FIFTY-SECOND DAY
(Monday, April 24, 1961)

The House met at 11:00 o'clock
a.m., and was called to order by the
Speaker.

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

Mr. Speaker
Grover

Adams of Lubbock
Gulfrey

Adams of Titus
Hale

Alaniz
Harding

Allen
Harting

Andrews
Harrington

Atwell
Haynes

Bailey
Healy

Ballman
Hinson

Bantlin, Mrs.
Hollowell

Barnes
Huebner

Barron
Hughes

Barss
Hughes of Dallas

Bass
Hughes of Dallas

Bell
Isaacks, Miss

Bilie
Jamey

Blaine
Jimison

Bovens
Jarvis

Bridges
Johnson of Dallas

Buchanan
Johnson of Bexar

Burgess
John of Bell

Butler
Jones of Dallas

Caldwell
Jones of Travis

Cannon
Kennard

Carriker
Kilpatrick

Chapman
Koliba

Cole of Harris
Koth

Cole of Hunt
Lack

Collins
Lattimer

Connell
La Valle

Cook
Leaverton

Cotten
Lewis

Cowen
Lengoria

Cowles
McCoppin

Cox
McGregor

Crews
McGregor of McLennan

Curlington
de la Garza
McGregor of El Paso

Dewey
McIlhany

Dugan, Miss
Markgraf

Dungan
Martin

Ehrle
Mills

Ehrle
Moore

Fairchild
Mullen

Fletcher
Murray

Floyd
Mutcher

Forriss
Niemeyer

Garrison
Nungesser

Gibbons
Olive

Gladden
Osborn

Glase
Parrs

Glassing
Peery

Green
Peeler

Perry
Sears

Pieratt
Spillman

Preston
Springer

Price
Stewart

Quilliam
of Galveston

Rapp
Stewart

Ratcliff
of Wichita

Read
Struve

Richards
Thurman

Richardson
Thurmond

Roberts of Hill
Townsend

Roberts of Dawson
Trypolski

Rosa
Tunceli

Rosson
Walker

Sandahl
Ward

Schrasm
Watson

Shannon
Wells

Shipley
Wheelby

Slade
Whitfield

Sloan
Wilson of Trinity

Smith of Bexar
Wilson of Potter

Smith of Jefferson
Woods

Shelton
Yeak

A quorum of the House was an-
nounced present.

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

"Our Heavenly Father, we pray
for Thy help today and the day
to come. Bless the Members of this
Legislative body. May we never
forget that what is said and done
here is not done in a corner but
always under Thy scrutiny. Help
each Member to know the influ-
ence of a good example that all who come
to this Capitol may have a stronger
faith in the Government of the
People, by the People and for the
People.

Jesus, make Thyself real today
each individual. Help us to win
Thy approval in all things, so help
us God. For Jesus' sake—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Pipkin for today on motion of
Mr. Murray.

Mr. Cook for today on motion of
Mr. Healy.

Mr. James for today on motion of
Mr. Ratcliff.
Mr. Lary was granted leave of absence for today on account of illness in his family, on motion of Mr. Shannon.

MOTIONS TO SET S. B. No. 1 AS A SPECIAL ORDER

Mr. Cotten moved that Senate Bill No. 1 be set as a special order for Friday, April 28, at 9:00 o'clock a.m.

Mr. Heatly moved, as a substitute motion, that S. B. No. 1 be set as a special order for next Monday, May 1, at 10:00 o'clock a.m.

Mr. Cotten moved to table the motion by Mr. Heatly.

The motion to table prevailed.

The motion to set S. B. No. 1 as a special order for Friday, April 28, at 9:00 o'clock a.m., was lost.

Mr. Hughes of Dallas moved that S. B. No. 1 be set as a special order for Wednesday, May 3, at 10:00 o'clock a.m.

Mr. McGregor of El Paso moved, as a substitute motion, that S. B. No. 1 be set as a special order for Friday, April 28, at 9:30 o'clock a.m.

A record vote was requested on the substitute motion by Mr. McGregor of El Paso.

The substitute motion by Mr. McGregor of El Paso to set S. B. No. 1 as a special order for Friday, April 28, at 9:30 o'clock a.m., prevailed by the following vote:

Yeas—88

Adams of Titus
Allen
Bailey
Ballman
Barlow
Bass
Berry
Blaine
Boysen
Bridges
Buchanan
Burgess
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt

Huebner
Hughes
of Grayson
Iracek, Miss
Jamezon
Johnson of Bexar
Jones of Travis
Kendall
Koliba
Koroch
Lack
Lattimer
Leaverton
Longoria
McCoppin
McGregor
of El Paso
McIlhany
Margetriff
Mullen
Murray
Mutchler
Ostberg
Peary
Pieratt
Preston
Price
Rapp
Richards
Roberts of Hill
Ross
Sandahl
Schaum
Shannon
Sidwell
Smith of Bexar
Smith of Jefferson
Spears
Springer
Stewart
of Galveston
Stewart
of Wichita
Strong
Towns
Trevino
Ward
Watson
Wells
Whaley
Whitfield
Wilson of Trinity

Nays—52

Adams of Lubbock
Johnson of Dallas
Allen
Johnson of Bell
Andrews
Atwell
Banfield, Mrs.
Barbes
Bartlam
Martin
Bell
Butler
Cowen
Cowles
Crain
Crews
Carrington
Duff, Miss
Dungan
Dungan
of McLennan
Fairchild
Slagle
Floyd
Floyd
Galloway
Gibbons
Gibbons
of Galveston
Green
Greene
Green
Grover
Harding
Hearn
Hodge
Hughes of Dallas
Jarvis

Present—Not Voting

Parsons

Absent

Cotten
La Valle

Lewis
Oliver
<table>
<thead>
<tr>
<th>Absent—Excused</th>
<th>Yeas—94</th>
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<tbody>
<tr>
<td>Cook</td>
<td>Adams of Titus, Kornoth, Lack</td>
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<td>James</td>
<td>Bailey, LaValle, Leaverton</td>
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<td>Lary</td>
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<td>Bridges of El Paso, Milhany</td>
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<td>Mr. Parsons (present), who would vote &quot;Yea&quot;, with Mr. James (absent) who would vote &quot;Nay&quot;.</td>
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<td>The motion by Mr. Hughes of Dallas, as substituted, was lost, not receiving the necessary two-thirds vote, by the following vote:</td>
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<td>Yeas—94</td>
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<td>Yeas—120</td>
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<td>Barr, Barr, Moore</td>
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<td>The motion to table the substitute motion by Mr. Jones of Dallas prevailed by the following vote:</td>
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<td>Yeas—120</td>
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<td>James, Pipkin</td>
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A record vote was requested on the motion by Mr. Hughes of Dallas. The motion by Mr. Hughes of Dallas to set R. R. No. 1 as a special order for Tuesday, May 2, at 10:00 o'clock a.m., was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>53</td>
<td>88</td>
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</tbody>
</table>

The following voted Yeas:

- Adams of Lubbock
- Heatly
- Adams of Titus
- Jarvis
- Allen
- Johnson of Bell
- Andrews
- Jones of Dallas
- Atwell
- McIlhany
- Barnes
- Miller
- Barron
- Moore
- Cox
- Parsons
- Dowdy
- Slack
- Ehrle
- Rapp
- Floyd
- Read
- Foreman
- Richardson
- Garrison
- Roberts of Hill
- Gibson
- Roberts of Dawson
- Giadden
- Ross
- Glass
- Sandahl
- Glasing
- Schram
- Green
- Shank
- Geffey
- Slark
- Hale
- Slider
- Harding
- Smith of Jefferson
- Harting
- Sneed
- Haynes
- Spears
- Heath
- Spilman
- Hollowell
- Springer
- Huebner
- Stewart
- Hughes of Galveston
- Stewart
- Hughes of Dallas
- of Wichita
- Isaacson, Miss
- Tharman
- Jamison
- Thurmond
- Johnson of Dallas
- Townsend
- Jones of Travis
- Trehahn
- Kennard
- Ward
- Kilpatrick
- Watson
- Kotholt
- Wells
- Lack
- Whealey
- Layton
- Whitfield
- La Valle
- Wilson of Trinity
- Leaverton
- Wilson of Potter
- Lewis
- Yetak
- Andrews
- Fletcher
- Buchanan
- Grover
- Butler
- Hinson
- Connell
- Jarvis
- Cory
- Jones of Dallas
- Crain
- Koliba
- McGregor
- Shipley
- of McLennan
- Moore
- Tunnell
- Koliha
- Moss
- Absent
- Burgess
- Peeler
- Harrington
- Smith of Bexar
- John of Bexar
- Absent—Excused
- Cook
- Larry
- James
- Pipkin
MEMORIAL RESOLUTIONS
ADOPTED

H. S. R. No. 542, By Mr. de la Garza: In Memory of Logan Duncan.
H. S. R. No. 543, By Mr. de la Garza: In Memory of A. W. (Ted) Taylor.
H. S. R. No. 544, By Mr. de la Garza: In Memory of D. C. Buckner.
H. S. R. No. 545, By Mr. Koliba: In Memory of Jim Hajasovky, Lawrence (Larry) Bartosh and Herbert Lee Zimmermann.
H. S. R. No. 546, By Mr. Bailey: In Memory of Mrs. J. W. Anderson.

