to serve; providing for filling vacancies in the office of judge; setting out grounds for removal from office; providing for cooperation of the Juvenile Board; providing that the commissioners court shall provide suitable quarters for the court; providing for the appointment of juvenile officers, investigators and employees; prescribing duties of the district clerk; setting terms of court; providing for a Juvenile Board; prescribing rules of practice and procedure; providing for issuance of writs and contempt citations; prescribing duties of sheriffs and constables; prescribing duties of the district attorney of Galveston County; authorizing the payment of fees to witnesses; providing for divorce and custody reports; requiring that certain boards and officers shall furnish services to the court; providing for severability; and declaring an emergency."

The bill was read second time on March 20 and further consideration of same was postponed until April 10 at 11:00 o'clock a.m. Mr. Stewart of Galveston moved that further consideration of House Bill No. 622 be postponed until 11:00 o'clock a.m. April 26.

The motion prevailed.

HOUSE BILL NO. 289 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 289, A bill to be entitled "An Act to be known and cited as the Legislative Reorganization Act of 1961; 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 the administration of oaths; requiring oaths of all witnesses; authorizing process from all witnesses; prohibiting witnesses from refusing to testify and making provision therefor; providing for contempt of the Legislature and directing prosecutions therefor; providing that false testimony shall constitute perjury and providing penalties; authorizing the cooperation of all State Agencies; authorizing staff and expenses for committees; prohibiting appropriation of public money until after such appropriation has been authorized by law; fixing the salary of members of the Legislature at $4,800.00 per year and authorizing per diem and mileage for such members; amending Article 302 and Article 306 of the Penal Code of the State of Texas; repealing Acts 1937, 45th Legislature, page 67, Chapter 41, and all laws or parts of laws in conflict herewith; providing for severability of the several parts of this Act; and declaring an emergency."

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

Yeas—117
Alaniz
Andrews
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bass
Bell
Blaine
Boysen
Burgess
Caldwell
Cannon
Chapman

Nays—37
Cole of Harris
Cole of Hunt
Connell
Cook
Cory
Cotlen
Cowan
Crews
Curington
de Ia Garza
Duff, Miss
Dungan
Eckhardt
Fairchild

1 Jour.—37
<table>
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<td>Fletcher</td>
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<td>Hughes of Dallas</td>
<td>Rosen</td>
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<td>Isaacks, Miss</td>
<td>Sandahl</td>
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<td>James</td>
<td>Schram</td>
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<td>Jamison</td>
<td>Shannon</td>
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<td>Shipley</td>
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<td>Johnson of Bell</td>
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<td>Jones of Travis</td>
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<td>Longoria</td>
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<td>McCoppln</td>
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<td>McGregor</td>
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<td>of El Paso</td>
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<td>Miller</td>
<td>Whitfield</td>
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<td>Moore</td>
<td>Wilson of Trinity</td>
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<td>Mullen</td>
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Nays—15

Adams of Lubbock          | Jones of Dallas         |
Bartram                   | Lewis                   |
Buchanan                  | Read                    |
Butler                    | Richards                |
Calo                      | Roberts of Dawson       |
Haring                    | Tunnell                 |
Jearvis                   | Watson                  |
Johnson of Dallas         |                         |
Absent                    |                         |
Atwell                    | Slack                   |
Berry                     | Spilman                 |
Bowes                     | Stewart                 |
Ehrle                     | of Wichita              |
Laitmer                   | Woods                   |
McGregor                  | of McLennan              |
McGregor                  | Absent—Excused          |
Adams of Titus            | Dewey                   |
Allen                     | Floyd                   |
Barnes                    | Bridges                 |
Carriker                  | Carrister               |
Mr. Hale moved to reconsider the vote by which H. B. No. 289 was passed and to table the motion to reconsider. The motion to table prevailed.

CONGRATULATORY RESOLUTION ADOPTED

H. S. R. No. 511, By Mr. Oliver: Congratulating Mrs. Edith Thomson. (On the motion of Mr. Glass, the names of all the Members of the House were added to the resolution as signers thereof.)

HOUSE BILL NO. 113 ON THIRD READING

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

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 third time and was passed.

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

REASON FOR VOTE

Let the records show that we voted "No" on final passage of H. B. No. 113.

LEON THURMAN
JACK CRAIN
April 13, 1961  

**HOUSE BILL NO. 363 ON THIRD READING**

The Speaker laid before the House, on its third reading and final passage, 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 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; 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 third time and was passed by the following vote:

**Yeas—73**

- Alaniz
- Bailey
- Ballman
- Barlow
- Bass
- Beysen
- Caldwell
- Canacu
- Chapman of El Paso
- Cole of Harris
- Cole of Hunt
- Collins
- Cowen
- Cowies
- Duff, Miss
- Duggan
- Eckhardt
- Fletcher
- Gladden
- Glass
- Green
- Greffy
- Hala
- Harrington
- Harrington
- Hayes
- Hixon
- Hollowell
- Huyser
- Hughes of Grayson
- James
- Jambon
- Johnson of Bexar
- Johnson of Bell
- Jones of Travis

**Yezak READING Whitfield**

- Wheatley
- Wilson of Trinity

**Nays—61**

- Andrews
- Atwell
- Bandfield, Mrs.
- Barnes
- Bartram
- Bell
- Blaine
- Buchanan
- Burgess
- Butler
- Cook
- Cory
- Cotton
- Cran
- Curington
- de la Garza
- Ehle
- Falchold
- Foreman
- Garrison
- Gibbens
- Grover
- Harding
- Healy
- Hughes of Dallas
- Isacks, Miss
- Jarvis
- Johnson of Dallas

Present—Not Voting

- Glusling
- Kilpatrick

**Present**

- Crews
- McGregor of McLennan
- Moore

Absent

- Kollus
- Kendrick
- LeValle
- Lee
- Leaverton
- McGregor of El Paso
- Martin
- Mullen
- Murray
- Nethercut
- Neiener
- Parsons
- Peavy
- Peeler
- Petty
- Piott
- Richards
- Richardson
- Roberts of Hill
- Rossa
- Shannon
- Smith of Bexar
- Smith of Jefferson
- Spears
- Springer
- Strave
- Thurman
- Walker
- Ward
- Wells

**Absint—Excused**

- Adams of Titus
- Allen
- Bridges
- Carriker

Mr. Glusling (present), who would vote “Nay”, with Mr. Bridges (absent) who would vote “Yes”.

Mr. Kilpatrick (present), who would vote “Nay”, with Mr. Allen (absent) who would vote “Yes”. A verification of the above vote was requested and was granted.
Mr. James moved to dispense with
the verification of the vote.

The motion to dispense with the
verification prevailed (having re-
ceived the necessary two-thirds
vote.)

HOUSE BILL NO. 409 ON THIRD
READING

The Speaker laid before the House,
on its third reading and final pas-
sage.

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

The bill was read third time.

Mr. Adams of Lubbock moved that
further consideration of House
Bill No. 409 be postponed until
Wednesday, April 19, at 10:00 o'clock a.m.

The motion prevailed.

HOUSE BILL NO. 479 ON THIRD
READING

The Speaker laid before the House,
on its third reading and final pass-
age.

H. B. No. 479, A bill to be entitled
"An Act to provide for the annual
adoption by the State Board of Edu-
cation of an operating budget for
the administration and supervision of
the Central Education Agency, for
procedure and filing incident there-
to; 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 per-
centage of the total cost of the
Foundation School Program annual-
ly 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 emer-
gency."

