mine prevailing scale of wages and wage area and to administer and enforce provisions of this Act; providing for judicial review of such determinations; creating duties of employers on public work and of public bodies awarding contracts for public work; defining offenses and penalties necessary and incidental thereto; providing severability; repealing conflicting laws; and declaring an emergency." 

RELATIVE TO H. B. NO. 349  
Mr. Hughes of Dallas asked unanimous consent of the House to have printed a fact sheet showing the changes on the redistricting bill, H. B. No. 349, the printing to be charged to the Contingent Expenses Committee.

There was no objection offered and it was so ordered.

AMENDMENT AUTHORIZED TO H. B. NO. 349  
Mr. Hinson asked unanimous consent of the House that the following Amendment be adopted to Committee Amendment No. 1 to H. B. No. 349:

Amend Committee Substitute to H. B. 349 by striking out the word "Wood" as it appears in District 72, and substitute the word "Ward."

There was no objection offered and it was so ordered.

CONCERNING CONSIDERATION OF CERTAIN BILLS  
The Chair stated that H. B. No. 28 would be at the top of the calendar tomorrow followed by H. B. No. 481 next in order, and that in accordance with a previous motion by Mr. Hinson that H. B. No. 481 would be placed on the calendar in third order.

The Chair asked the House to advise the Chair as to whether the House desired H. B. No. 481 to be placed on the calendar on tomorrow.

The House advised the Chair by vote to consider H. B. No. 481 on tomorrow.

ADJOURNMENT  
Mr. Read moved that the House recess until 10:30 o'clock a.m. tomorrow.

Mr. Dewey moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

Mr. Cole of Harris moved that the House adjourn until 9:30 o'clock a.m. tomorrow.

The motion to adjourn until 9:30 o'clock a.m. tomorrow was lost.

The motion to adjourn until 10:00 o'clock a.m. tomorrow prevailed.

RELATIVE TO H. B. NO. 349  
The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House at 6:11 o'clock, p.m., adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-NINTH DAY  
(Tuesday, May 9, 1961)  
The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker Cory  
Adams of Lubbock, Cotten  
Adams of Titus, Cowan  
Alans, Cowie  
Allen, Crain  
Andrews, Crews  
Atwell, Carlington  
Bailey, de la Garza  
Ballman, Dewey  
Banks, Mrs. Duff, Miss  
Barlow, Duncan  
Barnes, Eckhardt  
Bartram, Ehrle  
Bass, Fairchild  
Bell, Fletcher  
Berry, Floyd  
Blaine, Foreman  
Boyden, Garrison  
Bridges, Goben  
Buchanan, Glass  
Burges, Glassing  
Butler, Grover  
Caldwell, Guerry  
Cannon, Guffey  
Carroll, Harding  
Chapman, Haring  
Cole of Harris, Harlington  
Cole of Hunt, Harnes  
Collins, Heathly  
Cook, Hinson
A quorum of the House was announced present.

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

"Heavenly Father, give us open eyes, to see the beauty all around us and to see in it Thy handiwork. Give us today a strong and vivid sense that Thou art by our side.

May we express our own ideas and listen to the ideas of those who differ with us. Make us humble enough to think about the third idea—Thine. Guide our thinking, speaking and all our actions today. In Christ's Name.—Amen."

LEAVES OF ABSENCE GRANTED

Mr. Shannon was granted leave of absence for today on account of illness, on motion of Mr. Cotten.

Mr. Hale was granted leave of absence for today on account of illness, on motion of Mr. Bridges.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 632, By Mr. Cannon:
In memory of Leonard A. Hawkins.

H. S. R. No. 637, By Mr. Watson:
In memory of W. R. Woodward.

H. S. R. No. 638, By Mr. Nugent:
In memory of Mr. and Mrs. Lee Moor.

H. S. R. No. 639, By Mr. Jones of Travis: in memory of Gordon Worley.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read severally first time and referred to the appropriate Committees, as follows:

By Messrs. Bridges, Peeler, Glue and Hale:
H. B. No. 1104, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, to be known as the 'North Padre Island Improvement District,' for the purpose of providing for the control, preservation and distribution of its storm and flood waters, distribution of water for domestic, commercial and industrial use, collection and disposal of communal wastes, the reclamation and irrigation of its arid lands, the reclamation and drainage of its overflowed and other lands needing drainage, the navigation of its inland and coastal waters and the preservation and conservation of all other natural resources of the District; providing for a board of directors to govern said District, empowering the Dis...
Brown County Water Control and Improvement District—Holiday Hills; declaring District a governmental agency, body politic and corporation; defining the boundaries; finding the flood zones and boundaries form a closure, and related matters; defining a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 69, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its systems, facilities and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; making final board of directors; providing for terms and election of directors and provisions for failing to call director elections and related matters; providing directors to fill vacancies; providing for organization of board of directors; providing for employment of engineers, attorneys, fiscal agents and employees; providing for sale and price of bonds; providing for issuance of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-17b, Vernon's Texas Civil Statutes, as amended, to the District; exempting property and

District to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in accomplishing the above-named purposes; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the District to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the District shall bear the expense of relocation, raising, or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the District; enacting other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Article 7471, Revised Civil Statutes of Texas; providing severability; and declaring an emergency.

Referred to the Committee on Conservation and Reclamation.