CONGRATULATORY RESOLUTIONS
ADOPTED

H. S. R. No. 547, By Messrs. Jones of Travis, Foreman and Sandahl: Recognizing students from Jerry Johnson School, Austin, Texas.
H. S. R. No. 548, By Messrs. Jones of Travis, Sandahl and Foreman: Recognizing students from Travis Heights Elementary School, Austin, Texas.
H. S. R. No. 549, By Messrs. Jones of Travis, Foreman and Sandahl: Recognizing students from Del Valle Junior High School.
H. S. R. No. 550, By Mr. Petty: Congratulating Denver City Mustang Football Team.
H. S. R. No. 551, By Mr. Mutschler: Commending J. A. Abraham.
H. S. R. No. 552, By Mr. Koliba: Recognizing students from Flatonia High School.
H. S. R. No. 553, By Mr. Koliba: Recognizing students from Flatonia High School.
H. S. R. No. 555, By Mr. Watson: Congratulating Martin High Vocational Agricultural Dairy Judging Team.
H. S. R. No. 556, By Mr. Snell: Expressing appreciation to Texas Junior Chamber of Commerce.
S. C. R. No. 50, Commending R. L. Thornton, Sr.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read several of the following enrolled bills:
S. R. No. 69, "An Act to amend Section 21 of Chapter 41, Acts of the Forty-third Legislature, First Called Session, as amended, which is codified as Rule 54 of Article 4477, Vernon's Texas Civil Statutes, providing for an increase in the fees for certified copies of vital records issued by the State Registrar of Vital Statistics and for searching the files of the State Bureau of Vital Statistics; providing fees for the filing of new birth certificates based on adoption, legitimation, and paternity determination; providing fees for the filing of amendments to birth certificates based on court orders of change of name; providing the..."
S. B. No. 92, "An Act to amend Section 4 of H. B. 733, Acts of the Regular Session, 52nd Legislature, as amended, by adding thereunto a new Subsection to Section 4 to be known as Subsection (d) authorizing the exemption of all medical, surgical, technical equipment and supplies provided by the Texas State Department of Health to Local Public Health Units, Local Public Health Laboratories, state institutions, and non-profit institutions contributing to the promotion and maintenance of public health by the usage of such medical, surgical, technical equipment and supplies administered by the State Health Department from system of accounting and placing responsibility for state property upon the Department; and declaring an emergency."

S. B. No. 170, "An Act constituting a local law for the maintenance of the public roads and highways in Harris County; validating the road and bridge bond election held in said County January 31, 1961, on the proposition of issuing $4,000,000 bonds of said County for the purpose of constructing roads and bridges for public purposes within said County and improving and maintaining the public roads in said County; validating all proceedings relating to said election and the bonds authorized at said election; providing that the proceeds of such bonds, when issued, shall be used for the voted purposes; providing that the provisions of Chapter Nine of House Bill No. 5, Chapter 492, Acts of the Fifty-second Legislature of Texas, Regular Session, 1951, shall have no application to the election validated by this Act; providing this Act shall not affect pending or prior litigation; providing a severability clause; and declaring an emergency."

S. B. No. 336, "An Act providing for the creation of county-wide hospital districts for the Counties of Orchard, Hansford and Castro; providing for an election in the county in question to create a county-wide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by such district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by a district shall be lawful investments and collateral for certain funds; providing for the transfer of title to any land, building, or equipment to such district by a county that owns or operates a hospital or hospital system or by a county and city that jointly operates a hospital or hospital system, or by a city within such district that operates a hospital or hospital system; providing for the assumption of any bonds outstanding that may have been issued by a county or city located within such district for hospital purposes; providing for the selection of a governing body of such hospital district, their tenure of office and powers and duties in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain which power is conferred upon the district; prescribing a fiscal year; withdrawing authority for the sale of bonds for hospital purposes by a city or county located within the district established; prohibiting the levy of taxes by a city for hospital purposes and restricting the powers of county in question where a district is established to levy taxes for the care of indigents under certain circumstances; providing a severability clause; and declaring an emergency."

INVITING THE HONORABLE JIM WRIGHT TO ADDRESS THE HOUSE

Mr. Caldwell offered the following resolution:

April 24, 1961

HOUSE JOURNAL 1357
H. S. R. No. 557

Whereas, Over the years the House of Representatives has served as the training ground in states- 
craft for many distinguished leaders of our State and Nation; and

Whereas, One of these illustrious former Members of the Texas Legislature, the Honorable Jim Wright, 
Member of Congress, will be in Austin this week; and

Whereas, He has served Texas and the people of the 12th Congressional District as a Member of 
the House of Representatives of the United States with a record of accomplishment and statesmanship; and

Whereas, As Mayor of Weatherford, President of the Texas Municipal League, and Member of the 54th, 
55th, 56th, and 57th Congresses, he has devoted his time and energies in upholding the highest standards 
and traditions of public service; now therefore be it

Resolved, By the House of Representatives of the 57th Texas Legislature, That the Honorable Jim 
Wright be invited to address this body on Friday, April 28, at 11:00 a.m.; and be it further

Resolved, That a copy of this Resolution be prepared for Congressman Wright as an expression of our 
respect, friendship and appreciation.

Caldwell, Johnson of Dallas.

The resolution was referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILL NO. 1082

Mr. McIlhany asked unanimous consent of the House to introduce at this time and have placed on 
first reading, House Bill No. 1082.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 526 ON SECOND READING

Mr. Hinson moved that the regular order of business be suspended to take up and have placed on its 
second reading and passage to engrossment, H. R. No. 526.

The motion prevailed.

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

H. B. No. 526, A bill to be entitled "An Act transferring control and management of East Texas State College from the Board of Regents of the State Teachers Colleges to a new body to be called the Board of Regents of East Texas State College; providing for the creation of a governing board to be appointed by the governor and confirmed by the Senate with residential limitations as to board members and their length of term of office; providing for the qualifying of appointees to the board, and its organization; providing for the work and activities to be pursued in said College, and subject to actions of the governing board: providing all powers, duties, rights, obligations, and functions of the Board of Regents of the State Teachers Colleges as those relate to East Texas State College shall be invested in and/or performed by the Board of Regents of East Texas State College on the enactment of this Bill into Law; providing a repealing clause; and declaring an emergency."

The bill was read second time.

Mr. Yezak offered the following amendment to the bill:

Amend House Bill No. 526, by adding on Line 36 after "six (6) years" of the printed bill on Page 1 the following:

At least five (5) members of the Board shall be college graduates.

The amendment was adopted.

H. B. No. 526 was passed to engrossment.

HOUSE BILL NO. 526 ON THIRD READING

Mr. Hinson moved that the constitutional rule requiring bills to be read on three several days be sus-
pended and that House Bill No. 526 be placed on its third reading and final passage.

The motion prevailed by the following vote:
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Yeas-122
Nays-15

The bill was read third time and was passed by the following vote:
Mr. Hinson moved to reconsider the vote by which H. B. No. 838 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Price moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 838.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 838, A bill to be entitled "An Act to amend the subject matter embraced in Section 17, Section 19(A) and Section 21, of Title 86, Article 5421m as amended, Revised Civil Statutes of Texas (1925), providing for an increase in interest rates; providing for resale of forfeited land; providing for an increase in fees for processing and servicing applications; providing for an effective date of this Act and its sections; providing for the severability of provisions and declaring an emergency."

The bill was read second time.

Mr. Price offered the following amendment to the bill:

Amend House Bill 838 by striking out all of Section 17 under Section 1 of the Bill and replacing the following in lieu thereof:

Section 17. The sale of all lands hereunder by the Board may be properly initiated by Contract of Sale and Purchase, and said contract shall be recorded in the deed records in the County where the land is located. The purchaser shall make an initial payment of at least five percent (5%) of the selling price of the property. The balance of said selling price shall be amortized over a period to be fixed by the Board, but not exceeding forty (40) years, together with Interest thereon at a rate to be fixed by the Board, not to exceed four and one-half percent (4 1/2 %) per annum; provided, however, that the purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; provided further that in any individual case, the Board may, for good cause, postpone from time to time, upon such terms as the Board may deem proper, the payment of the whole or any part of any installment of the selling price or Interest thereon. The Board is empowered in each individual case to specify the terms of the contract entered into with the pur-
chaser, not contrary to the provisions of this Act, but no property sold under the provisions of this Act shall be transferred, sold, or conveyed in whole or in part, until the original veteran purchaser has enjoyed possession for a period of three (3) years from the date of purchase of said property, and complied with all the terms and conditions of this Act and the rules and regulations of the Board; provided, however, that should the veteran purchaser die or become financially incapacitated by reason of illness or accident, the property may be conveyed before the expiration of said three (3) years by said purchaser or his heirs, administrators, or executors. After said three (3) year period, a purchaser may at any time, transfer, sell or convey land purchased under the provisions of this Act, provided all mature interest, principal and taxes have been paid and the terms and conditions of this Act, and the rules and regulations of the Board have been met; provided, however, if the sale is to other than a qualified Texas veteran, the assignee and all subsequent assignees shall assume an interest rate on the indebtedness to the Board to be fixed by the Board at not less than five per cent (5%) per annum; provided further that property sold under the provisions of this Act may be transferred, sold or conveyed at any time after the entire indebtedness due the Board has been paid. Any land purchased under the provisions of this Act may not be leased by the purchaser for any term exceeding ten (10) years except for oil, gas or other minerals and so long thereafter as any minerals may be produced therefrom in commercial quantities, and no such lease shall contain any provision for option or renewal of such property for any term. The taking of any option, renewal or re-lease agreement in a separate instrument to take effect in the future is prohibited; and any such lease or instrument containing such an option, renewal or re-lease agreement executed after the effective date of this Act in violation hereof is expressly declared to be void. When the entire indebtedness due the State under the contract of sale is paid, the Board shall execute a deed under its seal to the original purchaser of the land or to the last assignee whose assignement has been approved by the Board. If a deed should be executed to other than the legal owner, such deed and the rights conveyed therein shall inure to the benefit of the legal owner.