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

Yeas-107
Adams of Lubbock Kilpatrick
Alamis Koliba
Andrews Korich
Bailey Lack
Ballman Lary
Barnes Latimer
Bartram Leaverton
Bass Longoria
Bell McGregor
Blaine McElroy of El Paso
Boysen McNelly
Buchanan Marksgraf
Butler Martin
Caldwell Moore
Cannon Mullen
Chapman Niemeyer
Cole of Harris Nugent
Cole of Hunt Oliver
Collins Osborn
Connell Parsons
Cory Pearcy
Coten Pfeiffer
Cowen Petty
Cowles Piersit
Crews Preston
Curisong Price
De la Garza Quilliam
Duff, Miss Read
Dungan Richards
Eckhardt Richardson
Ehrle Roberts of Hill
Fairchild Roberts of Dawson
Fletcher Ross
Foreman Sandahl
Gladden Schram
Glass Shams
Glusting Smith of Bexar
Green Smith of Jefferson
Grover Snell
Guffey Sparr
Hale Central Education
Harding Stewart
Harrington of Galveston
Haynes Bivins
Healy Thurmond
Hinson Tinsley
Hollowell Trevino
Huscher Tuennel
Hughes Walker
Hughes of Grayson Ward
Jamison Watson
Johnson of Bexar Wells
Johnson of Bell Wheatley
Jones of Travis Whitley
Kennard Wilson of Trinity
Nays—27
Atwell Garrison
Banfield, Mrs. Gibbens
Burgess Haring
Cook Hughes of Dallas
Crain Isaacks, Miss
April 13, 1961          HOUSE JOURNAL 1157

Barlow
Absent
Berry
McCoppin
McGregor
Present—Not Voting

Mr. McGregor of El Paso moved to reconsider the vote by which H. B. No. 479 was passed and to table the motion to reconsider. The motion to table prevailed.

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

Committee Amendment No. 1
Amend H. B. 12 by striking Section 3 and substituting in lieu thereof the following:

"Sec. 3. The Commission shall be composed of seventeen (17) members as follows:

"(1) Three (3) appointed by the Governor from private life;
"(2) Seven appointed by the Lieutenant Governor of which four (4) shall be from the Senate and three (3) from private life; and
"(3) Seven (7) appointed by the Speaker of the House of Representatives, of which four (4) shall be from the House of Representatives and three (3) from private life.

"The terms of the members shall be for the life of the Commission. Any vacancy on the Commission shall not affect its powers and said vacancy shall be filled as quickly as possible in the same manner in which the original appointment was made."

The amendment was adopted.

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

Committee Amendment No. 2
Amend H. B. 12 by striking Section 4 and substituting in lieu thereof the following:

"Sec. 4. The Commission shall elect a Chairman, Vice-Chairman and Secretary from among its members. Nine (9) members of the Commission shall constitute a quorum, and a quorum shall be required to make recommendations to the Legislature as provided herein."

The amendment was adopted.

Mr. Latimer moved to table H. B. No. 12.

A record vote was requested on the motion to table.
The motion to table H. B. No. 12 was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>20</th>
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<tbody>
<tr>
<td>Adams of Lubbock Jarvis</td>
<td>Buchanan of Bexar</td>
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<tr>
<td>Cook</td>
<td>Cotten</td>
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<td>Guffey</td>
<td>Harrington of Galveston</td>
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<td>Heatly</td>
<td>Hollowell Ward</td>
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<td>Isacks, Miss</td>
<td>Wheatley</td>
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<td>Yeas-20</td>
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<thead>
<tr>
<th>Nays</th>
<th>115</th>
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<tbody>
<tr>
<td>Alan</td>
<td>Andrews James</td>
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<tr>
<td>Bailey</td>
<td>Ballem</td>
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<tr>
<td>Ballman</td>
<td>Banfield, Mrs. Barlow</td>
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<tr>
<td>Barlow</td>
<td>Barnes Jones of Dallas</td>
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<td>Bartram</td>
<td>Bass Kennard</td>
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<tr>
<td>Bell</td>
<td>Blake</td>
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<td>Boysen</td>
<td>Burgess Le Vallee</td>
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<td>Butler</td>
<td>Caldwell Lewis</td>
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<td>Cano</td>
<td>Chapman Longoria</td>
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<td>Cole of Harris</td>
<td>Cole of Hunt Mc Coppin</td>
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<td>Collins</td>
<td>Connell Markgraf</td>
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<td>Cowen</td>
<td>Cowles Miller</td>
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<td>Crow</td>
<td>Grain Mullen</td>
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<td>Curington</td>
<td>de la Garza Murray</td>
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<td>Dungan Niemeyer</td>
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<td>Fa inchal Peeler</td>
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<td>Fletcher</td>
<td>Garrison Pleart</td>
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<td>Gibbons</td>
<td>Gladden Pipkin</td>
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<td>Glass</td>
<td>Green Proctor</td>
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<td>Groves</td>
<td>Hale Quilliam</td>
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<td>Hale</td>
<td>Harding Ratchiff</td>
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<td>Houston</td>
<td>Hibbs of Hill</td>
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<tr>
<td>Hughes of Grayson</td>
<td>Ross</td>
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Shannon | Thurmond |
Shipley | Townsend |
Smith of Bexar | Trevino |
Smith of Jefferson | Tunnel |
Snell | Walker |
Spears | Watson |
Splen | Wells |
Springer | Whitchfield |
Stewart of Galveston | Wilson of Potter |
Stewart of Wichita | Texas |
Thurman |

Absent |

Barry | McGregor of McLennan |
Crews | Foreman Black |
Glusting | Struve |

Absent—Excused |

Adams of Titus | Dewey |
Allen | Floyd |
Bridges | Silder |
Carrick |

H. B. No. 12 was passed to engrossment.

HOUSE BILL NO. 12 ON THIRD READING

Mr. Cory moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>114</th>
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<tbody>
<tr>
<td>Adams of Lubbock Connell</td>
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<tr>
<td>Andrews</td>
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<td>Barnfield, Mrs. de la Garza</td>
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<td>Barnes</td>
<td>Barwick Edward</td>
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<td>Bass</td>
<td>Bell Ehrle</td>
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<td>Bell</td>
<td>Boysen Fairchild</td>
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<td>Berry</td>
<td>Fletcher</td>
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<td>Blais</td>
<td>Garrison</td>
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<td>Boyces</td>
<td>Gibbs Gladden</td>
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<td>Burgess</td>
<td>Butler Glass</td>
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<td>Caldwell</td>
<td>Cannon Grover</td>
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<td>Haynes</td>
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<td>Haynes</td>
<td>Houston of Hill</td>
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<td>Hibbs of Dawson</td>
<td>Hughes of Grayson</td>
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<td>Hughes</td>
<td>Ross</td>
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Shannon | Thurmond |
Shipley | Townsend |
Smith of Bexar | Trevino |
Smith of Jefferson | Tunnel |
Snell | Walker |
Spears | Watson |
Splen | Wells |
Springer | Whitchfield |
Stewart of Galveston | Wilson of Potter |
Stewart of Wichita | Texas |
Thurman |
April 13, 1961  HOUSE JOURNAL  1159

<table>
<thead>
<tr>
<th>Yeas</th>
<th>117</th>
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<tbody>
<tr>
<td>Abst</td>
<td>23</td>
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</tbody>
</table>