By Mr. Grover:
H. B. No. 1106. A bill to be entitled "An Act defining a geological or geophysical map; defining theft of a geological or geophysical map; making it a felony to commit the theft of a geological or geophysical map; making it a felony to receive, possess, reproduce, conceal, barter, sell, dispose of or transport a geological or geophysical map having the same to have been so acquired; prescribing a penalty; providing that this Act shall be cumulative of all laws of the State and any violation hereof may be prosecuted irrespective of whether or not the acts complained of may constitute some of the essential elements of other or different offenses against the penal laws of this State; providing a saving clause; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Barney:
H. B. No. 1106. A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 69, Constitution of Texas, known as
House Joint Resolution

On First Reading

May 9, 1961

HOUSE JOURNAL

bonds of District from taxation and related matters; providing District shall bear expense of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subjects; abolishing Brown County Fresh Water Supply District No. 1 and its governing body for all purposes on effective date of this Act; providing for a severability clause; and declaring an emergency.

Referred to the Committee on Conservation and Reclamation.

House Joint Resolution

On First Reading

May 9, 1961

HOUSE JOURNAL

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

By Mr. Moore:
H. J. R. No. 83, A Joint Resolution
"Proposing an amendment to Section 9 of Article VIII of the Constitution of the State of Texas so as to authorize, tax and collect an additional annual ad valorem tax for the purpose of plugging certain abandoned oil, gas, and water wells."

Referred to the Committee on Constitutional Amendments.

Senate Bills on First Reading

May 9, 1961

HOUSE JOURNAL

The following Senate Bills, received from the Senate, were today laid before the House, read severally first time and referred to the appropriate Committees, as follows:

S. B. No. 256 to the Committee on Insurance.
S. B. No. 296 to the Committee on Education.
S. B. No. 431 to the Committee on Game and Fisheries.
S. B. No. 212 to the Committee on Agriculture.
S. B. No. 143 to the Committee on Counties.

Senate Joint Resolutions on First Reading

May 9, 1961

HOUSE JOURNAL

The following Senate Joint Resolutions were today laid before the House, read severally first time and referred to the appropriate Committee, as follows:

S. J. R. No. 22 and S. J. R. No. 6, to the Committee on Constitutional Amendments.

Adoption of Conference Committee Report on Senate Bill No. 119

Mr. Dewey submitted the following Conference Committee Report on Senate Bill No. 119:

Austin, Texas, April 24, 1961
Hon. Ben Ramsey, President of the Senate.
Hon. James A. Turman, Speaker of the House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 119, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LANE, PARKHOUSE, MARTIN, HAZLEWOOD, DIES.

On the part of the Senate.
B. H. DEWEY, JR., BOB JOHNSON, WADE F. SPILMAN, JIM NUGENT, L. DEWITT HALE.

On the part of the House.

S. B. No. 119

"A BILL
To Be Entitled
An Act to Make Uniform the Law of Partnership; Defining Partnership; Defining Relations of Partners to Persons Dealing With the Partnership; Defining Relation of Partners to One Another; Defining Property Rights in Partnerships (Including those of Spouses of Partners); Providing for Dissolution and Winding Up; Defining the Rules for Distribution of Partnership Property; Providing for Interpretation and Construction of the Act; Providing for..."
Cases Not Provided for Herein; Providing a Severability Clause; Repealing Acts in Conflict Herewith; and Declaring an Emergency.

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

Part I - Preliminary Provisions
Sec.
1. Name of Act.
2. Definition of Terms.
3. Interpretation of Knowledge and Notice.
5. Rules for Cases Not Provided for in This Act.
6. Interpretation of Knowledge and Notice.

§1. Name of Act. - This Act shall be known and may be cited as the Texas Uniform Partnership Act.

§2. Definition of Terms. - In this Act, “Court” includes every court and judge having jurisdiction in the case.

“Business” includes every trade, occupation, or profession.

“Person” includes individuals, partnerships, corporations, and other associations.

“Bankrupt” includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent law.

“Conveyance” includes every assignment, lease, mortgage, or encumbrance.

“Real property” includes land and any interest or estate in land.

§5. Interpretation of Knowledge and Notice. - (1) A person has “knowledge” of a fact within the meaning of this Act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has “notice” of a fact within the meaning of this Act when the person who claims the benefit of the notice:

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

§6. Rules of Construction. - (1) The rule that statutes are in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) The law of estoppel shall apply under this Act.

(3) The law of agency shall apply under this Act.

(4) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This Act shall not be construed so as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

§7. Rules for Cases Not Provided for in this Act. - In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

Part II - Nature of A Partnership Sec.
6. Partnership Defined.
8. Partnership Property.

§6. Partnership Defined. - (1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this Act, unless such association would have been a partnership in this state prior to the adoption of this Act: but this Act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

(3) An association is not a partnership under this Act if:

(a) The word “association” or “associates” is part of and always used in the name under which it transacts business, and

(b) Its assumed name certificates, filed in accordance with law, contain a statement substantially as follows: “This association intends not to be governed by the Texas Uniform Partnership Act.”

(4) The business it transacts is wholly or partly engaging in an ac-
activity in which corporations cannot lawfully engage. This subsection shall not be construed to change in any way the law applicable to associations which are not partnerships under this Act.

§7. Rules for Determining the Existence of a Partnership. - In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by §16 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entirety, joint property, common property, or partnership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise,

(b) As wages of an employee or rent to a landlord,

(c) As an annuity to a widow or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good-will of a business or other property by installments or otherwise.