The amendment was adopted.

H. B. No. 328 was passed to engrossment.

HOUSE BILL NO. 328 ON THIRD READING

Mr. Price moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 328 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—133

Adams of Lubbock
Adams of Titus
Alonzo
Allen
Anderson
Artwell
Bailey
Ballman
Barfield, Mrs.
Barlow
Barnes
Barrum
Bar
Bar
Barr
Bell
Berry
Blaine
Bosmen
Bridges
Buchanan
Butler
Caldwell
Can
Carrick
Chapman
Cook of Hunt
Collins
Connell
Corry
Cotting
Cotswen
Cowens
Cowins
Crain
Crews
Curtington
de la Garza
Duff, Miss
Dungan
Eckhardt
Erle
Earle
Fitch
Fletcher
Foreman
Foreman
Garrison
Gibbons
Gladden
Glossing
Green
Grove
Gypsy
Hale
Hale
Hartfield
Hartfield
Hayes
Haynes
Hinson
Hollowell
Huckeber
Hughes
Hutcheson
Hughes
of Grayson
Jaminson
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Koroth
Lack
Laird
Laird
Leaverton
Leavel
Lewis
Lombard
McCoplin
McCoplin

April 24, 1961 HOUSE JOURNAL 1361
The Speaker then laid House Bill No. 838 before the House on third reading and final passage.

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

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<th>Yeas-138</th>
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April 24, 1961  HOUSE JOURNAL  1363

Nays—3

Dewey  Isaacks, Miss

Floyd  Absent

Burgess  Cole of Harris

Butler  Slack

Absent—Excused

Cook  Lary

James  Pipkin

Mr. Price moved to reconsider the vote by which H. B. No. 838 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas April 24, 1961

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

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

S. C. R. No. 50, Commending Bob Thornton on his service to the City of Dallas as Mayor, and the time he has given to other civic duties.

S. C. R. No. 51, Requesting the Governor to return S. B. No. 276 to the Senate for further consideration.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 1016 ON SECOND READING

Mr. Hollowell moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 1016.

The motion prevailed.

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

H. B. No. 1016, A bill to be entitled "An Act amending Subdivision (1) of Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Article 7880-126, Vernon's Annotated Civil Statutes) as last amended by Sec. 3, Chapter 275, Acts of the 42nd Legislature, Regular Session, 1931, providing that either party may demand a trial by jury in the appeals to the District Court; deleting the provision that said appeals shall be set for hearing either in term time, or in vacation, before the Court without the intervention of a jury; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Committee Amendment No. 1 to House Bill No. 1016 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Article 7880-126, Vernon's Annotated Civil Statutes) as last amended by Sec. 3, Chapter 275, Acts of the 42nd Legislature, Regular Session, 1931, is amended to read as follows:

Sec. 1. Section 126. The Board of Directors of any district now operating or hereafter to be operating, as Water, Control and Improvement Districts, shall have the right to proceed for condemnation under the provisions of Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, Code of the Year 1925, and as therein provided for condemnation by counties, save as otherwise specifically provided by this Act.

Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 4. The importance of this legislation and the crowded condition of the calendar in both houses, create 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.'"

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

Amend Committee Amendment No. 1 to H. B. 1016 by changing the words "code of the year, 1925," appearing in lines 17 and 18 of printed bill to read "of 1925, as amended."

And by striking the words "Committee Amendment No. 1 to" where they appear in line 8 and in line 18 of the printed bill

And by striking all of line 18 following the figures "1925" plus all of line 19 of the printed bill

And by adding the words "so as hereafter" between the word "amended" and the word "to" where they appear on line 13 of the printed bill.

And by the word "hereby", immediately preceding the word "amended" in line 13 of the printed bill.

The amendment by Mr. Hale to Committee Amendment No. 1 by Mr. Chapman was adopted.

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

H. B. No. 1016 was passed to engrossment.
April 24, 1961

**HOUSE JOURNAL 1365**

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<td>Mr. Hollowell moved to reconsider the vote by which H. B. No. 1016 was passed and to table the motion to reconsider. The motion to table prevailed.</td>
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**HOUSE BILL NO. 91 ON SECOND READING**

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Mr. Kennard moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 91. The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 91, A bill to be entitled "An Act amending Article 245-35 of the Texas Bankers code of 1945, being Acts of the Forty-Eighth Legislature, Chapter 97, Page 127, Et Seq., as amended, by creating a savings and loan department; au-
the appointment of a savings and loan commissioner, a deputy savings and loan commissioner, and savings and loan examiners, prescribing their qualifications and duties; fixing the conditions under which the rule making power of the building and loan section of the finance commission shall be exercised; abolishing the office of building and loan supervisor; relieving the banking commissioner of certain duties; and declaring an emergency."

The bill was read second time.

HOUSE BILL ON FIRST READING

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

By Messrs. Milbourn, Cochran, Cory, Andrews, Wells, Buchanan, Slack, Rapp, Healy, Ehrle, Thurman, Petty and Carriker:

H. B. No. 1082, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and semitrailers owned by cotton gins and grain elevators and used solely for supply, without charge, such trailers and semitrailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural produce, increasing the gross weight of exempt farm trailers or farm semi-trailers to ten thousand (10,000) pounds; defining the term 'gross weight' as used in said Section; providing maximum speed limits for farm trailers and farm semi-trailers; amending Subsection 3 of Section 132, Uniform Act Regulating Traffic on Highways, by exempting from the provisions of said Subsection any farm trailer or farm semi-trailer operated upon the highways whose gross weight does not exceed ten thousand (10,000) pounds and defining the term 'gross weight' as used in said Subsection; repealing conflicting laws; and declaring an emergency."

Referred to the Committee on Agriculture.

H. B. No. 577, An Act amending Article 46 of the Election Code of Texas, 1951, relating to certificates of exemption based on nonage and nonresidence; and declaring an emergency."

H. B. No. 122, An Act amending Title 12A, Taxation-General, Chapter 1, Article 1.07, Acts of the Fifty-third Legislature, Third Called Session, 1953, providing for recording of liens of all taxes provided for in this Act, due the State of Texas before the taxes shall be a lien on real estate; providing such liens shall not be valid or effective as against mortgagee, holder of deed of trust lien or judgment creditor, lien or other right or interest before such notice has been so filed and recorded; adding a new Article denominated 1.07A providing the method of recordation; adding a new Article denominated 1.07B providing for such lien to be a lien on real estate; repealing all laws or parts of laws in conflict herewith; providing the Act shall not apply to pending litigation; providing that a holding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

H. B. No. 450, "An Act making it unlawful for a period of five (5) years for any person to hunt, take or kill or attempt to kill by any means in Bexar and Kendall Counties any axis deer outside of property enclosed with deer-proof fencing; providing penalties; and declaring an emergency."
April 24, 1961

RECESS

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

The motion prevailed.

In accordance with the motion to recess the House at 12:42 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

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

REMARKS BY THE HONORABLE SCOTT BAILEY

On motion of Mr. Roberts of Hill, the following remarks by Mr. Bailey were ordered printed in the Journal:

STATEMENT MADE BY REP. SCOTT BAILEY

Mr. Speaker, and Members of the House, I rise on Personal Privilege.

Last Friday when we were considering H. B. 727, I voted "Aye" on the Hale amendment which would allocate a portion of the money raised by H. B. 727 for Public Education. I pressed the "Aye" button and looked up to the Board and saw the green light showing by my name. At that time I left my desk and proceeded to the Journal Clerk's desk to record my reason for voting "Aye."

I was amazed this morning to be asked why I voted "NO" on the Hale amendment. After checking the record sheet I found that my vote had been wrongly recorded as such.

Mr. Speaker, I would like to bring this grave matter to the attention of the House, the Press and the Gallery. I hesitate to say this, but either the voting machine was defective or someone switched my vote while I was away from my desk.

Because of my deep concern for the welfare of Public Education in Texas, I feel that I must take this means of setting the record straight.

H. B. NO. 91 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being,
H. B. No. 91, Relative to amending Art. 342-205 of the Texas Banking Code, authorizing the appointment of a savings and loan commissioner, etc., on its passage to engrossment.

The bill was read second time on this morning.