**Yeas**
- Adams of Lubbock
- Johnson of Bell
- Alanis
- Andrews
- Bailey
- Ballman
- Barfield, Mrs.
- Barlow
- Barnes
- Bartram
- Bass
- Bell
- Blair
- Bailey
- Boyson
- Burgess
- Butler
- Caldwell
- Cannon
- Chapman
- Cole of Harris
- Cole of Hunt
- Collins
- Connell
- Cook
- Cory
- Cox
- Cowles
- Crow
- Crews
- Curington
- do la Garza
- Dungan
- Dugan
- Eckhardt
- Ehrle
- Fairchild
- Fletchener
- Garrison
- Gibbens
- Gladden
- Glass
- Glading
- Glass
- Glass
- Grover
- Hale
- Hardy
- Harding
- Harrington
- Harriott
- Haynes
- Healy
- Hinson
- Huebner
- Hughes of Dallas
- Hughes of Grayson
- Hughes of Galveston
- Hughes of San Antonio
- Hughes of Smith County
- Hughes of Trinity
- Hughes of Willacy
- Hughes of Zavala

**Abst**
- Adams of Titus
- Allen
- Bridges
- Carricker

**Absent—Excused**
- Adkins
- Allen
- Bridges
- Carricker

**Present**
- Adams
- Allen
- Bridges
- Carricker

**The Speaker then laid House Bill No. 12 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:**

**Yeas—117**
- Adams of Lubbock
- Johnson of Bell
- Alanis
- Andrews
- Bailey
- Ballman
- Barfield, Mrs.
- Barlow
- Barnes
- Bartram
- Bass
- Bell
- Blair
- Bailey
- Boyson
- Burgess
- Butler
- Caldwell
- Cannon
- Chapman
- Cole of Harris
- Cole of Hunt
- Collins
- Connell
- Cook
- Cory
- Cox
- Cowles
- Crow
- Crews
- Curington
- do la Garza
- Dungan
- Dugan
- Eckhardt
- Ehrle
- Fairchild
- Fletchener
- Garrison
- Gibbens
- Gladden
- Glass
- Glading
- Glass
- Grover
- Hale
- Hardy
- Harding
- Harrington
- Harriott
- Haynes
- Healy
- Hinson
- Huebner
- Hughes of Dallas
- Hughes of Grayson
- Hughes of Galveston
- Hughes of San Antonio
- Hughes of Smith County
- Hughes of Trinity
- Hughes of Willacy
- Hughes of Zavala
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<tr>
<th>Tunnell</th>
<th>Whittington</th>
<th>Wilson of Trinity Woods</th>
<th>Yesak</th>
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<tr>
<td>Walker</td>
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<td>Absent—Excused</td>
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<td>Adams of Titus</td>
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</table>

Mr. Andrews moved to reconsider the vote by which H. B. No. 12 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
I voted "Yes" on H. B. 12 because I feel that the whole field of spending and taxes should be examined and every attempt made to save money for the people of Texas.

SCOTT BAILEY

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. B. No. 12, "An Act requiring persons to obtain permits to drill injection wells, or to convert existing wells into injection wells, for the disposal of industrial and municipal waste; defining certain terms; designating the Board of Economic Engineers as the permit issuing agency for all injection wells for the disposal of waste other than waste arising out of the drilling for or the producing of oil or gas, designating the Railroad Commission as the permit issuing agency for all wells for the injection of waste arising out of the drilling for or the producing of oil or gas; providing for fees, notice and hearings; requiring applicants for permits to file certain material and information; requiring the filing of permits with the County Pollution Control Officer or County Health Officer; prescribing standards to guide the Board and Commission in granting permits; authorizing the Board or Commission to grant an application in whole or in part and in the permit require that the well be caséd in such a manner as to prevent the pollution of fresh water sands and require that logs of wells be kept and furnished the permit issuing agency; requiring copies of permits issued by one agency to be furnished the other agency; authorizing each agency to adopt rules and regulations; providing penalties for violation; authorizing enforcement of rules and regulations and provisions of permits by injunction in the county where an offending well is located; etc., and declaring an emergency."

S. B. No. 72, "An Act amending sections 9, 10, 11 and 12 of Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Sections 9, 10, 11, and 12 of Article 1526b, Vernon's Annotated Penal Code, so as to regulate the movement of livestock and domestic fowl into the State of Texas; and declaring an emergency."

S. C. R. No. 23, "Authorizing the Board of Regents of the University of Texas to accept a certain tract of land from the Sealy and Smith Foundation.

H. B. No. 169, "An Act limiting the provisions of this Act to Dimmit, Uvalde and Zavala Counties; making it unlawful, except under the provi.
Mr. Pipkin offered the following

shares or share accounts of Build­
ing and Loan Associations and

eergency."

Acts of the Fifty-fifth Legislature,

Section

onomy of Health to provide planning

or regulation, the taking of the wild­
culture

making an

crature

ing Act of 1954, as amended, or

bill, or trap any fur-bearing animal

Counties; conferring upon the Game

counties at any time; to take, kill or

gislation with respect Federal

from other sources; and declaring a

d the tax on or before May 1st of each year; dispensing with the

issuing of copies of case records in
duplicate; authorizing exchange of

information with other states and

eral Government; repealing all

laws in conflict; and declaring an

emergency."

HOUSE BILL NO. 27 ON SECOND

The Speaker laid before the House

on its second reading and passage
to engrossment.

H. B. No. 27, a bill to be entitled

"An Act amending Article 623, Tex­
as Code of Criminal Procedure, 1925,
as last amended, and repealing Ar­
ticle 648, Texas Code of Criminal

Procedure, 1925, to permit separa­
tion of jurors in non-capital felony

cases at the discretion of the Court,

and declaring an emergency."

The bill was read second time.

Mr. Pipkin offered the following

committees amendment to the bill:

Committee Amendment No. 1

Amend House Bill 27 by striking
all below the enacting clause and
substituting in lieu thereof the fol­

owing:

Section 1. Article 623, Texas Code

of Criminal Procedure, 1925, as last
amended by Section 2, Chapter 298,

acts of the 54th Legislature, Regu­
appearance. 1955, is amended to read

hereinafter as follows:

"The Court may adjourn venir­
emes to any day of the term. In
capital felony cases when jurors have
been sworn in a case, those so sworn
shall be kept together and not per­
mitted to separate until a verdict
finally discharged. In felony cases,
not capital offenses, the Court may
with the consent of the defendant,
the defendant's attorney and the dis­
 distort attorney, permit the separation
of the jury when the Court is in
cess for such purposes and at
such times as may be agreed. When,
in any case, jurors are kept over­
night, facilities shall be provided for
female jurors separate and apart

April 13, 1961

lature, Third Called Session, House

bill No. 11, Chapter 12, Articles

12.01, 12.08 and 12.10, providing for

simultaneously filing reports and

paying the tax on or before May 1st

of each year; dispensing with the

requirement of filing reports in
duplicate; authorizing exchange of

information with other states and

eral Government; repealing all

laws in conflict; and declaring an

emergency."

The bill was read second time.

Mr. Pipkin offered the following

committees amendment to the bill:

Committee Amendment No. 1

Amend House Bill 27 by striking
all below the enacting clause and
substituting in lieu thereof the fol­

owing:

Section 1. Article 623, Texas Code

of Criminal Procedure, 1925, as last
amended by Section 2, Chapter 298,

acts of the 54th Legislature, Regu­
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hereinafter as follows:

"The Court may adjourn venir­
emes to any day of the term. In
capital felony cases when jurors have
been sworn in a case, those so sworn
shall be kept together and not per­
mitted to separate until a verdict
finally discharged. In felony cases,
not capital offenses, the Court may
with the consent of the defendant,
the defendant's attorney and the dis­
 distort attorney, permit the separation
of the jury when the Court is in
cess for such purposes and at
such times as may be agreed. When,
in any case, jurors are kept over­
night, facilities shall be provided for
female jurors separate and apart
from the facilities provided for male jurors, and all such juries shall be permitted to separate to the extent of housing female jurors separate and apart from male jurors.