(5) Operation of a mineral property under a joint operating agreement does not of itself establish a partnership.

§8. Partnership Property. - (1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partner in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

Part III - Relations of Partners to Persons Dealing With The Partnership

Sec. 9. Partner Agent of Partnership as to Partnership Business.

10. Conveyance of Real Property of the Partnership.

11. Partnership Bound by Admission of Partner.

12. Partnership Charged with Knowledge of or Notice to Partner.


16. Partner by Estoppel.

17. Liability of Incoming Partner.

§9. Partner Agent of Partnership as to Partnership Business. - (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member, binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the
assignee's promise to pay the debts of the partnership, and
(b) Dispose of the good-will or the business.
(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership.
(d) Confer a judgment,
(e) Submit a partnership claim or liability to arbitration or reference.
(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.
§15. Conveyance of Real Property of the Partnership.—(1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of §9, or unless such property has been conveyed by the grantee to a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.
(2) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of §9.
(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of §9.
(4) Where the title to real property is in the name of one or more but not all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of §9.
(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.
(6) Nothing in this section shall be deemed to modify the statute of limitations of actions for lands.
§11. Partnership Bound by Admission of Partner.—An admission or representation made by any partner concerning partnership affairs within the scope of his authority as defined by this Act is evidence against the partnership.
§12. Partnership Charged with Knowledge of or Notice to Partner.—(a) Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.
§13. Partnership Bound by Partner's Wrongful Act.—Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his co-partners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.
§14. Partnership Bound by Partner's Breach of Trust.—The partnership is bound to make good the loss:
(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and
(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner at the time it is in the custody of the partnership.
§15. Nature of Partner's Liability.—All partners are liable jointly and severally for all debts and obligations of the partnership including those under §§13 and 14.
§16. Partner by Estoppel. — (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented in its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made:

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership;

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to third persons who rely upon the representation. Where all the members of the existing partnership consent to such representation, a partnership asset or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

(3) A representation that a person is an "associate" or a "non-partner member" of a partnership is not a representation that he is a partner in the partnership.

§17. Liability of Incoming Partner. — A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership existing before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

Part IV—Relations of Partners to One Another

Sec. 18. Rules Determining Rights and Duties of Partners and Employees.
20. Duty of Partners to Render Information.
22. Right to an Account.
23. Continuation of Partnership Beyond Fixed Term.

§18. Rules Determining Rights and Duties of Partners and Employees.—(1) The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property, and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to recompense for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.
§20. Partnership Books. — The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

§21. Partner Accountable as a Fiduciary. — Every partner must account to the partnership for any benefit, and hold as trustee for his profit derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

§22. Right to an Account. — Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession, of its property by his co-partners,

(b) If the right exists under the terms of any agreement.

(c) As provided by §21.

(d) Whenever other circumstances render it just and reasonable.

§23. Continuation of Partnership Beyond Fixed Term. — (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

Part V.—Property Rights in Partnership.

Sec.


27. Assignment of Partner's Interest.

28. Interest in Partnership Subject to Charging Order.

28-A. Extent of Community Property Rights of a Partner's Spouse.

28-B. Effect of Death or Divorce on Interest in the Partnership.

§24. Extent of Property Rights of a Partner. — The property rights of a partner are (1) his interest in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management. The community property rights of a partner's spouse are stated in §28-A.

§25. Nature of a Partner's Right in Specific Partnership Property. — (1) A partner is co-owner with his partners of specific partnership property holding a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this Act and to any agreement between the partners, has an
equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable, except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representatives, such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, courtesy, or allowances to widows, heirs, or next of kin.

§26. Nature of Partner's Interest in the Partnership.—A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property for all purposes.

§27. Assignment of Partner's Interest.—(1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs; it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled and, for any proper purpose, to require reasonable information or account of partnership transactions and to make reasonable inspection of the partnership books.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest.

§28. Interest in Partnership Subject to Charging Order.—(1) On due application to a competent court by any judgment creditor of a partner (or of any other owner of an interest in the partnership), the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner (or such other owner) with payment of the unsatisfied amount of such judgment debt with interest thereon, and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner (or such other owner) might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this Act shall be held to deprive a partner (or of any other owner) of his right, if any, under the exemption laws, as regards his interest in the partnership.

§28-A. Extent of Community Property Rights of a Partner's Spouse.—(1) A partner's rights in specific partnership property are not community property.

(2) A partner's interest in the partnership may be community property.

(3) A partner's right to participate in the management is not community property.

§28-B. Effect of Death or Divorce on Interest in the Partnership.—(1) (A) On the divorce of a partner, the partner's spouse shall, to the extent of such spouse's interest in the partnership, be regarded for purposes of this Act as an assignee and purchaser of such interest from such partner.
§29. Partnership not Terminated by Dissolution.—On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

§30. Causes of Dissolution.—Dissolution is caused:

1. By the termination of the definite term or particular undertaking specified in the agreement, or by the express will of any partner when no definite term or particular undertaking is specified.

2. By the express will of all the partners, when any partner or the partnership is incapable of performing his part of the partnership contract.

3. By the death of all the partners, or by the death of any partner or the partnership, whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect pre-

Part VI—Dissolution and Winding Up

Sec.