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

Committee Amendment No. 1

Amend H. B. 91 by striking out all of subsections (d) and (e) in Section 2 thereof and substituting in lieu thereof the following:

"(d) Upon the appointment and qualification of a Savings and Loan Commissioner under this act such Savings and Loan Commissioner shall in person or by and through the Deputy Savings and Loan Commissioner, savings and loan examiners, or other officers of the Savings and Loan Department, supervise and regulate, in accordance with the rules and regulations promulgated by the Savings and Loan Commissioner together with the Building and Loan Section of the Finance Commission, all savings and loan associations doing business in this State (except Federal savings and loan associations organized and existing under Federal law) and he shall have and perform all of the duties and shall exercise all of the powers theretofore imposed upon the Banking Commissioner and upon the Building and Loan Supervisor under and by virtue of the laws of this State with reference to the regulation and supervision of savings and loan associations and the Banking Commissioner shall be relieved of all responsibility and authority to supervise or regulate savings and loan associations doing business in this State.

"(e) The rule making power of the Savings and Loan Commissioner and the Building and Loan Section of the Finance Commission shall not be exercised unless notice of the terms or substance of the proposed rule or regulation or amendment to existing rules or regulations has been given to all associations subject to regulation hereunder by certified mail, and, if within twenty (20) days after issuance of such notice, as many as five (5) associations request a hearing on such proposal, a public hearing shall be called by the Savings and Loan Commissioner at which any interested party may present evidence or argument relating to such proposal. After consideration of any relevant matter available from the files and records of the Banking Department or presented at such hearing, any rule, regulation or amendment approved and adopted pursuant to such hearing shall be promulgated in written form and the effective date thereof fixed by the order of adoption and promulgation."

The amendment was adopted.

Mr. Huebner offered the following amendment to the bill:

Amend H. B. 91 by striking out Article 5, Section (h) and adding the following in lieu thereof:

The Savings and Loan Commissioner shall collect all fees, penalties, charges, and revenues required to be paid by Savings and Loan Associations and deposit same in the Treasury of this State to the credit of the Savings and Loan Commission. Said funds shall be expended only upon appropriation by the Legislature.

(Mr. Pearce In The Chair)

Mr. Johnson of Dallas moved to table the amendment by Mr. Huebner.

The motion to table prevailed.

Mr. Thurman offered the following amendment to the bill:

Amend House Bill No. 91 by adding a new Section appropriately numbered as follows:

"Sec. --. All fees, penalties or revenue collected by the Banking Commissioner pursuant to any laws of this State shall be deposited in the State Treasury to the credit of the Banking Commission and shall be expended only upon legislative appropriation.

(Mr. McGregor of El Paso raised a point of order on further consideration of the amendment by Mr. Thurman on the ground that the amendment is not germane to the bill.

The Chair sustained the point of order.
H. B. No. 91 was passed to engrossment.

HOUSE BILL NO. 91 ON THIRD READING

Mr. Kennard moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132
Adams of Lubbock  Guffey
Alvarez  Hare
Atwell  Harding
Bailey  Harrington
Ballman  Healy
Banfield, Mrs.  Hinson
Barlow  Huenber
Barross  Hughes
Bartram of Grayson
Bass  Hughes of Dallas
Bell  Isaacks, Mrs.
Berry  Jamison
Blaine  Johnson of Dallas
Boylan  John of Bexar
Buchanan  Johnson of Bell
Burgess  Jones of Dallas
Butler  Kennard
Butler of Dallas  Kilpatrick
Cannon  Koliba
Carriker  Korth
Chapman  Lack
Coles of Harris  Latimer
Coles of Hunt  LaValle
Collins  Leaverton
Connell  Lewis
Cotten  Longoria
Cowin  McCoppin
Cowles  McGregor
Crews  McGregor of El Paso
Cyril  of McLennan
Dewey  McLainy
Duff, Miss  Markgraf
Dungan  Martin
Eckhardt  Miller
Ehrle  Moore
Fletcher  Mullin
Floyd  Mutscher
Foreman  Neiswyler
Garrison  Oliver
Gibbons  Osborn
Gladden  Parsons
Glass  Peacey
Gowing  Peeler
Green  Petty

Pieratt  Spears
Preston  Spillman
Price  Springer
Quilliam  Stewart
Ratcliff  Stewart
Read of Wichita
Richard  Bragg
Richardson  Thurmond
Roberts of Hill  Townsend
Roberts of Dawson  Tunnell
Rosson  Walker
Sandahl  Ward
Schram  Watson
Shannon of El Paso  Wells
Shipley  Wheatley
Sierra  Whitefield
Siler  Wilson of Trinity
Smith of Beaufort  Woods
Smith of Jefferson  Year
Snell

Nays—6
Adams of Titus  Jarvis
Haring  Nezred
Hollowell  Thurm

Absent
Andrews  Rosas
Cory  Trevino
de la Garza  Wilson of Potter
Haynes

Absent—Excused
Cook  Larry
James  Pipkin

The Chair then laid House Bill No. 91 before the House on third reading and final passage.

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

Yeas—141
Adams of Lubbock  Buchanan
Adams of Titus  Bartram
Alvarez  Butter
Allen  Caldwell
Andrews  Cannon
Atwell  Carriker
Bailey  Cole of Harris
Ballman  Cole of Hunt
Banfield, Mrs.  Collee
Barlow  Connell
Barros  Cory
Bartram  Coles
Bass  Cowin
Bell  Cowles
Berry  Crain
Blaine  Kurin
Bohin of El Paso  de la Garza
Bridges  Dewey
Mr. Chapman (present), who would vote "yea" with Mr. James (absent) who would vote "nay."

Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 81 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE FOR WITHDRAWING REQUEST FOR SUSPENSION OF H. B. 1042

The conscience of Texas requires that each of us do what we can to assure that every child in Texas be tested for Phenylketonuria (P.K.U.) By this simple, accurate test, costing less than one-cent (1¢), this tragic defect will be discovered in time to give the child the full mentality intended by God.

The Texas Medical Association has asked for the awesome responsibility of assuring that every child in Texas receives this test. The Texas Medical Association has pledged vigorous educational efforts and full cooperation with the Texas Association for Retarded Children. We have the sincere conviction that this pledge will achieve the results assured by this bill.

During the next two years the results will be thoroughly checked. If it is determined that even one phenylketonuric child in this State during this period has gone undetected by a physician before mental retardation can be prevented, then the Texas Medical Association could not oppose this legislation.

MACO STEWART.
H. O. NIEMEYER.
April 24, 1961  HOUSE JOURNAL  1371

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

H. B. No. 376, A bill to be entitled "An Act providing that water control and improvement districts and underground water conservation districts may be created only according to the provisions of Section 59 of Article 16 of the Constitution; providing exemptions; and declaring an emergency."

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

HOUSE BILL NO. 376 ON THIRD READING

Miss Duff moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Yeas-139

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Adams of Titus Bailey
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Allie
Andrews
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Bailey
Balman
Ballfield, Mrs.
Barlow
Barres
Bartram
Bass
Bell
Berry
Blaine
Boysen
Buchanan
Burgess
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Cole of Harris
Cole of Hunt
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de la Garza
Dewey
Duff, Miss
Dungan

Roberts of Dawson
Ross
Rossen
Sandahl
Schram
Shannon
Skidmore
Slater
Smith of Bexar
Smith of Jefferson
Snelson
Spear
Spillman
Springer
Stewart
of Galveston
Quilliam
Watson
Rapp
Wells
Wheatley
Read
Whitfield
Richards
Wilson of Trinity
Richardson
Wilson of Potter
Roberts of Hill
Woods

Nay-5

Chang
Curington
Jarvis

Abstain

Carriker
Kerlo
Chapman
Mays
Cowen
Price
Glasing
Glass
Hale
Harding

Cook
Lar
James
Piggin

The Chair then laid House Bill No. 376 before the House on third reading and final passage.

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

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>Duff, Miss</td>
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Yeas-139

Adams of Lubbock Atwell
Adams of Titus Bailey
Alonis
Allie
Andrews
Atwell
Bailey
Balman
Ballman
Bass
Bell
Berry
Blaine
Boysen
Buchanan
Burgess
Butler
Caldwell
Cole of Harris
Cole of Hunt
Conn
Connis
Cory
Cotten
Cowles
Crain
Crews
de la Garza
Dewey
Duff, Miss
Dungan

La Valle
Leaverton
Lewis
Longoria
McCoppin
McGregor
of McLennan
McGregor
of Ed Pasco
McPhan
Markgraf
Martin
Miller
Moore
Mullen
Mutchler
Niemeyer
Oliver
Osborn
Parsons
Pearcy
Pedee
Petty
Pieratt
Preston
Quilliam
Rapp
Ratcliff
Read
Richards
Richardson
Richards
Wilson of Trinity
Richardson
Wilson of Potter
Roberts of Hill
Woods

Nay-5

Chang
Curington
Jarvis

Abstain

Carriker
Kerlo
Chapman
Mays
Cowen
Price
Glasing
Glass
Hale
Harding

Cook
Lar
James
Piggin

The Chair then laid House Bill No. 376 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
Mr. Jarvis moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 829. The motion prevailed.