Section 2. Article 668, Code of Criminal Procedure for the State of Texas is hereby expressly repealed.

Section 3. The fact that persons serving as jurors are presently being greatly inconvenience by the strict rules prohibiting separation to non-capital felony cases, 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 this Rule is hereby suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Committee Amendment to H. B. No. 27 by adding the following language after the word "agreed" on line 19, said language being as follows:

"provided the court properly instructs the jurors in regard to their conduct while so separated."

The amendment by Mr. Longoria was adopted.

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

Amend Committee Amendment to H. B. No. 27 by adding the following language after the word "jurors" on line 22:

"Provided further that such consent shall be given outside the presence and hearing of the jury."

The amendment by Mr. Longoria was adopted.

Committee Amendment No. 1 was lost.

Mr. Tunnell moved to reconsider the vote by which Committee Amendment No. 1 was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Barlow moved that H. B. No. 27 be laid on the table subject to call.

The motion prevailed.
April 13, 1961  HOUSE JOURNAL 1163

HOUSE BILL NO. 431 ON SECOND READING

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

H. B. No. 431, A bill to be entitled "An Act providing for County Juvenile Boards in each county comprising the 36th Judicial District, and in each county comprising the 154th Judicial District: providing for compensation of members of the Boards; provided compensation allowed County Judges hereunder shall not be counted as fees of office; providing that this Act shall be cumulative of existing laws relating to compensation of Judges of District Courts and County Judges: providing a saving clause; and declaring an emergency."

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

HOUSE BILL NO. 111 ON SECOND READING

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

H. B. No. 111, A bill to be entitled "An Act amending Section 1 of Chapter 360, Acts of the 47th Legislature, Regular Session, 1941, to provide that the Commissioners Court in all counties of this State may provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village therein: to provide that this equipment may be paid for by time warrants drawn on the General Fund: and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 111 by striking the second sentence of that part amended by Section 1 and substituting in lieu thereof the following:

"The Commissioners Court shall have the authority to purchase fire trucks and other fire-fighting equipment by first advertising and receiving bids thereon, and is hereby authorized to issue time warrants of the county and to levy and collect taxes to pay the interest and principal thereon as provided by law."

The amendment was adopted.

HOUSE BILL NO. 137 ON SECOND READING

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

H. B. No. 137, A bill to be entitled "An Act to repeal certain statutes and laws contained in Title 32 of the Texas Revised Civil Statutes, 1925, as amended, and certain subsequent legislative acts codified under such Title, which statutes, laws and acts are in conflict with the provisions of the Texas Business Corporation Act, Acts 1955, 54th Legislature, p. 239, ch. 64, and of the Texas Non-Profit Corporation Act, Acts 1959, 56th Legislature, p. 286, ch. 182, or are inconsistent with the general purposes of such Acts, or are supplanted by the provisions of these Acts; to provide for the effect of such repeal; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 137 by inserting after Art. 1323, and as amended Acts 1927, 40th Leg., p. 349 on page 3 of said bill the following:

ch. 235, and Acts 1939, 46th Leg., p. 131, Sec. 1, and Acts 1939, 46th Leg., p. 132, Sec. 1; Art. 1324;
Art. 1325;
Art. 1326;
Art. 1327, and as amended Acts 1951, 52nd Leg., p. 26, ch. 20, Sec. 1;
Acts 1949, 51st Leg., p. 108, ch. 64, Sec. 1 (Art. 1327a);
Art. 1328;
Art. 1329;
H. B. No. 138 was passed to engrossment.

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

H. B. No. 138, A bill to be entitled "An Act to adopt and establish certain miscellaneous statutory provisions applicable to private corporations, whether for profit or not for profit; to provide certain special laws, applicable to veterans, educational, cemetery, detective, and certain railroad corporations; to provide restrictions upon the acquisition of land by corporation and to impose penalties for violations; to provide for the authority of the Attorney General to examine corporate books and records and for penalties for refusal of examination; to provide a lien against corporate property for fines and penalties and for foreclosure of such lien; to provide authority in the Attorney General to proceed against insolvent corporations; to re-enact the Uniform Stock Transfer Act; to repeal certain statutory provisions contained in Title 32 of Texas Revised Civil Statutes, 1925, as amended, which have been supplanted by the provisions of this Act; containing savings and partial invalidity clauses; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Strike out Article 1.03 of H. B. 138 (Texas Miscellaneous Corporation Laws Act) and insert in lieu thereof the following:

"Article 1.03. APPLICABILITY OF BUSINESS CORPORATION ACT, TEXAS NON-PROFIT CORPORATION ACT, AND THIS ACT

A. All corporations shall, to the extent not inconsistent with any special statute pertaining to a particular corporation, be governed

(1) by the Texas Business Corporation Act, as amended, if organized for profit, and

(2) by the Texas Non-Profit Corporation Act, as amended, if organized not for profit.

The amendment was adopted.

H. B. No. 137 was passed to engrossment."
B. This Act shall govern all foreign and domestic corporations including but without being limited to those corporations heretofore or hereafter organized or granted a permit to do business under any statute of the State, including the Texas Business Corporation Act, or the Texas Non-Profit Corporation Act, except to the extent that any provisions of this Act are expressly made inapplicable by any provision of the Texas Business Corporation Act, the Texas Non-Profit Corporation Act, or any special statute of this State pertaining to a particular type of corporation.

The amendment was adopted.

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

Committee Amendment No. 2

Amend House Bill 138 by deleting therefrom in Section 2, line 11 which reads as follows: Art. 1348.

The amendment was adopted.

H. B. No. 138 was passed to engrossment.

HOUSE BILL NO. 139 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 139, A bill to be entitled "An Act to amend Article 3914, Texas Revised Civil Statutes, 1925, as amended, Acts 1931, 42nd Legislature, Regular Session, 1941, as last amended; removing the necessity to notarize claims for motor fuel tax refund; setting out the required contents of such claim; and declaring an emergency."

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

HOUSE BILL NO. 140 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 140, A bill to be entitled "An Act to amend the Texas Business Corporation Act, 1955, 54th Legislature, Chapter 64, said Act being amended by amending Section C of Article 2.29; by amending Article 2.30 by adding a new Section 10; by amending said Act by adding a new Article 4.14; and by amending Section A of Article 8.03; and declaring an emergency."

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

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

Amendment No. 1

Amend H. B. No. 129 by deleting everything after the Enacting Clause and substituting in lieu thereof the following:

Section 1. Subsection (5) and (6) of Article 9.13 Revised Civil Statutes of the State of Texas are hereby amended so as to hereafter read as follows:

(5) It shall be unlawful for any refund dealer, or any employee thereof, to prepare any claim for refund of tax paid on motor fuel purchased...
from said refund dealer, or to set in any capacity as agent or employee of any claimant for refund of tax paid on motor fuel purchased from said refund dealer by keeping his books, records, refund claim forms or other documents to be used or intended for use by said claimant in the preparation of his tax refund claim, and the Comptroller shall not approve the payment of any tax refund claim, in whole or in part, in which the claimant has permitted the seller of the motor fuel upon which tax refund is claimed, or any employee of said seller, to prepare or file his claim for tax refund, or to keep any books, records or documents used in the preparation or filing of said claim. Provided that the Comptroller may, after proper hearing as herein provided, cancel, suspend, or refuse the issuance or reinstatement of the license of any refund dealer who shall prepare or who shall permit any employee to prepare any claim for refund of tax paid on motor fuel purchased from said refund dealer by the claimant thereof, or who shall keep, or permit any employee to keep, any duplicate invoice of exemption for more than seven (7) days after it has been duly issued to a purchaser of refund motor fuel.