35. Dissolution Defined.

36. Partnership not Terminated by Dissolution.

37. Causes of Dissolution.

38. Dissolution by Decree of Court.

39. General Effect of Dissolution on Authority of Partner.

40. Right of Partner to Contribution from Co-partner after Dissolution.

41. Power of Partner to Bind Partnership to Third Persons after Dissolution.

42. Effect of Dissolution on Partner's Existing Liability.

43. Right to Wind Up.

44. Rights of Partners to Application of Partnership Property.

45. Rights Where Partnership is Dissolved for Fraud or Misrepresentation.

46. Rules for Distribution.

47. Liability of Persons Continuing the Business in Certain Cases.

48. Rights of Retiring or Estate of Deceased Partner When Business is Continued.

49. Accrual of Actions.

§39. Dissolution Defined.—The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.
§33. General Effect of Dissolution of Partnership

§33. Power of Partner to Bind Partnership to Third Persons after Dissolution.-(1) After dissolution, a partner can bind the partnership except as provided in Paragraph (3).
(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;
(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction:
(i) Was a creditor of the partnership at the time of dissolution; and
(ii) Knew of the dissolution; or
(iii) Had knowledge or notice of his want of authority:
(c) Where the partner has no authority to wind up partnership affairs, except by a transaction with one who

§34. Right of Partner to Contribution from Co-partners after Dissolution. — Where the dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:
(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or
(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

§34. Right of Partner to Contribution from Co-partners after Dissolution. — Where the dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:
(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or
(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

§35. Right of Partner to Contribution from Co-partners after Dissolution. — Where the dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:
(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or
(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.
(1) Was a Creditor of the partnership at the time of dissolution or had extended credit to the partnership within two years prior to dissolution and, in either case, had no knowledge or notice of his want of authority; or

(II) Though he was not such a creditor or had not so extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in Paragraph (18II).

(4) Nothing in this section shall affect the liability under §36 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

§36. Effect of Dissolution on Partner's Existing Liability.—(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

§37. Right to Wind Up.—Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

§38. Rights of Partners to Application of Partnership Property.

(1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his co-partners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge his liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under §36(2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have:

(I) All the rights specified in paragraph (1) of this section, and

(II) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (1aII) of this section, and in like manner indemnify him against all present or future partnership liabilities.
§38. Rights Where Partnership Is Dissolved for Fraud or Misrepresentation.—Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled, (a) To a lien on, or right of redemption of, the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and
(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and
(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.
§39. Rights Where Partnership Is Dissolved for Fraud or Misrepresentation.—Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled, (a) To a lien on, or right of redemption of, the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and
(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and
(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.
§40. Rules for Distribution.—In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:
(a) The assets of the partnership are:
(1) The partnership property,
(II) The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.
(b) The liabilities of the partnership shall rank in order of payment, as follows:
(1) Those owing to creditors other than partners,
(II) Those owing to partners other than for capital and profits,
(III) Those owing to partners in respect of capital,
(IV) Those owing to partners in respect of profits.
(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.
(d) The partners shall contribute, as provided by §38 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.
(e) An assignee for the benefit of creditors or any other person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.
(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.
(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.
(h) When partnership property and the individual property of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.
(i) Where a partner has become bankrupt or his estate is insolvent, the claims against his separate property shall rank in the following order:
§41. Liability of Persons Continuing the Business in Certain Cases.

(1) Those owing to separate creditors,

(II) Those owing to partnership creditors,

(III) Those owing to partners by way of contribution.

§42. Rights of Retiring or Estate of Deceased Partner When the Business Is Continued.—When any partner retires or dies, and the business is continued under any conditions set forth in §61 (1, 2, 3, 5, 6) or §58(3b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his
legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section as provided by § 41 (8) of this Act.

§46. Severability: Effect of Partial Invalidity. - If a court shall adjudge to be invalid or unconstitutional any provision of this Act, such judgment or decree shall not affect other provisions or applications of this Act, but the effect thereof shall be confined to the provision so adjudged to be invalid or unconstitutional. To this end, the provisions of this Act are severable.

§47. Effective Date. - This Act shall take effect and be in force from and after January 1, 1962.

§48. Repealer. All Acts or parts of Acts inconsistent with this Act are hereby repealed. However nothing herein shall be deemed to repeal:

(A) Acts 1955, 54th Legislature, page 471, Chapter 133 (codified as Article 6132a, Revised Civil Statutes of Texas, 1925, the Texas Uniform Limited Partnership Act).

(B) Acts 1955, page 110; P. D. 1514; General Laws Volume 4, page 922 (codified as Article 2223, Revised Civil Statutes of Texas, 1925, and pertaining to judgment against one member of a partnership).

(C) Acts 1858, page 110, P. D. 1514; General Laws Volume 4, page 982 (codified as Article 2033, Revised Civil Statutes of Texas, 1925, and pertaining to judgment against partnership or partners).

(D) Any other provision pertaining to citation or judgment against partners or partnerships.

§49. Emergency. The total absence of Statutes governing general partnerships; the incompleteness and inconsistency and inadequacy of the common law in this field; the great number of partnership businesses operative in Texas; and the importance of this legislation, 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 the effective date specified herein, and it is so enacted.

Mr. Dewey moved that the House adopt the Conference Committee Report on Senate Bill No. 119.

The motion prevailed.