The Chair laid before the House on its second reading and passage to engrossment, H. B. No. 829, a bill to be entitled "An Act concerning the practice of barbering in this State; amending Sections 9, 20 and 27 of House Bill 104, Chapter 65, Acts of the 41st Legislature, First Called Session, 1929, as amended; changing the existing provisions relating to the licensing and operation of barber schools and colleges; providing for an increase of the annual renewal fee for certificates relating to the licensing and operation of barber schools and colleges; providing for an increase of the annual renewal fee for certificates of registration; providing that the members of the State Board of Barber Examiners shall receive an increase in per diem; providing for severability; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill 829 by striking all below the enacting clause and substituting therefor the following:

Section 1. Section 9 of House Bill 104, Acts of the 41st Legislature, First Called Session, 1929, Chapter 65, as amended, (codified as Section 9, Article 734a, Penal Code of the State of Texas, 1925) is hereby amended to read as follows:
"Section 9. Permit to Operate Barber School or College.

(a) Any firm, corporation, partnership or person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the State Board of Barber Examiners after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. No such school or college shall be approved unless such school or college requires as a prerequisite to graduation a course of instruction of not less than Twelve Hundred (1200) hours, to be completed within a period of not less than seven (7) months; and unless said school or college requires as a prerequisite to the admission thereo applicants to demonstrate their ability to read intelligently and write clearly the English language; and no certificate or permit shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant demonstrates his or her ability to read intelligently and write clearly the English language determined by an examination conducted by the school or college.

(b) Such schools or colleges shall instruct students in such subjects as necessary and beneficial in teaching the practice of barbering, including the following subjects: Scientific Fundamentals of barbering; Hygiene; bacteriology; Histology of the hair, skin, muscles, and nerves; Structure of the head, neck and face; Elementary chemistry relating to sterilization and antiseptics; common disorders of the skin and hair; Massaging and manipulating the muscles of the scalp, face, and neck; Haircutting; Shaving; Shampooing, and bleaching and dyeing of the hair.

(c) No barber school or college shall be approved by the Board for the issuance of a permit unless said school or college has the following:

(1) An adequate school site housed in a substantial building of a permanent type construction containing a minimum of not less than one thousand eight hundred and sixty (1,860) square feet of floor space. Such space shall be divided into the following separate departments: a senior department, a junior department, a class theory room, a supply room, an office space, a dressing and cloak room, and two (2) sanitary, modern separate rest rooms, equipped with one (1) commode each, and a urinal in one (1) rest room.

(2) A hard-surface floor covering of tile or other suitable material.

(3) A minimum of twenty (20) modern barber chairs with cabinet and mirror for each chair.

(4) One (1) lavatory in back of each two (2) chairs.

(5) A liquid sterilizer for each chair.

(6) An adequate number of latherers, vibrators, and hair dryers for the use of students.

(7) Adequate lighting of all rooms.

(8) At least twenty (20) classroom chairs, a blackboard, anatomic charts of the head, neck and face, and one (1) barber chair in the class theory room.

(9) A library and study facilities available to students, containing a medical dictionary and a standard work on the human anatomy.

(10) Adequate drinking fountain facilities, but at least one (1) to each floor.

(11) Adequate toilet facilities for the students.

(12) Adequate fire fighting equipment to be maintained in case of emergency.

Provided, however, barber schools and colleges holding a valid and current permit at the time of the effective date of this Act shall be exempt from the provisions of this subsection. However, any existing school or college desiring to change its location after the effective date of this Act must first obtain approval by the Board showing that the proposed new location meets the requirements of this subsection, and provided further, that any existing barber school or college shall be granted a permit upon the payment of the annual renewal fee within sixty (60) days after the effective date of this Act.

(d) A minimum of five (5) and one (1) hour periods of each week shall be devoted to the instruction of theory in the classroom with Saturdays being devoted exclusively to
practical work over the chair. An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board.

(a) No barber school or college shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered Class "A" certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five (5) years experience as a practicing barber. Each school shall have at least one (1) teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school. All such teachers are required to obtain a teacher's certificate from the Board, and in addition to requirements set forth by the Board, must meet the following requirements:

(1) Demonstrate their ability to teach the said curriculum outlined herein through a written and practical test to be given by the Board.

(2) Hold a current certificate as a registered Class "A" barber under this law.

(3) Demonstrate to the Board that such applicant is qualified to teach and instruct to be determined at the discretion of the Board, and show evidence that the applicant has had at least six (6) months experience as a teacher in an approved school or college in Texas or in another state approved by the Board, or have completed a six (6) months postgraduate course as a teacher in an approved barber school or college in Texas.

Applicants desiring an examination for a teacher's certificate shall make an application to the Board and accompany same with an examination fee of Twenty Five Dollars ($25.00). A new application and fee must be presented for each examination taken by the applicant and fees paid are not refundable. Teacher's certificates shall be renewable annually between September 1 and November 1 upon the payment of a renewal fee of Ten Dollars ($10.00). All persons engaged in teaching in a barber school or college at the time this law becomes effective, and who shall have had at least six (6) months experience as a teacher in a barber school or college in Texas and who is a Class "A" registered barber shall be exempt from such examinations to be given by the Board if such applicant shall within sixty (60) days after the date this law becomes effective, make application to the Board showing that such applicant meets all the requirements herein for a teacher's certificate except for such examination, and shall pay a fee of Twenty Five Dollars ($25.00) to accompany the application.

(f) In addition to a minimum of one (1) teacher required in paragraph (3) above, each barber school or college shall maintain at least (1) qualified instructor, holding a registered Class "A" certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher.

(g) No barber school or college shall be issued a permit to operate under the provisions of this section until they have first furnished the following evidence to the Board:

(1) A detailed drawing and chart of the proposed physical layout of such school, showing the departments, floor space, equipment, lights and outlets.

(2) Photographs of the proposed site for such school including the interior and exterior of the building, rooms and departments.

(3) A detailed copy of the training program.

(4) A copy of the school catalog and promotional literature.

(5) A copy of the building lease or proposed building lease where the building is not owned by the school or college.

(6) A sworn statement showing the true ownership of the school or college.

(7) An application fee of Two Hundred Dollars ($200.00). No such school or college shall be operated and no students shall be solicited or enrolled by it until
the Board shall determine that the
school has been set up and estab-
lished in accordance with this sec-
tion and the proposal submitted to
the Board shall be filed and approved by it prior
the issuance of a permit. Any
such school or college must obtain
renewal of its permit by Septem-
ber 1st each year by the payment
of an annual renewal fee of One
Hundred Dollars ($100.00).

(b) When a barber school or
college changes ownership, the
Board shall be notified of the trans-
fer within ten (10) days from the
date of such change.

(i) Any school or college desir-
ing to change the location of such
school or college must first obtain
approval by the Board by showing
that the proposed location meets the
requirements of this section.

(j) If said Board refuses to is-
tue a permit to any such school or
college, such school or college may
by written request demand the rea-
sons for said refusal and if said
school or college shall thereupon
meet said requirements and makes
a showing that the requirements
of this law have been complied with,
then if said Board refuses to issue
said permit, a suit may be instituted
by such school or college in any
Court of Travis County, Texas, to require said Board
shall expire on the first day of No-
ember of that year. A registered
barber or a registered assistant bar-
er, whose certificate of registration
has expired, may, within thirty
(Days has expired.

(k) In the event such school or
college after a permit is issued to
it violates any of the requirements
of this law, either directly or in-
directly, then said Board shall sus-
pend or revoke the permit of any
such school or college. Before sus-
pending or revoking any such per-
mit, said Board must give such
school or college a hearing, notice
of which hearing shall be delivered
to such school or college at least
twenty (20) days prior to the date of
said hearing. If said Board sus-
pends or revokes said permit at
said hearing, then such school or
college may file suit to prevent the
same or to appeal from said order.
Any and all suits filed hereunder
shall be filed within twenty days
from the date of the order of said
Board in any of the District Courts
of Travis County, Texas, and not
elsewhere, and the order shall not
become effective until said twenty
days has expired.

(1) The Attorney General or any
District or County Attorney may
institute any injunction proceed-
ings or such other proceedings as
to enforce the provisions of this
Act, and to enjoin any barber, as-
sistant barber, or school or college
from operating without having com-
plied with the provisions hereof
and such shall forfeit to the State
of Texas the sum of Twenty Five
Dollars ($25.00) per day as a penal-
ty for each day's violation, to be
recovered in a suit by the District
or County Attorney, and/or the
Attorney General.

Section 20. Section 20 of House
Bill 104, Chapter 65, Acts of the
41st Legislature, First Called Ses-
son, as amended, is amended so
as hereinafter to read as follows:

"Section 20. Every registered bar-
er and every registered assistant
barber, who continues in active prac-
tice or service, shall annually on or
before the first day of November of
each year, renew his certificate of registration which shall be issued by
the Board of Barber Examiners up-

on the payment of a renewal fee of
Ten Dollars ($10.00). Every certi-

ficate of registration which has not
been renewed prior to that date
shall expire on the first day of No-
ember of that year. A registered
barber or a registered assistant bar-
er, whose certificate of registration
has expired, may, within thirty
(Days thereafter, and not later,
file his certificate of registration
restored upon making a satisfactory
showing to the Board, supported
by his personal affidavit, which in
the opinion of the Board, will ex-
cuse the applicant for having failed
to renew his certificate within the
time required by this Act. Any
registered barber who retires from
the practice of barbering for not
more than five (5) years may re-

new his certificate of registration
by making proper showing to the
Board, supported by his personal
affidavit, which in the opinion of

April 24, 1961 HOUSE JOURNAL 1375

Section 20.
the Board would justify the Board in issuing a certificate to such applicant as upon an original application upon payment of a fee of Ten Dollars ($10.00) when filing affidavit as fee for making examination. Provided, however, that any registered barber who retires from practice of barbering for more than five (5) years may renew his certificate of registration by making application to the Board and by making proper showing to the Board, supported by his personal affidavit, and by paying a fee of Ten Dollars ($10.00) and by passing a satisfactory examination conducted by the Board."