(6) Any person entitled to file claim for tax refund under the terms of this Article shall file such claim with the Comptroller on a form prescribed by the Comptroller within one (1) year from the date the motor fuel was delivered to him, or from the date the motor fuel was lost, exported or sold to the United States Government, and no refund of tax shall be allowed for any motor fuel used after the Comptroller finds that the claim was actually received, or file his claim for tax refund, or to keep any books, records or documents used in the preparation or filing of said claim. Provided that the Comptroller may, after proper hearing as herein provided, cancel, suspend, or refuse the issuance or reinstatement of the license of any refund dealer who shall prepare or who shall permit any employee to prepare any claim for refund of tax paid on motor fuel purchased from said refund dealer by the claimant thereof, or who shall keep, or permit any employee to keep, any duplicate invoice of exemption for more than seven (7) days after it has been duly issued to a purchaser of refund motor fuel.

In any manner in which a tax refund is not authorized herein. If upon examination, and such other investigation as may be deemed necessary, the Comptroller finds that the claim filed for tax refund is just, and that the taxes claimed have actually been paid by the claimant, then he shall issue warrant due the claimant but no greater amount than has been paid into the State Treasury unless presented for payment within two years from the close of the fiscal year in which the warrant was issued, but claim for the payment of said warrant may be presented to the Legislature for appropriation to be made from which said warrant may be paid.

If the refund motor fuel for which tax refund is claimed was used on a farm, ranch, or for any non-highway agricultural purpose, the claimant shall show the name and address of the claimant, the period covered in the claim, the total number of gallons delivered to him during such period, the total number of gallons used off the public highways and the purposes for which used, the total number of gallons delivered to vehicles for any use on the highway, and the number of gallons on hand at the beginning and at the end of the period of the claim. The claim shall also show the number and kinds of tractors, combines or other equipment in which the refund motor fuel was used, and shall show the number of automobiles, trucks, pickups and other licensed vehicles operated regularly by the claimant or his employees, on or in connection with the farm, ranch or other
agricultural project during the period of the claim, and shall also contain a statement that the same is true and correct.

If the refund motor fuel was used in mining, quarrying, drilling, producing, exploring for minerals, or in construction, maintenance, repair work or other functions similar to the above uses, a distribution schedule or other such information as the Comptroller may require, shall be attached to and filed as a part of the refund claim which shall show the quantities of motor fuel delivered to and consumed in each vehicle or other unit of equipment used in such work during the period of the claim; provided, however, that no schedules shall be required to show the quantities of motor fuel used in machines operated upon stationary rails or tracks.

If the refund motor fuel was used in aircraft or motor boats, the claim shall show the make and description of such aircraft or motor boat, and the quantities of motor fuel used during the period of the refund claim.

If the refund motor fuel was used for cleaning, or dyeing, or for industrial or domestic purposes, or as converted into a product other than motor fuel by any manufacturing or blending process, the claim shall show the purpose or purposes for which the motor fuel was used, and the quantity used for each separate purpose.

Any person who shall file claim for tax refund on any motor fuel which has been used to propel a motor vehicle, tractor or other conveyance upon the public highway of Texas for any purpose for which a tax refund is not authorized hereinafter, or who shall file any duplicate invoice of exemption in a claim for tax refund on which any date, figure or other material information has been falsified or altered after said duplicate invoice of exemption has been duly issued by the refund dealer and delivered to the claimant, shall forfeit the right to the entire amount of the refund claim filed.

Section 2. The fact that the form now used for tax refunds on gasoline purchased for any farm use is unnecessarily lengthy 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 such rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. de la Garza offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. 129 by adding a new section after Section 1 to be numbered Section 1A and to read as follows: "the reports required in the above section and all reports required under Articles 20.09, 20.11 and 20.14 Title 122A, Taxation General, Revised Civil Statutes of Texas, 1925, and all other reports required under said Title 122A are to be confidential and shall not be open to public inspection, provided the Attorney General, the person making the report and any court shall have a right to inspect same."

The amendment by Mr. de la Garza was adopted.

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

Amend Committee Amendment to H. B. 129 by adding the following, after striking the period following the word "correct" on line 14, page 2:

"and that the same is made subject to penalties of Article 1.12 of Chapter 1, Title 122A, Revised Civil Statutes of the State of Texas, 1935."

JAMES, MURRAY.

The amendment by Mr. James was adopted.

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

H. B. No. 129 was passed to engrossment.

HOUSE BILL NO. 226 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 226, A bill to be entitled "An Act providing that certain corporations chartered under the provisions of Article 9.01, Texas Insurance Code, or its antecedent Article 1302 of Revised Statutes of Texas, as amended, may transfer and assign to a State bank or trust company fiduciary business without resort to judicial action in the courts of this State: providing procedures, powers and limitations therefor; providing for retroactive application thereof; prescribing an expiration date for exercising of such powers; and declaring an emergency."

The bill was read second time.

Mr. Johnson of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H. B. 226 by striking out all below the Enacting Clause and substituting in lieu thereof the following:

"Section 1. Any corporation hereinafter chartered under the provisions of Article 9.01, the Texas Insurance Code, or its antecedent Chapter 40, Acts 41st Legislature, 1929 (codified as Article 1302, Vernon's Civil Statutes), having as one of its powers "to act as Trustee under any lawful trust committed to it by contract or will, appointment by any Court having jurisdiction of the subject matter, as trustee, receiver or guardian and as executor or guardian under the terms of any will and as any administrator of the estates of decedents under the appointment of the court" may transfer or assign to a State bank or trust company created under the provisions of the Texas Banking Code of 1943 as amended, all of its fiduciary business in which such corporation is named or acting as guardian, trustee, executor, administrator or in any other fiduciary capacity, whereupon said State bank or trust company shall, without the necessity of any judicial action in the courts of the State of Texas or any action by the creator or beneficiary of such trust or estate, continue the guardianship, trusteeship, executorship, administration or other fiduciary relationship, and perform all of the duties and obligations of such corporation, and exercise all of the powers and authority relative thereto now being exercised by such corporation, and provided further that the transfer or assignment by such corporation of such fiduciary business being conducted by it under the powers granted in its original charter, as amended, shall not constitute or be deemed a resignation or refusal to act upon the part of such corporation as to any such guardianship, trust, executorship, administration, or any other fiduciary capacity, and provided further that the naming or designation by a testator or the creator of a living trust of such corporation to act as trustee, guardian, executor, or in any other fiduciary capacity, shall be considered the naming or designation of the State bank or trust company and authorizing such State bank or trust company to act in said fiduciary capacity. All transfers and assignments of fiduciary business by such corporations to a State bank or trust company consistent with the provisions of this Act are hereby validated.

Section 2. The power and authority of such corporation to transfer and assign its fiduciary business to a State bank or trust company as provided in Section 1 hereof shall expire on April 30, 1962.

Section 3. The fact that there is not legislative authority providing for the transfer and assignment of trust powers and authority from one corporate trustee to another under certain conditions without resort to judicial action creates an emergency and 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 that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 226 was passed to engrossment.

HOUSE BILL NO. 259 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H. B. No. 259, A bill to be entitled "An Act authorizing the Chairman of the Board of Regents of the State Teachers Colleges to exchange a certain tract of State-owned land for another tract of privately-owned land of similar size; and declaring an emergency."

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

HOUSE BILL NO. 343 ON SECOND READING

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

H. B. No. 343, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Abilene State School; to sell and convey same; and declaring an emergency."