RELATIVE TO H. B. NO. 470

Mr. Hughes of Grayson called from the Journal the motion to reconsider the vote by which H. B. No. 470 failed to pass to engrossment.

A record vote was requested on the motion to reconsider the vote by which H. B. No. 470 failed to pass to engrossment.

The motion to reconsider the vote was lost by the following vote:

Yea's--64

Alaniz Balley Bailey Ballman Barlow Bass Boysen Bridges Buchanan Caldwell

Nay's--26

Cannon Carriker Chapman Cole or Harris Collins Cowles Dewey Dungan Eckhardt

Mr. Dewey moved that the House adopt the Conference Committee Report on Senate Bill No. 119.

The motion prevailed.

RELATIVE TO H. B. NO. 470

Mr. Hughes of Grayson called from the Journal the motion to reconsider the vote by which H. B. No. 470 failed to pass to engrossment.

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The motion to reconsider the vote was lost by the following vote:

Yea's--64

Alaniz Balley Bailey Ballman Barlow Bass Boysen Bridges Buchanan Caldwell

Nay's--26

Cannon Carriker Chapman Cole or Harris Collins Cowles Dewey Dungan Eckhardt
CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 630, by Mr. Buchanan:
Congratulating the Dumas High School Track Team.

H. S. R. No. 631, by Mr. Schrems:
Recognizing students from Thrall Elementary School.

H. S. R. No. 633, by Mr. Pieratt:
Congratulating Susan Lee Clark.

H. S. R. No. 634, by Mr. Pieratt:
Congratulating James Mark Pape.

H. S. R. No. 635, by Mr. Pieratt:
Congratulating Roy Pirouka.

H. S. R. No. 636, by Mr. Pieratt:
Congratulating Leona Eldridge.

H. S. R. No. 640, by Mr. Cannon:
Congratulating the Limestone County Farm Bureau.

SUSPENDING THE JOINT RULES TO CONSIDER HOUSE BILL NO. 349

Mr. Pearcy offered the following resolution:

H. C. R. No. 99

Be it Resolved By the House of Representatives, the Senate concurring, That the Joint Rules be and they are hereby suspended so as to permit either House to take up H. B. No. 349, the Representative Redistricting Bill, at any time.

The resolution was read and was adopted.

REQUESTING THE TEXAS COMMISSION ON HIGHER EDUCATION TO MAKE CERTAIN STUDY

Mr. Rascliff offered the following resolution:

H. C. R. No. 98
Whereas, The number of young men and women seeking higher education at the some one hundred colleges and universities in Texas will rise sharply during the decade of the 1960's; and

Whereas, It is anticipated that the greater increase in enrollment will occur at the public junior and senior colleges, institutions which already account for substantially more than one-half of the total enrollment at all colleges and universities in the State; and

Whereas, These enrollment trends, in combination with the rapidly advancing frontiers of technology, science, and knowledge generally, will create unprecedented demands upon all institutions of higher education in Texas and upon the State for funds to provide adequate financing for the public colleges and universities; and

Whereas, In the light of these greatly expanded requirements it is imperative that the State encourage and, in fact, sponsor careful advance planning and close coordination of effort, so the end that public funds available for financing higher education might be conserved and utilized most effectively, and further, to the end that the total effort of the State might complement and not infringe upon the very great contributions and role of the private institutions; and

Whereas, The Legislature views with concern the rising trend among existing junior colleges to seek senior college status and full State support, as well as the growing number of proposals for establishing existing fully State-supported institutions for authority to effect name changes, program additions, and expansion in role and scope; and

Whereas, The Legislature recognizes the need for new institutions of higher education, for the next ten (10) years, with particular emphasis to be given to the need for new institutions or for expansion in the role and scope of existing institutions and all matters related thereto; and, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Legislature recognizes the Texas Commission on Higher Education as its principal advisory body in matters relating to higher education and that the services and facilities of this agency be utilized in connection with all measures on higher education which come before the Legislature; and, be it further

Resolved, That the Texas Commission on Higher Education be requested to make a special study of the overall needs of the State in the field of public higher education, for the next ten (10) years, with particular emphasis to be given to the need for new institutions or for expansion in the role and scope of existing institutions and all matters related thereto; and, be it further

Resolved, That the Texas Legislative Council be and is hereby requested to advise and cooperate with the Texas Commission on Higher Education in making the study contemplated herein; and be it further

Resolved, That the Texas Commission on Higher Education be requested to report the results of this study, with appropriate recommendations, to the Regular Session of the Fifty-eighth Legislature and that biennial revisions be made as necessary.

H. C. R. No. 98 was referred to the Committee on Rules.

RELATIVE TO THE APPOINTMENT OF AN INTERIM GAME AND FISH COMMITTEE

The Speaker laid before the House for consideration at this time.
H. S. R. No. 375, Relative to the appointment of an interim Game and Fish Committee.

The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

H. S. R. No. 375 was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time,

H. C. R. No. 94. To grant C. Roy Davis, Mabel Lipcombe and husband, S. W. Lipcombe, Neil De Lodder and husband and Doris McLoy permission to sue the State.

The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

Mr. Watson offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend House Concurrent Resolution No. 94 by adding the words “George De Lodder, and Doris McLoy, a feme sole,” immediately after the words “Neil De Lodder and husband,” and strike out the words “and Doris McLoy, feme sole,” appearing in the first sentence of the first “whereas” clause thereof.