Section 3. Section 27 of House Bill 104, Chapter 65, Acts of the 41st Legislature, First Called Session, as amended, is amended so as hereafter to read as follows:

"Section 27. The State Board of Barber Examiners shall elect one of its members as president, and shall elect a secretary and such other employees, as may be necessary, to carry out the provisions of Chapter 65, Acts of the 41st Legislature, First Called Session, as amended, this Act and H. B. 104; and provide for the compensation of such secretary and other employees. Said Board shall maintain an office in the State Office Building in the City of Austin, Texas, and shall adopt rules and regulations for the transaction of the business herein provided for, including a common seal for the authentication of its orders, certificates and records. The secretary shall keep a record of all proceedings of the Board and shall be the custodian of all such records and shall receive and receipt for all money collected by the Board. All money so received shall be immediately deposited with the State Treasurer, who shall credit same to a special fund to be known as 'State Board of Barber Examiners Fund,' which money shall be drawn from said special fund upon claims made therefor by the Board to the Comptroller; and if found correct, to be paid by him and vouchers issued therefor, and countersigned and approved by the State Treasurer, which special fund is hereby appropriated for the purpose of carrying out all the provisions of this Act. That annually at the close of business on August 31 of each year a complete report of the business transaction by the Board showing all receipts and disbursements shall be made by the Board to the Governor of the State of Texas.

The Secretary shall give a surety bond, payable to the State of Texas in the sum of Five Thousand Dollars ($5,000.00), conditioned for the faithful performance of his duties as secretary, to be approved by the Board and filed with the State Comptroller. A majority of the Board in meetings duly assembled may perform and exercise all the duties and powers devolving upon the Board.

The compensation of the members of the Board shall be a per diem as set by the General Appropriations Act, and in addition to the per diem provided for herein, they shall be entitled traveling expenses in accordance with the appropriate provisions of the General Appropriations Act. Each Board member shall make out, under oath, a complete itemized statement of the number of days engaged and the amount of their expenses when presenting same for payment."

Section 4. Persons to whom certificates of registration have been issued or who had made application for registration and in the meantime provided for herein before the effective date of this Act shall not be required to pay any additional amount for the current registration period on account of the increase in fees made by this Act.

Section 5. 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 of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. The fact that there have hereunto been inadequate legislative standards set up governing the operation of barber schools and colleges, and the fact that additional revenues are needed to insure proper standards of sanitation and cleanliness in the operation of barber shops and barber schools and colleges, all create an emergency and an imperative public necessity
that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

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

Amend Amendment to H. B. 829, Section 9 (a) on page 1, line 36 by deleting the semi-colon after the word "months" and adding the following:

"for a 'Class A' Certificate and not less than one thousand (1,000) hours, to be completed within a period of not less than six (6) months for a 'Class B' certificate".

The amendment to Committee Amendment No. 1 was adopted.

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

Amend Amendment to H. B. No. 829 by adding the following to line 51, page 1 between the words "college" and "shall":

"which issues 'Class A' Certificate".

The amendment to Committee Amendment No. 1 was adopted.

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

Amend amendment to House Bill No. 829 by deleting the period following the words "Ten Dollars ($10.00)" in line 14 of Section 2, page 4, and to line thereof substituting a comma and inserting after the comma the following:

"provided, however, holders of 'Class B' Certificates shall be entitled to the renewal of such certificate by the payment of a renewal fee of Five Dollars ($5.00)."

JARVIS, BARNES, HUGHES of Grayson.

The amendment to Committee Amendment No. 1 was adopted.

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

Amend amendment to House Bill No. 829 by adding to subsection (b) of Section 9 of Section 1 a new sentence after line 50 and before line 51, page 3, to read as follows:

"However, if said school does not care to teach persons who apply for 'Class A' but only 'Class B' Certificates, shaving need not be taught."

JARVIS, BARNES, HUGHES of Grayson.

The amendment to Committee Amendment No. 1 was adopted.

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

Amend amendment to House Bill No. 829 in line 32 of page 2 in "sub-

section (e)" of "Section 9" of Section 1, by inserting after the word "college" and before the word "shall" the following:

"which issues 'Class A' Certificates".

JARVIS, BARNES, HUGHES of Grayson.

The amendment to Committee Amendment No. 1 was adopted.

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

Amend amendment to House Bill No. 829 by deleting the period following the words " Twelve Dollars ($12.00)" in line 4 of Section 1, page 1, and to line thereof substituting a comma and inserting after the comma the following:

", provided, however, holders of 'Class B' Certificates shall be entitled to the renewal of such certificate by the payment of a renewal fee of Five Dollars ($5.00)."

JARVIS, BARNES, HUGHES of Grayson.

The amendment to Committee Amendment No. 1 was adopted.

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

Amend amendment to H. B. 829 by adding to Subsection F of Section 9 of Section 1 a new line after line 11, page 3 to read as follows:

"to apply only to schools issuing a class A license."

The amendment to Committee Amendment No. 1 was adopted.

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

Amend Committee Amendment No. 1 of H. B. 829, page 4, Section 20, Line 14, to read as follows:

"of a renewal fee of Seven and 50/100 Dollars ($7.50)."

Mr. Jarvis moved to table the amendment by Mr. Walker.

The motion to table prevailed.
Mr. Nugent offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 829, page 4, Sec. 20, Line 14, to read as follows:

"of a renewal fee of five and no/100 Dollars ($5.00)."

JIM NUGENT, PAUL CURINGTON, TOWNSEND.

Mr. Oliver moved to table the amendment by Mr. Nugent.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Nugent prevailed by the following vote:

Present—Not Voting

Mr. Alaniz offered the following amendment to the bill:

Amend Committee Amendment No. 1 to H. B. No. 829 by striking out the following language in subsection A of Section 9 and beginning after the semi-colon on line 3 of the printed bill, page 1 "and unless said school or college requires as a prerequisite to the admission thereto applicants to demonstrate their
ability to read intelligently and write clearly the English language."  
Korioth  
Roberts of Dawson  

The amendment was adopted.  
Committee Amendment No. 1, as amended, was adopted.  
H. B. No. 829 passed to engrossment.  
Mr. Oliver moved to reconsider the vote by which H. B. No. 829 was passed to engrossment and to table the motion to reconsider.  
The motion to table prevailed.  

MOTION TO PLACE HOUSE BILL NO. 829 ON THIRD READING  
Mr. Oliver moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 829 be placed on its third reading and final passage.  
The motion was lost by the following vote: (Not receiving the necessary four-fifths vote.)  

Yeas—109  
Adams of Lubbock  
Eckhardt  
Allen  
Andrews  
Atwell  
Ballman  
Barfield, Mrs.  
Barlow  
Barnes  
Bartram  
Bass  
Belt  
Berry  
Blair  
Bland  
Bridges  
Buchanan  
Burgess  
Caldwell  
Carriker  
Cole of Harris  
Cole of Hunt  
Cotrell  
Cotton  
Cowen  
Crews  
de la Garza  
Dewey  
Duff, Miss  
Dungan  

Nays—32  
Adams of Titus  
Koliba  
Boyd  
Boulton  
Cannon  
Carpenter  
Collins  
Cory  
Cowles  
Crow  
Crismond  
Curry  
Dawson  
Duff  
Duncan  
Dunlap  

Present—Not Voting  
Bailey  
In The Chair  
Pearce  
Mutchler  
Ward  

REASON FOR VOTE  
Please show me voting "no" on engrossment of H. B. 829.  
WILL EHRLE
HOUSE BILL NO. 692 ON SECOND READING

Mr. Osborn moved that the regular order of business be suspended to take up have placed on its second reading and passage to engrossment, H. B. No. 692.

The motion prevailed.

The Chair laid before the House on its second reading and passage to engrossment, H. B. No. 692, A bill to be entitled "An Act to amend Section 1, Subsection 3c, B of House Bill No. 162, Acts of the 51st Legislature, 1949, Chapter 354, Page 559, as amended by Section 6 of House Bill No. 404, 54th Legislature, 1955, Chapter 496, Page 1219, known also as Section B of Article 7880-3c, Vernon's Annotated Civil Statutes, dealing with Underground Water Conservation Districts, by adding a new paragraph (11) at the end thereof, which shall read as follows:

"(11) to require the owner or operator of any land upon which is located any open or uncovered well to close or cap the same permanently with a covering capable of sustaining weight of not less than Four Hundred (400) Pounds, except when said well is in actual use by the owner or operator thereof; an 'open or uncovered well' as that term is used in this Act means any artificial excavation drilled or dug for the purpose of producing water from the underground water reservoir, not capped or covered as required by this Act, which is as much as Ten (10) Feet deep and not less than Ten (10) Feet in diameter; in the event any owner or operator of any land upon which is located such an open or uncovered well fails or refuses to close such open or uncovered well in a manner which is in compliance with this Act within Ten (10) Days after being requested to do so, in writing, by an officer, agent, or employee of the District, any person, firm or corporation employed by said District is hereby granted the authority to go upon said land and to safely and securely close or cap said well in a manner which is in compliance with the provisions of this Act, and all expenditures incurred by said District in closing or capping said well shall constitute a lien upon the land upon which such well is located, provided however, no lien shall be created on any property for more than One Hundred Dollars ($100.00) as of the date of the completion of the closing or capping of said well; said lien shall be perfected by the filing in the Deed Records of the County in which said well is located of an Affidavit executed by any person conversant with the facts to the effect that such open or uncovered well was in existence, giving the legal description of the property upon which it was located, and its approximate location on said property, that the owner or operator of said land was notified and requested to close said well, and failed or refused to do so within Ten (10) Days after such notification, and that said well had been closed by the District, or by an authorized agent, representative, or employee of the District instructed by the said District to close the same, and stating the

The bill was read second time.