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

HOUSE BILL NO. 247 ON SECOND READING

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

H. B. No. 247, A bill to be entitled "An Act amending Section 1, Chapter 269, Acts of the 51st Legislature, Regular Session, 1949, so as to empower all incorporated cities having a population in excess of Three Hundred and Eighty Thousand (380,000), according to the last preceding or any future United States Census, to provide for the establishment of corporation courts of a number not to exceed one (1) for each Fifty Thousand (50,000) inhabitants; and declaring an emergency."

The bill was read second time.

Mr. Barlow offered the following amendment to the bill:

Amend H. B. No. 247 by striking Section 1 thereof and substituting in lieu thereof the following:

"Section 1. All incorporated cities of this State having a population in excess of three hundred eighty thousand (380,000) and being in a county having a population in excess of eight hundred thousand (800,000) according to the last preceding United States Census may, by an ordinance locally adopted, provide for the establishment of two (2) or more Corporation courts, not to exceed one (1) court for each eighty thousand (80,000) population according to the last preceding census. The Mayor of any such city shall have the power to appoint two (2) or more judges for each such court and designate the seniority of the judges, with the confirmation of the governing body of the city, so that any of such courts may be in concurrent or continuous session either day or night.

The amendment was adopted.

H. B. No. 247 was passed to engrossment.

HOUSE BILL NO. 359 ON SECOND READING

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

H. B. No. 359, A bill to be entitled "An Act relating to false advertising of insurers not authorized to transact business in this state; subjecting such insurers to the jurisdiction of the State Board of Insurance and the Courts of this state; providing for actions by this state with respect to such insurers; providing for service of process upon such insurers; providing separability; and declaring an emergency."

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

HOUSE BILL NO. 384 ON SECOND READING

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

H. B. No. 384, A bill to be entitled "An Act validating all proceedings in connection with city tax bonds heretofore favorably voted for the purpose of constructing, improving and extending the waterworks and sewage system of such city including the acquisition of property necessary therefor; authorizing the issuance and delivery of such bonds; enacting other provisions relating to the subject; and declaring an emergency."
Mr. Lewis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H. B. 468, by Lewis, by striking out all below the Enacting Clause thereof, and inserting in lieu thereof the following:

"Section 1. That Article 6.08 of Chapter 6 of the Insurance Code (Acts of the 1951 52nd Legislature, Chapter 491, as amended by the Acts of the 1955 54th Legislature, page 413, Chapter 117, Section 20) be amended so as to read hereafter as follows:

"Art. 6.08. Holding Real Estate. No such company shall be permitted to purchase, hold or convey real estate, except for the purpose and in the manner hereinafter set forth:

1. For the erection and maintenance of buildings at least ample and adequate for the transaction of its own business;
2. Such as shall have been mortgaged to it in good faith by way of security of loans previously contracted or for money due;
3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the legitimate business of the company or for money due;
4. Such as shall have been purchased at sales under judgments, decrees or mortgages obtained or made for such debts;
5. Mineral and royalty interests reserved upon the sale of land acquired under foreclosure of loans contracted or for money due or which shall have been conveyed to it in satisfaction of debts previously contracted in the legitimate business of the company or for money due or such as was purchased at sale under judgments, decrees or mortgages obtained or made for such debts, and to amend Article 8.19 of the Insurance Code (Acts of the 1951 52nd Legislature, Chapter 491) by amending the provisions of said Article 8.19 relating to the sale or disposition of mineral or royalty interests, etc., and declaring an emergency."
The value of real estate mentioned in paragraph numbered 1 above shall be appraised by two or more competent and disinterested citizens of Texas appointed by the Board of Insurance Commissioners of Texas, when such real estate is hereafter acquired or when amendment to charter is applied for, the reasonable cost and expense of such appraisal to be paid by the insurance company to the Board.

Section 2. That Article 6.19 of Chapter 8 of the Insurance Code (Acts of the 1951 52nd Legislature, Chapter 491) be amended so as to read hereafter as follows:

"Art. 6.19. Real Estate. All real estate so acquired, except as is occupied by buildings used in whole or part for the accommodation of such companies in the transaction of its business and except interests in minerals and royalty interests reserved under the sale of land acquired under Subdivisions 2, 3, and 4 of Article 6.08 of this Code prior to January 1, 1942, shall, except as heretofore provided, be sold and disposed of within ten years after such company shall have acquired title to the same. No such company shall have such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Board that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the Board shall direct in such certificate."

Section 3. That Article 6.18 of the Insurance Code (Acts of the 1935 54th Legislature, Page 155, Chapter 117) be reenacted as follows:

"Art. 6.18. Real estate. Such company shall be subject to the provisions of Article 6.18 of this Code; and no such company shall be permitted to purchase, hold or convey real estate, except for the purposes and in the manner set forth in said Article."

Section 4. That the last unnumbered paragraph, which immediately follows numbered paragraph 4 of Article 6.48 of the Insurance Code (Acts of the 1955 52nd Legislature, Chapter 491, as amended by the Acts of the 1959 56th Legislature, page 899, Chapter 117, Section 91) be numbered as paragraph 5 thereof, and shall read and provide hereafter as follows:

"5. All such real property specified in Subdivisions 2, 3, and 4 of this Article which shall not be necessary for its accommodation in the convenient transactions of its business, except interests in minerals and royalties reserved upon the sale of land acquired under such subdivisions 2, 3, and 4 hereof prior to January 1, 1942, shall be sold and disposed of within five (5) years after the company shall have acquired title to the same, or within five (5) years after the same shall have ceased to be necessary for the accommodation of its business. It shall not hold such property for a longer period, unless it shall procure a certificate from the Board that its interests will suffer materially by the forced sale thereof; in which event the time for the sale may be extended to such time as the Board shall direct in such certificate."

Section 5. All laws or parts of laws that conflict herewith are hereby repealed; and this Act shall prevail over any conflicting provisions of law.

Section 6. If any part, section, paragraph, sentence, or clause contained in this Act shall be held by the courts to be unconstitutional, such holdings shall not affect the validity of the remaining portion of this Act; and the Legislature hereby declares that it would have passed such remaining portion despite such invalidity.

Section 7. The fact that under the present laws fire, marine, casualty, and life insurance companies must divest themselves of mineral and royalty interests reserved under foreclosed lands which were acquired involuntarily during the great depression of the 1930's, and further fact that such companies had financial losses in such foreclosed real estate and same were sold in a de
The bill was read second time.

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

Amend House Bill No. 541 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. All rights, title and interest of the State of Texas in and to all land within the area hereinbefore mentioned, for and in consideration of One Hundred and Seventy-One (171) Dollars and Eighty-Eight (88) Cents ($171.88), is hereby relinquished, conferred and granted unto the said City of Seadrift, its successors and assigns, for public purposes to wit:

Being a 171.88-acre portion of San Antonio Bay and the filled areas adjacent to the Town of Seadrift at the end of Main and Pine Streets, and being portions of State Tracts 104 and 133. Described by metes and bounds as follows:

Beginning at the point where the projection of the East line of 15th Street intersects the shore line of San Antonio Bay, coordinates:

\[ x = 2,730,568.16 \quad \text{and} \quad y = 216,388.16, \] same being S °13'25" W a distance of 325 feet from the intersection of the East line of 15th Street with the North line of Bay Avenue;

Thence with the meanders of San Antonio Bay as follows:

- S 89°30' E a distance of 249.228 varas
- S 78°37' E a distance of 66.996 varas
- N 84°47' E a distance of 63.000 varas
- S 77°11' E a distance of 130.752 varas
- N 89°09' E a distance of 130.356 varas
- S 87°37' E a distance of 130.752 varas
- S 87°10' E a distance of 209.416 varas
- S 86°42' E a distance of 129.672 varas
- S 81°07' E a distance of 129.816 varas
- S 87°58' E a distance of 129.816 varas
- S 87°01' E a distance of 129.672 varas
- N 89°39' E a distance of 148.284 varas
- across the fill at Main and Pine Streets (the approximate original shore line) as follows:
- N 89°05' E a distance of 177.804 varas and N 78°39' W a distance of 127.469 varas and continuing with the meanders of San Antonio Bay along Block "X" of the Town of Seadrift:
- S 74°47' E a distance of 62.136 varas and S 54°01' E a distance of 141.048 varas to coordinates \[ x = 2,736,944.44 \quad \text{and} \quad y = 215,727.17. \]
- Thence S 60°13'26" W a distance of 378.00 varas into San Antonio Bay to coordinates \[ x = 2,734,849.20 \quad \text{and} \quad y = 214,681.54; \]
- Thence parallel to and 1220 feet from the South line of Bay Avenue N 84°49'35" W a distance of 2,380.187 varas to the corner of this tract coordinate \[ x = 2,736,763.00 \quad \text{and} \quad y = 215,327.96; \]
- Thence N °13'25" E a distance of 415.88 varas to the place of beginning, containing 171.88 acres (All bearings are based on grid North).

The amendment was adopted.

H. B. No. 489 was passed to engrossment.

HOUSE BILL NO. 541 ON SECOND READING

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

H. B. No. 541. A bill to be entitled "An Act selling certain State-owned submerged land to the City of Seadrift; and declaring an emergency."

The bill was read second time.

Being portions of

1. All land and adjacent to the Town of Seadrift; and
2. The submerged land to the said City of Seadrift, for public purposes; and
3. The amendment was carried.

The House Journal.

Amendment Number 1

Amend House Bill No. 541 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. All rights, title and interest of the State of Texas in and to all land within the area hereinbefore mentioned, for and in consideration of One Hundred and Seventy-One (171) Dollars and Eighty-Eight (88) Cents ($171.88), is hereby relinquished, conferred and granted unto the said City of Seadrift, its successors and assigns, for public purposes to wit:

Being a 171.88-acre portion of San Antonio Bay and the filled areas adjacent to the Town of Seadrift at the end of Main and Pine Streets, and being portions of State Tracts 104 and 133. Described by metes and bounds as follows:

Beginning at the point where the projection of the East line of 15th Street intersects the shore line of San Antonio Bay, coordinates:

\[ x = 2,730,568.16 \quad \text{and} \quad y = 216,388.16, \] same being S °13'25" W a distance of 325 feet from the intersection of the East line of 15th Street with the North line of Bay Avenue;

Thence with the meanders of San Antonio Bay as follows:

- S 89°30' E a distance of 249.228 varas
- S 78°37' E a distance of 66.996 varas
- N 84°47' E a distance of 63.000 varas
- S 77°11' E a distance of 130.752 varas
- N 89°09' E a distance of 130.356 varas
- S 87°37' E a distance of 130.752 varas
- S 87°10' E a distance of 209.416 varas
- S 86°42' E a distance of 129.672 varas
- S 81°07' E a distance of 129.816 varas
- S 87°58' E a distance of 129.816 varas
- S 87°01' E a distance of 129.672 varas
- N 89°39' E a distance of 148.284 varas
- across the fill at Main and Pine Streets (the approximate original shore line) as follows:
- N 89°05' E a distance of 177.804 varas and N 78°39' W a distance of 127.469 varas and continuing with the meanders of San Antonio Bay along Block "X" of the Town of Seadrift:
- S 74°47' E a distance of 62.136 varas and S 54°01' E a distance of 141.048 varas to coordinates \[ x = 2,736,944.44 \quad \text{and} \quad y = 215,727.17. \]
- Thence S 60°13'26" W a distance of 378.00 varas into San Antonio Bay to coordinates \[ x = 2,734,849.20 \quad \text{and} \quad y = 214,681.54; \]
- Thence parallel to and 1220 feet from the South line of Bay Avenue N 84°49'35" W a distance of 2,380.187 varas to the corner of this tract coordinate \[ x = 2,736,763.00 \quad \text{and} \quad y = 215,327.96; \]
- Thence N °13'25" E a distance of 415.88 varas to the place of beginning, containing 171.88 acres (All bearings are based on grid North).
The amendment was adopted.

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

Committee Amendment No. 2

Amend H. B. No. 541 by removing the period at the end of Sec. 2, replacing it with a comma and adding the following: "$provided, however, that in the event that the City of Seadrift shall at any time convey or attempt to convey title to any part of the above described real property, title to the same shall vest in the State of Texas."

The amendment was adopted.

H. B. No. 541 was passed to engrossment.

HOUSE BILL NO. 628 ON SECOND READING

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

H. B. No. 628, A bill to be entitled "An Act applicable to any home rule city having a charter which provides that its bonds shall be advertised for sale after the bonds have been authorized and issued; providing that the governing body of such city shall advertise its bonds for sale and receive bids therefor before passage of the ordinance authorizing the issuance of the bonds; and declaring an emergency."

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

HOUSE BILL NO. 661 ON SECOND READING

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

H. B. No. 661, A bill to be entitled "An Act authorizing the County Judge, upon an Order of the Commissioners Court, to convey certain of the County's interests in certain lands when such interests are necessary for the construction, operation or maintenance of flood control, river and harbor improvement, water conservation, or other civil works projects of the United States, ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

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

HOUSE BILL NO. 721 ON SECOND READING

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

H. B. No. 721, A bill to be entitled "An Act to amend Section 1, Section 2, and Section 4 of House Bill 127, Acts of the Regular Session, 51st Legislature, providing for the creation, regulation, and financing of Mosquito Control Districts in counties; providing for a tax of five cents (5¢) but not to exceed twenty-five cents (25¢) on each one hundred dollar tax valuation; providing that this Act shall be severable; and declaring an emergency."

The amendment was adopted.

Mr. Wells offered the following amendment to the bill:

Amend H. B. 721, Section 2 by inserting the word "real" between the words "qualified" and "property" on line 36, Page 1 of the printed bill.

WELLS, JAMES, JOHNSON of Dallas.

The amendment was adopted.

Mr. Walker offered the following amendment to the bill:

Amend H. B. 721 by striking out all of Line 37 of Section 2 and substituting the following:
Amend H. B. 721 by striking out all of Line 23 of Section 1 to read as follows:

"of a Mosquito Control District to embrace all or a portion of the territory within said"

The amendment was adopted.

H. B. No. 721 was passed to engrossment.

HOUSE BILL NO. 742 ON SECOND READING

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

H. B. No. 742, A bill to be entitled "An Act to provide that certain independent school districts may, by petition and vote, establish a board of trustees to be composed of seven (7) members; and declaring an emergency."

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

HOUSE BILL NO. 748 ON SECOND READING

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

H. B. No. 748, A bill to be entitled "An Act amending Article 872 of the Penal Code of Texas, 1925, relating to the definition of game birds; and amending Section 1 of Article 881b of the Penal Code of Texas, 1925, relating to the definition of migratory game birds; and declaring an emergency."

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

HOUSE BILL NO. 749 ON SECOND READING

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

H. B. No. 749, A bill to be entitled "An Act changing the name of State School Farm Colony to Travis State School and defining its purpose and use; fixing an effective date for the change; stating the applicability of general laws to the institution, and of appropriations for and contracts in behalf of the institution under its former name; and declaring an emergency."

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

HOUSE BILL NO. 791 ON SECOND READING

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

H. B. No. 791, A bill to be entitled "An Act relating to cooperation between State and Federal agencies in the destruction of predatory animals; amending Chapter 96, Acts of the 41st Legislature, First Called Session, 1929, as amended, to include the Russian boar as a predatory animal; and declaring an emergency."