The amendment was adopted.

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 2

Amend H. C. R. 94 by striking the last sentence of the first paragraph of the resolving clause, and substituting in lieu thereof the following:

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved. That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be rejected by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

H. C. R. No. 94, as amended, was adopted.

DIRECTING THE TEXAS EDUCATION AGENCY TO MAKE AN ACADEMIC RECOMMENDATION TO SCHOOL BOARDS

The Speaker laid before the House for consideration at this time,

H. C. R. No. 73, Directing the Texas Education Agency to make an academic recommendation to school boards.

The resolution having heretofore been referred to the Committee on Education and reported favorably by the Committee.

H. C. R. No. 73 was adopted.

TO DIRECT THE TEXAS EDUCATION AGENCY TO MAKE CERTAIN STUDY

The Speaker laid before the House for consideration at this time,

H. C. R. No. 86, To direct the Texas Education Agency to make certain study.

The resolution having heretofore been referred to the Committee on Education and reported favorably by the Committee.

H. C. R. No. 86 was adopted.

GRANTING SALARY INCREASE TO HOURLY EMPLOYEES OF HIGHWAY DEPARTMENT

The Speaker laid before the House for consideration at this time,

H. B. R. No. 604, Granting salary increase to hourly employees of the Highway Department.

The resolution having heretofore been referred to the Committee on
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State Affairs and reported favorably by the Committee.

Mr. Collins offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. S. R. No. 604, line 17, after the figure 1 by replacing semi-colon with comma and inserting the following between semi-colon and the word "and":

"taking into consideration the longevity increase provided in the House General Appropriation Bill if said provision becomes law;"

The amendment was adopted.

H. S. R. No. 605, as amended, was adopted.

BILL AND RESOLUTION 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 times, the following enrolled bill and resolution:

H. C. R. No. 27, Congratulating the Honorable Bill Daniel and inviting him to address a Joint Session.

H. B. No. 417, An Act to reorganize the 32nd and the 104th Judicial Districts by removing Fisher County from the 104th Judicial District and adding Fisher County to the 32nd Judicial District and making certain other provisions relating thereto; and declaring an emergency.

HOUSE BILL NO. 349 ON THIRD READING

Mr. Pearcy moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 349, on third reading and final passage.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 349, A bill to be entitled "An Act amending Article 195 of the Revised Civil Statutes of Texas, 1925, apportioning the State of Texas into Representative Districts; naming the counties composing each district; providing the number of Representatives to be elected in each district; providing for returns of elections and issuance of certificates of election; providing for severability; repealing all laws in conflict herewith; making the Act effective for the elections for all Representatives from the places herein specified and described, to the Fifty-eighth Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not affect present membership, personnel or districts of the
Fifty-seventh Legislature; and providing special elections for the filling of vacancies in the office of any Representative of the Fifty-seventh Legislature shall be held in the district as it now exists; and declaring an emergency."

The bill was read third time.

Mr. Pearcy offered the following amendment to the bill:

Amend House Bill No. 349 by adding a new Section to be numbered Section 6 to read as follows:

"Section 6. The unequal apportionment of Representatives Districts and the great Importance of giving equal representation to all citizens of this State in the House of Representatives of Texas create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, 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."

The amendment was adopted by unanimous consent.

Mr. Dewey moved the previous question on the passage of H. B. No. 349 and the main question was ordered.

Mr. Townsend moved to reconsider the vote by which the previous question was ordered on the passage of H. B. No. 349.

Mr. Dewey moved to table the motion to reconsider the vote by which the previous question was ordered.

A record vote was requested on the motion to table.

The motion to table the motion to reconsider the vote by which the previous question was ordered was lost by the following vote:

Yeas—49

Alvarez Bridges
Barney
Barrow
Bass
Boyce
Collins
Cotter
Dewey
Duffy, Miss
Dunlap
Richard
Fletcher
Glass
Green
Huffoy
Harrington
Hays
Hillson
Hollowell
Hubbe
HUGHES
Huey
Johnson of Bexar
Johnson of Bull
Jones of Travis
Kilpatrick
Kolba
Koroth
Lack
Leaverton
Laws
Longoria
McCoppin
McKee
McKee of El Paso
Mills
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Barnett, Mrs.
Barlow
Bell
Berry
Blaine
Burgess
Burks
Byler
Cannon
Carr of Bexar
Carr of Hunt
Carran
Cook
Cory
Cowles
Craik
Crews
Carrington
de la Gema
Ehrle
Fairchild
Floyd
Floyd
Foreman
Garalson
Garrison
Gibbens
Gladdens
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Grover
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Markgraf
Mullen
Nieder
Osborn
Pearcy
Perry
Perlatt
Perret
Price
Rapp
Richards
Richardson
Roberts of Hill
Rosas
Sandahl
Smith of Bexar
Spears
Springer
Stewart
of Wichita
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Ward
Watson
Wells
Wheelston
Whitfield
Wilson of Trinity
Yesa
Adams of Labcock
Harding
Adams of Titus
Hensly
Hughes of Dallas
Imaeha, Miss
James
Jarvis
Johnson of Dallas
Lary
Latimer
McGregor
McLennan
Martin
Miller
Moore
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Nugent
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Parson
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Quilliam
Ratliff
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Roberts of Dawson
Roesen
Shrum
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Shipley
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Smith of Grayson
Smith of Jefferson
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The motion to reconsider the vote by which H. B. No. 349 was passed and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE**

I voted aye on suspending the rules to take up H. B. 349 because I am pleased to have Jones County added to the district that I now represent.