Mr. Osborn offered the following amendment to the bill:

Amend House Bill 692 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 1, Subsection 3c, B of House Bill No. 162, Acts of the 51st Legislature, 1949, Chapter 354, Page 559, as amended by Section 6 of House Bill No. 404, Acts of the 54th Legislature, 1955, Chapter 496, Page 1219, is hereby amended by adding a new paragraph (11) at the end thereof, which shall read as follows:

"(11) to require the owner or operator of any land upon which is located any open or uncovered well to close or cap the same permanently with a covering capable of sustaining weight of not less than Four Hundred (400) Pounds, except when said well is in actual use by the owner or operator thereof; an 'open or uncovered well' as that term is used in this Act means any artificial excavation drilled or dug for the purpose of producing water from the underground water reservoir, not capped or covered as required by this Act, which is as much as Ten (10) Feet deep and not less than Ten (10) Feet in diameter; in the event any owner or operator of any land upon which is located such an open or uncovered well fails or refuses to close such open or uncovered well in a manner which is in compliance with this Act within Ten (10) Days after being requested to do so, in writing, by an officer, agent, or employee of the District, any person, firm or corporation employed by said District is hereby granted the authority to go upon said land and to safely and securely close or cap said well in a manner which is in compliance with the provisions of this Act, and all expenditures incurred by said District in closing or capping said well shall constitute a lien upon the land upon which such well is located, provided however, no lien shall be created on any property for more than One Hundred Dollars ($100.00) as of the date of the completion of the closing or capping of said well; said lien shall be perfected by the filing in the Deed Records of the County in which said well is located of an Affidavit executed by any person conversant with the facts to the effect that such open or uncovered well was in existence, giving the legal description of the property upon which it was located, and its approximate location on said property, that the owner or operator of said land was notified and requested to close said well, and failed or refused to do so within Ten (10) Days after such notification, and that said well had been closed by the District, or by an authorized agent, representative, or employee of the District instructed by the said District to close the same, and stating the
amount of the expenditures required to properly close said well; said
Districts are hereby authorized to formulate, promulgate, and enforce
such rules and regulations as may be necessary or appropriate to ef-
fectively discharge the powers herein
granted: the powers and authority
herein granted the District are cu-
mulative or additional, and shall not
be considered as abridging or amend-
ing in any way Article 1721 of the
Texas Penal Code, being Acts of the
51st Legislature, 1949, Page 509,
Chapter 281."

Sec. 2. If any section, clause, sen-
tence or provision of this Act or
rules and regulations issued pur-
suant hereto as applied to a particu-
lar individual and set of circum-
stances, shall be held for any reason
be invalid, such holding shall not
affect in anywise the validity of
the remaining provisions of this Act,
or rules and regulations issued here-
under or the application of this Act,
and such rules and regulations to
other and different individuals and
circumstances not so held invalid
and all the portions of such Act or
such rules and regulations not held
invalid shall remain in full force
and effect.

Sec. 3. The fact that it is impera-
tive that underground water of this
State be protected and conserved and
the fact that the public safety is
adversely affected by open or un-
covered wells, create an emergency
and an imperative public necessity
that the Constitutional Rule requir-
ing 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.

The amendment was adopted.

H. B. No. 692 was passed to
engrossment.

HOUSE BILL NO. 692 ON THIRD
READING

Mr. Osborn moved that the con-
stitutional rule requiring bills to be
read on three several days be sus-
pended and that House Bill No. 692
be placed on its third reading and
final passage.

The motion prevailed by the fol-
lowing vote:

Yeas—136
Adams of Lubbock Hughes of Dallas
Adams of Titus Iacobs, Miss
Allen Jamison
Andrews Johnson of Dallas
Atwell Johnson of Bell
Ballman Jones of Travis
Bardenfied, Mrs. Kilpatrick
Barlow Koehn
Bartram Koliba
Bass Kornoth
Bell Lack
Berrry Latimer
Blinne LeValle
Boyden Leaverton
Briggs Lewis
Buchanan Longoria
Burgess McCoppin
Butler McGregor
Caldwell McGregor
Carriker McLeon
Cole of Harris McIlhany
Cole of Hunt Markgraf
Collins Martin
Connell Miller
Cory Moore
Coten Mullen
Cowen Murray
Cowles Mutchener
Crain Niesmeyer
Crews Oliver
De la Garza Osborn
Dewey Parcuce
Duff, Miss Peeler
Dungan Pearsall
Eckhardt Pieratt
Ehrle Preston
Fairchild Price
Fletcher Quilliam
Floyd Raggs
Foreman Ratliff
Garrison Roberts
Gibbons Richards
Gladden Richardson
Glass Roberts
Glusing Rosas
Glueck Rosson
Groover Sandahl
Guffey Schram
Hale Shannon
Harding Shipley
Haring Slack
Harrington Smith of Bexar
Haynes Smith of Jefferson
Hinson Snelson
Hollowell Spears
Huebner Spilman
Hughes Springer

The amendment was adopted.
The Chair then laid House Bill No. 391 before the House on second reading and final passage. The bill was read second time and was passed by the following vote:

Yea—141

Adams of Lubbock Cotten
Adams of Titus Cowen
Alaniz Crain
Allen Crews
Atwell Curington
Bailey de la Garza
Ballman Dewey
Banfield, Mrs. Duff, Miss
Barlow Dungan
Barnes Eckhardt
Bartram Earle
Bates Fairchild
Bell Fletcher
Berry Floyd
Blaine Foreman
Boyce Garrison
Bridges Gibbens
Buchanan Gladden
Burgess Glass
Butler Glassing
Caldwell Green
Cannon Grover
Carroll Gaffey
Cole of Harris Hale
Cole of Hunt Harding
Collins Harrington
Connel Hayes

Nay—5

Curington Nugent
Jarvis

The motion prevailed.

Absent—Excused

Cook Larry
James Pipkin

The Chair then laid House Bill No. 692 before the House on third reading and final passage.

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

Yea—141

Healy Peeler
Hilton Petty
Hollowell Pieratt
Huebner Preston
Hughes of Grayson Quilliam
Hughes of Dallas Hattrell
Imsack, Miss Hathcock
Jamison Read
Jarvis Richards
Johnson of Dallas Roberts of Hill
Johnson of Bexar Ross
Johnson of Bell Rosson
Jones of Dallas Sandahl
Jones of Travis Schram
Kennard Shannon
Kilpatrick Shapley
Koliba Sisco
Koroth Slay
Lack Smith of Bexar
Lattimer Smith of Jeffersen
La Valle Session
Leaverton Spears
Lewis Spillman
Longoria Springer
McCoplin Stewart
McGregor of El Paso Stewart
McGregor of Galveston
McPherson of McLennan
McPherson of Trinity
McPherson ofImGui
Mellbany Thurman
Markgraf Thurmond
Marten Townsend
Miller Trevino
Moore Tunnell
Mullen Walker
Murray Watson
Mutschler Wells
Nacevizer Wheatley
Nugent Whittington
Oliver Wilson of Trinity
Osborn Wilson of Potter
Parsons Woods
Pearcy Yeaak

Absent

Chapman, Mrs. Roberts of Dawson
Richardson Ward

Absent—Excused

Cook Larry
James Pipkin

HOUSE BILL NO. 391 ON SECOND READING

Mr. Harrington moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 391.

The motion prevailed.
The bill was read second time.

Mr. Harrington offered the following amendment to the bill:

Amend H. B. 391 by striking out the words "or paragraph No. 18" in the first paragraph.

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend H. B. 391 by adding a new section designated as 18B to read as follows:

All duly licensed veterinarians when engaged in the regular and actual discharge of their profession.

M. O. BELL, RICHARDSON.

The amendment was adopted.

Mr. Foreman offered the following amendment to the bill:

Amend H. B. 391 by adding a new section designated as 18C to read as follows:

"Sec. 18C. All duly licensed optometrists when engaged in the regular and actual discharge of their profession."

The amendment was adopted.

A record vote was requested on the passage of H. B. No. 391 to engrossment.