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

HOUSE BILL NO. 805 ON SECOND READING

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

H. B. No. 805, A bill to be entitled "An Act to require any person, association of persons, corporate or other, who obtains vehicles for purposes of salvage or scrap to place into the custody of municipal police authorities or county sheriffs all vehicle license plates attached to such vehicles; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 805 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Any person, association of persons, corporate or other, who customarily engages in the business of obtaining motor vehicles for scrap"
disposal or resale of parts thereof from or any other form of salvage, shall immediately remove any unexpired license plates from such motor vehicle and place the same under lock and key. An inventory list of such plates showing the license number and the make and motor number of the motor vehicle from which such plates were removed shall be maintained on forms to be furnished by the State Highway Department. Upon demand the license plates and inventory lists shall be surrendered to the State Highway Department for cancellation. It is further provided that all Certificates of Title covering such motor vehicles obtained for scrap disposal, resale of parts or any other form of salvage shall, upon demand, be surrendered to the State Highway Department for cancellation. It shall thereafter be the duty of the State Highway Department to furnish a signed receipt for the surrendered license plates and Certificates of Title. Any person violating any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000) or by confinement in the county jail not less than ten (10) days nor more than one (11) year, or by both such fine and confinement.

Section 2. The fact that easy accessibility to different license plates bears upon the understanding acts of robbery and other crimes 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 different days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and It is so enacted."

The amendment was adopted.

H. B. No. 805 was passed to engrossment.

HOUSE BILL NO. 1024 ON SECOND READING

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

H. B. No. 1024, A bill to be entitled "An Act transferring to the State Board of Water Engineers the powers and duties formerly vested in the State Reclamation Engineer under Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under general and special laws, and all powers and duties of the State Reclamation Engineer vested by law in the Commissioner of the General Land Office by Acts of the 46th Legislature, 1929, Title Water, Chapter 1, page 704 (codified as Article 5421h-1, Vernon's Annotated Civil Statutes of Texas), hereinafter referred to as Chapter 1; and transferring all books, papers, records, property and pending business pertaining to the exercise of the powers and duties under said Chapter 1; repealing said Chapter 1 to the extent it is in conflict herewith: and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 1024 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. All powers and duties formerly vested by law in the State Reclamation Engineer under the provisions of Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under any other provisions of general or special laws, and all powers and duties of the former State Reclamation Engineer now vested by law in the Commissioner of the General Land Office by Senate Bill No. 281, Acts of the 46th Legislature, Regular Session, 1929, Title Water, Chapter 1, page 704 (codified as Article 5421h-1, Vernon's Annotated Civil Statutes of Texas), hereinafter referred to as Chapter 1, shall be transferred to and vested in the State Board of Water Engineers on the first day of September 1961, and shall thereafter be executed and performed by said Board, or the successor to the powers and duties of the State Board of Water Engineers. Every act performed in the execution of such powers and duties by the Board of Water Engineers shall be deemed to have the same force and effect as
If done by the State Reclamation Engineer.

Section 2. Upon the taking effect of this Act, all books, papers, records, property (not needed by the General Land Office) and pending business theretofore made, used, acquired or conducted by the Commissioner of the General Land Office in the exercise of the powers and duties under said Chapter 1 shall be transferred to and become the property and responsibility of the State Board of Water Engineers.

Section 3. The provisions of said Chapter 1 in conflict with this Act are repealed to the extent of such conflict only.

Section 4. 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.

Section 5. The fact that the duties of the original State Reclamation Engineer now vested in the General Land Office are more properly the duties of the State Board of Water Engineers and the fact that the joining of these functions will permit a more efficient operation of the State Board of Water Engineers and the fact that the crowded condition of the calendar create an emergency and imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 1024 was passed to engrossment.

ADJOURNMENT

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

The motion prevailed.

The Benediction was offered by the Honorable H. A. Leaverton.

In accordance with the motion to adjourn, the House at 2:35 o'clock p.m., adjourned until 3:45 o'clock p.m. today.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 11, 1961
Hon. James A. Turman, Speaker

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 370. A bill to be entitled "An Act providing that in all 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, a biennial audit shall be made of all county books, records, and accounts of district, county and precinct officials, agents, or employees including all governmental units of the county, hospital, farm, and other institutions of the county and all matters pertaining to the fiscal affairs of the county; providing the method of contracting for the biennial audit report and payment therefor; providing that annual independent audits may be made 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 1625, 1641, and 1641c of Vernon's Civil Statutes; providing that the first audit shall be made in 1962 and completed prior to December 31, 1962; and a biennial audit shall be made every two years thereafter on the even-numbered years and completed not later than December 31 of such year; providing for a repealing clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Mr. Collins moved that the House adjourn until 3:55 o'clock p.m. today.

The motion prevailed. The House at 3:52 o'clock p.m., adjourned until 3:55 o'clock p.m. today.
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Hunting penalties; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 11, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 582, A bill to be entitled

"An Act relating to the hunting, taking or killing of deer in Hopkins, Delta, and Franklin Counties; amending subsection B of Section 1 of Chapter 267, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to establish a ten-day season for the taking of deer in Hopkins, Delta, and Franklin Counties; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 11, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 695, A bill to be entitled

"An Act amending Article 6965, Revised Civil Statutes of Texas, 1925, as last amended, and Article 6967, Revised Civil Statutes of Texas, 1923, as last amended, by increasing the impounding fee of swine; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 11, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 750, A bill to be entitled

"An Act amending Section 8 of Chapter 427, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended, codified as Section 8 of Article 3882, Vernon's Texas Civil Statutes, by adding thereto a new Subsection so as to fix the minimum and maximum salaries of certain officials in all counties of the State having a population of one million (1,000,000) or more inhabitants according to the last preceding Federal Census; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 11, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 786, A bill to be entitled

"An Act limiting the provisions of this Act to Mitchell County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess, or attempt to take or kill any game
bird or game animal in said County at any time; to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life or marine animal in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources of 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 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 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; providing for the issuance of antlerless deer permits; providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulations; providing venue for suits to test the validity of this Act or the proclamations, rules, regulations, or orders of the Commission; providing penalties; providing for the forfeiture of licenses; declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
H. G. WELLS, Chairman.
Austin, Texas, April 11, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. J. R. No. 32, proposing a Constitutional Amendment providing for appeals to Courts.

Has carefully compared same and finds it correctly engrossed.
H. G. WELLS, Chairman.
Austin, Texas, April 12, 1961
Han. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 156, a bill to be entitled "An Act relating to the authority of the Railroad Commission to provide similar rate-making procedures 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, Revised Civil Statutes of Texas, 1925; amending Articles 6444, 6445, 6448, 6449, 6452, 6457, 6458, 6459, Revised Civil Statutes of Texas, 1925; and paragraph (a), Section 4, Chapter 277, Acts Forty-Second Legislature (codified as Article 91J.b, Vernon's Texas Civil Statutes); providing nothing in this Act shall affect the application of the Anti-trust Laws of this State as amended; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

April 13, 1961

The House met at 3:55 o'clock p.m., pursuant to adjournment, and was called to order by the Honorable Tony Korioth.

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

Adams of Lubbock, Buchanan, Andrews, Burgess, Atwell, Caldwell, Bailey, Chapman, Ballman, Mrs. Ode of Harris, Barlow, Barrows, Melina, Bartham, Oconell, Bann, Cook, Bell, Cory, Berry, Blaine, Cowen, Boyesen


Absent:

Crews, Osborn, Absent—Excused

Adams of Titus, Bridges, Allen, Carriker