CARL WHEATLEY

**HOUSE BILL NO. 28 ON SECOND READING**

The Speaker said before the House as a special setting for today on its second reading and passage to engrossment,

H. B. No. 28, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 7 and Section 19, of the Texas Unemployment Compensation Act, as amended, (S. B. No. 5, Ch. 482, General and Special Laws of the Forty-fourth Leg., Third Called Session, 1936, as amended) providing for the payment of benefits; and the amount and duration thereof; providing an amended definition of 'wages;' providing for an effective date of this Act and its sections; providing for the repeal of all laws and parts of law in conflict herewith; providing for the severability of provisions; and declaring an emergency."

The bill was read second time.

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

Amend House Bill No. 28 by striking all below the enacting clause and substituting the following:

**Section 1.** That sub-sections (b) and (d) of Section 3 of the Texas Unemployment Compensation Act, as amended (S. B. No. 5, Ch. 482, General and Special Laws of the Forty-fourth Leg., Third Called Session, 1936, as amended) are amended so as to read as follows:

"**BENEFITS**

Section 3.

(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any..."
benefit period shall be paid with respect to such benefit period, benefi
tiess at the rate of one twenty
(1/20) of his wages received from
employment by employers during
that quarter of his base period in
which such wages were highest, pro-
vided that:
(1) if such rate is not an even
multiple of One Dollar ($1), it shall
be adjusted to the next higher
multiple of One Dollar ($1); and
(2) such rate shall not be more
than Thirty-five Dollars ($35) per
benefit period nor less than Ten dol-

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"DEFINITIONS  

Section 19  

(n) Wages:  

(1) That part of the remuneration which, after remuneration with respect to employment equal to Four Thousand Eight Hundred Dollars ($4,800), has been paid to an individual by an employer during any calendar year, to paid to such individual by such employer during such calendar year;

(5) Within any calendar year that part of an individual's remuneration from a single employer which, after Four Thousand Eight Hundred Dollars ($4,800) has been paid him upon which contributions have been paid under the unemployment law of any state, is paid with respect to employment."

Section 7. The fact that the maximum weekly benefit amount presently provided in the Texas Unemployment Compensation Act and the duration thereof are not adequate in relation to current average weekly wages by Texas workers and that there has been no recent adjustment of benefits to meet increased weekly earnings and higher living costs 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 the same is hereby suspended, and this Act shall be in full force and effect from and after the date of its passage, subject to the provisions thereof, and it is so enacted.

MESSAGE FROM THE SENATE
Austin, Texas, May 9, 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 adopted the Conference Committee report on S. B. No. 119 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has passed the following:
S. C. S. No. 54, Relating to Public Schools Week—March 5th through March 9th, 1962.

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

RECESS

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

The motion prevailed.

In accordance with the motion to recess, the House at 11:45 o'clock a.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the speaker.
The House resumed consideration of pending business, same being H. B. No. 28, relative to amending the Texas Unemployment Compensation Act.

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

Amend Section 1 of Committee Amendment No. 1 to House Bill No. 28 as it proposes to amend Subsection (d) of Section 3 of the Texas Unemployment Compensation Act, as amended, by striking out the words and figures "Fifty Thousand Four Hundred Sixty Dollars ($5,460)"); and inserting in lieu thereof the words and figures "Four Thousand Dollars ($4,000)."

Amend Section 2 of Committee Amendment No. 1 to House Bill 28 by striking all of Section 3 as it proposes to amend Section 3 of said amendment and substituting in lieu thereof the following:

"Section 3. That Section 3 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1961, as amended, be amended by adding a new subsection (e) to read as follows:

"(e) Benefit Wage Credits: Wages as used in this Section shall be as defined in subsection (n) of Section 19 of this Act, except that the $3,000.00 limitation on wages as set out in subsection (n)(1) of Section 19 shall not be applicable for the purposes of this Section 3 to remuneration received after December 31, 1961; and it is further provided that for the purposes of this Section 3, wages received by an individual during any calendar year shall not be applicable for the purposes of this Section 3 to remuneration received during any calendar year."

The amendment by Mr. Preston was adopted.

Mr. Harrington moved to reconsider the vote by which the above amendment by Mr. Preston to Committee Amendment No. 1 was adopted.

Mr. Cowen moved to table the motion to reconsider the vote.

A record vote was requested on the motion to table.

The motion to table the motion to reconsider the vote by which the amendment by Mr. Preston was adopted prevailed by the following vote:

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Adams of Lubbock Fletcher
Adams of Titus Ford
Allen Foreman
Andrews Garrison
Atwell Culberson
Ballman Gusting
Bankhead, Mrs. Grover
Barnes Guillet
Bartlett Harding
Beall Heyland
Blaine Hollowell
Boyd Huebner
Boyett Hughes of Dallas
Bridge Issacks, Miss
Buchanan James
Burges Jamison
Butler Jarvis
Cannon Johnson of Dallas
Carroll Johnson of Bell
Chapman Jones of Dallas
Cole of Hunt Kenedy
Collins Kilpatrick
Conneal Koliba
Cook Larry
Cory Latimer
Cotton Leaverton
Crowe Lewis
Cowles Longoria
Crain McGregor
Crews of McLennan
Carlgton of El Paso
Daughlin Motlany
Dee, Miss Markgraf
Faurchild Martin
Mr. Bell offered the following amendment to Committee Amendment No. 1:

Amend the Amendment to House Bill No. 28 by adding to Sec. 3 thereof, at the end of quoted Section 3, page 1, Subsection 3(e) as follows:

"(e) If the Commission finds that he has made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain any benefit or other payment under this Act. Such disqualification shall be for one (1) year following the filing of any such claim."