H. B. No. 391 failed to pass to engrossment by the following vote:

Yea—62

Adams of Titus
Bailey
Barlow
Barnes
Bass
Bell
Blaine
Burgos
Caldwell
Collins
Dugan
Fletcher
Floyd
Foreman
Gladden
Glusing
Green
Guffey
Harding
Harrington
Haynes
Hinson
Hughes of Grayson
Johnson of Bexar
Johnson of Travis
Jones of Travis
Kennard
Kilpatrick
Koliba
LaFitt
LaValle
Leaverton
McElroy
Mcllhany
Markgraf
Marin
Miller
Mitchel
Niemeyer
Oliver
Osborn
Parsons
Peeler
Petty
Piggin
Rapp
Richards
Richardson
Roberts of Hill
Sandahl
Shannon
Smith of Jefferson
Smith of Travis
Springer
Stewart of Wichita
Thurmond
Walker
Ward
Watson
Waitsfield
Wilson of Trinity
Yezak

Nay—77

Adams of Lubbock
Allen
Andrews
Atwell
Banfield, Mrs.
Barlow
Barlow
Barnes
Bass
Bell
Blaine
Burgos
Caldwell
Collins
Dugan
Fletcher
Floyd
Foreman
Gladden
Glusing
Green
Guffey
Harding
Harrington
Haynes
Hinson
Hughes of Grayson
Johnson of Bexar
Johnson of Travis
Jones of Travis
Kennard
Kilpatrick
Koliba
LaFitt
LaValle
Leaverton
McElroy
Mcllhany
Markgraf
Marin
Miller
Mitchel
Niemeyer
Oliver
Osborn
Parsons
Peeler
Petty
Piggin
Rapp
Richards
Richardson
Roberts of Hill
Sandahl
Shannon
Smith of Jefferson
Smith of Travis
Springer
Stewart of Wichita
Thurmond
Walker
Ward
Watson
Waitsfield
Wilson of Trinity
Yezak

April 24, 1961 HOUSE JOURNAL 1383
Mr. Allen moved to reconsider the vote by which H. B. No. 391 failed to pass to engrossment and to table the motion to reconsider.

The motion to table was lost.

HOUSE BILL NO. 821 ON SECOND READING

Mr. Mutscher moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 821.

The motion prevailed.

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 821 by striking out all below the enacting clause and inserting in lieu thereof the following:

"(1a). Nonresident Brewer's Permit. A Nonresident Brewer's Permit shall be required of each brewer located outside the State of Texas before his ale or malt liquor is imported into Texas or offered for sale in Texas.

"The annual State fee for a Nonresident Brewer's Permit shall be Five Hundred Dollars ($500).

"Section 15 1/2 A is hereby specifically retained in Article I of the Texas Liquor Control Act, and it is hereby required that the holder of a Nonresident Brewer's Permit shall also be required to hold a Nonresident Seller's Permit."

Section 2. Section 3 of Article II of the Texas Liquor Control Act is amended by the addition of a new provision designated and reading as follows:

"(a-1). Nonresident Manufacturer's License. A Nonresident Manufacturer's License shall authorize the holder thereof to have his beer received in Texas only by holders of Importer's Licenses, and no holder of an Importer's License shall import beer into this State except from the holder of a Nonresident Manufacturer's License; provided that no beer shall be imported into this State except in accordance with the same functions, powers and duties to adopt and enforce a standard of quality, purity and identity of malt beverages, and to promulgate all rules and regulations of the Texas Liquor Control Board shall have the same functions, powers and duties to adopt and enforce a standard of quality, purity and identity of malt beverages, and to promulgate all rules and regulations as shall be deemed necessary to fully safeguard the public health and to insure san-
Section 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.
valid provision had not been contained therein.

Section 6. The fact that there is need for further legislation concerning Manufacturer’s Licenses, Brewer’s Permits and label approval on beer and ale 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 this Act shall take effect and be in force from and after its passage, and it is so enacted.

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

Amend Committee Amendment No. 1 to House Bill No. 821 by striking out in Section 3 all after the first sentence in the third paragraph thereof.

The amendment by Mr. Bartram was adopted.

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

H. B. No. 821 was passed to engrossment.

HOUSE BILL NO. 821 ON THIRD READING

Mr. Mutscher moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 821 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—101
Adams of Lubbock Burgess
Adams of Titus Butler
Allen Caldwell
Andrews Cannon
Andrews Connell
Ballman Cory
Barfield Crown
Barlow Cowles
Barnes Crews
Bartram de la Garza
Bell Dewey
Bever Dungan
Blaine Eckhardt
Boyd Ehrle
Bridges Fairchild
Buchanan Fletcher

Nay—25
Bailey Nugent
Bass Oliver
Barnick Petty
Bassin Preston
Bottin Roberts of Dawson
Cantu Rosson
Carroll Spears
Haring Thurman
Hollowell Ward
Jarvis Wheatley
Johnson of Dallas Whitefield
Jones of Dallas Wilson of Trinity
Lack Lewis

Absent
Chapman Murray
Cole of Hunt Parsons
Curlington Price
Duff, Mrs. Guillam
Heatly Ratliff
Imsacks, Miss Richardson
Johnson of Bell Slack
Leaverton Rider
McGregor Smith of Jefferson
of El Paso Wilson of Potter
The Chair then laid House Bill No. 821 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Mutscher moved to reconsider the vote by which H. B. No. 821 was passed and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE**

H. B. 821 voted No on H. B. 821 because I feel that it would tend to lessen the restriction on the manufacture of Beverage Alcohol.

S. BAILEY.

**HOUSE BILL NO. 155 ON SECOND READING**

Mr. Dewey moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 155. The motion prevailed.

The Chair laid before the House, on its second reading and passage to engrossment, H. B. No. 155.

**REPORT OF COMMITTEE APPOINTED TO SELECT A POET LAUREATE**

The Chair laid before the House and had read the following report:

**Amend Rule XVI of the Temporary House Rules by adding thereto a new section to read as follows:**

"Sec. 5. Congratulatory and memorial resolutions adopted by the House, except those for Members or employees of the Legislature and other State officials, shall not be printed in full in the Journal but shall be listed in the Journal by number, together with a brief caption indicating the persons or groups covered by them. This Rule shall be
applicable to Daily Journals and the Permanent Journal."

The resolution was referred to the Committee on Rules.

REQUESTING THE GOVERNOR TO RETURN S. B. NO. 276 TO THE SENATE.

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

S. C. R. No. 51

Whereas, S. B. 276 has passed the House and the Senate and is now in the Governor's office and since a minor correction needs to be made in said bill to clarify its meaning; now therefore be it Resolved by the Senate, the House of Representatives concurring, That the Governor be and he is hereby requested to return S. B. No. 276 to the Senate for further consideration; and be it further Resolved, That the Enrolling Clerk of the Senate be instructed to place the words "except steers and spayed heifers" in parenthesis wherever they appear in Section 1 of the bill, correcting the punctuation by the use of a comma between the words "cattle" and "horses" which appear just preceding and following the words "except steers and spayed heifers"; and be it further Resolved, That the Speaker and Lieutenant Governor are authorized to remove their signatures from said S. B. 276 when returned from the Governor, that the corrections be made as specified, and that the bill be redesignated by the two presiding officers and sent to the Governor.

The resolution was adopted.

RECESS

Mr. Price moved that the House recess until 10:30 o'clock A.M. tomorrow.

A record vote was requested on the motion to recess. The motion to recess prevailed by the following vote:

Yea—91

Adams of Lubbock Andrews Alamillo

Nays—48

Adams of Titus Allen Atwell Bailey Ballman Barlow Bridges Buckman Burgess Cannon Cariker Cole of Hunt Connell Cowles Craig Cruikshank

McGregor of El Paso Martin Miller Murrill Murray Matcher Niemeyer Negret Oliver Osborn Parsons Feeler Petty

Peters Price Quinton Rapp Ratcliff Read


Adams of Titus Floyd Foreman Gladden Glass Glasing Goffey Hale Harding Harrington Haynes Hinson Hushler Jamison Jarvis Johnson of Bell Kilpatrick
The Benediction was offered by the Reverend Clinton Kersey.

In accordance with the motion to recess the House at 4:30 o'clock p.m., took recess until 10:30 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees filed favorable reports on a bill and resolutions, as follows:

Appropriations: S. B. No. 1.


REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 21, 1961
Hon. James A. Turman, Speaker of the House of Representatives,

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 27, "Congratulating and inviting the Honorable Bill Daniel to speak before a Joint Session of the House and Senate at his earliest convenience." has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

FIFTY-SECOND DAY

(Continued)

(Tuesday, April 25, 1961)

The House met at 10:30 o'clock a.m., and was called to order by the Speaker.

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

"Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it. Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets. (Matthew 22:37-40).

"Father in Heaven, help us today to remember to keep Thee first in our lives. Instill in us Thy love that we may truly love others more than ourselves. Bless the labors of today. In Jesus' Name we pray. Amen."

LEAVE OF ABSENCE GRANTED

Mr. Gibbens was granted leave of absence for today on account of illness in his family, on motion of Mr. Miller.

HOUSE BILL ON FIRST READING

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

By Mr. Glusing:

H. B. No. 1084, a bill to be entitled "An Act closing the open season for hunting wild buck deer, wild turkey gobblers and collared peccary or javelina in Justice Precinct No. 1 in Kenedy County; exempting an area therein from application of this Act; providing a penalty for violation of this Act; and amending Chapter 260, Acts of the 56th Legislature, 1959; providing a severability clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

HOUSE JOINT RESOLUTION NO. 36 ON PASSAGE TO ENGROSSMENT

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