The amendment by Mr. Bell was adopted.

Mr. Johnson of Dallas offered the following substitute amendment for Committee Amendment No. 1:

Amend House Bill 28 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That subsections (b) and (d) of Section 3 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended to read as follows:

"BENEFITS"

"Section 3."

"(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-sixth (1/26) of his wages received from employment by employers during that quarter in his base period in which such wages were highest, provided that:

(1) If such rate is not an even multiple of One Dollar ($1), it shall be adjusted to the next higher multiple of One Dollar ($1); and

(2) Such rate shall not be more than Thirty-five Dollars ($35) per benefit period nor less than Seven Dollars ($7) per benefit period.

"(d) Duration of Benefits: The Commission shall establish wage credits for each individual by crediting him with the wages for employment received by him during his base period from employers. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of:

(1) Twenty-six (26) times his benefit amount, or

(2) One-fourth (1/4) of such wage credits; provided that if such
is not an even multiple of One Dollar ($1), it shall be adjusted to the next higher multiple of One Dollar ($1)."

(b) Provided that no individual shall be paid benefits under this Act unless he fulfills the eligibility conditions set out in Section 4 of this Act and has been totally or partially unemployed for a waiting period of seven (7) consecutive days. No week shall be counted as a waiting period week for the purpose of this subsection:

(A) Unless he has registered at an employment office of the Commission in accordance with subsection (a) of Section 5 of this Act.

(B) Unless it is a week following the filing of a valid initial claim.

(C) Unless he reports at an office of the Commission and certifies that he has met the waiting period requirements herein prescribed for the preceding seven (7) days.

(D) If the individual has been disqualified for benefits for such seven (7) day period under the provisions of subsections (a), (b), (c), or (d) of Section 6 of this Act.

"Section 2. That subsection (a) of subsection (c) of Section 7 of the Texas Unemployment Compensation Act of Texas, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1935, as amended, be amended to read as follows:

"CONTRIBUTIONS"

"Section 7(c) Experience Rating"

"(2) (A) When, with respect to any benefit year, an individual is first paid benefits, his wages received during his base period shall be termed benefit wages, and shall be treated for the purposes of this subsection (c) as though they had been paid in a calendar quarter in which such benefits are paid. This process may be designated as charging benefit wages to an employer's account, and benefit wages thus charged may be designated as chargebacks. Benefit wages shall include only the wages from employers available for wage credits in a base period and shall not exceed Three Thousand Six Hundred and Forty Dollars ($3,640) for any one employee or former employee. If any employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of information which has been furnished by the claimant or on the basis of the best information which has been obtained by the Commission, and wage credits so established shall be used as benefit wages for such employer for the purposes of this Section 7. The benefit wages of each employer for a given calendar quarter shall be the total of the benefit wages received from such employer by all of his employees or former employees with respect to such quarter; provided, that the benefit wages of an employer shall not include wages received during any given base period from such employer by an employee or former employee, whose last separation from such employer's employment, prior to the benefit year in conjunction with which such base period was established, was (1) a separation required by a Federal or a Texas statute or a Texas municipal ordinance; (2) a separation for which a disqualification under subsection 5(a) or 5(b) of this Act would have been imposed if such employer's employment of the employee or former employee had been the employee's last work; or (3) a separation with respect to which a disqualification was imposed under subsection 5(a) or 5(b) of this Act; and provided further that for the purpose of this paragraph the term "last separation" shall, with respect to an employee whose initial determination disqualified him for benefits under subsection 5(d) of this Act, mean his next later separation from such employer's employment.

"Section 3. That Section 3 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1935, be amended by adding a new subsection (e) to read as follows:

"BENEFITS"

"Section 3."

"(a) Benefit Wage Credits: "Wages" as used in this Section shall be as defined in subsection (d) of Section 19 of this Act, except that the $3,000.00 limitation on wages as
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set out in subsection (b)(1) of Section 19 shall not be applicable for the purposes of this Section 3 to remuneration received after December 31, 1961; and it is further provided that for the purposes of this Section 3, wages received by an individual after December 31, 1961, shall include all remuneration from each employer for employment up to a maximum of the first $4,800 received during any calendar year."

Mr. Korloth raised a point of order on further consideration of the substitute amendment by Mr. Johnson of Dallas on the ground that it is not germane to the bill.

The Speaker overruled the point of order, stating his reasons as follows: "The Chair's opinion is that the substitute tracks the original with certain definite germane changes and adds the feature of postponing the first payment one week which the proponents tell the Chair will not change the total paid if the total allowable unemployment compensation is received."

Mr. Korloth offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend the Johnson Substitute to H. B. No. 28 by deleting the words "one twenty-sixth (1/26)" in Section 3 (b) of Section 1 and substituting in lieu thereof the following: "one-twentieth (1/20)" and amend section 3 (d) (2) of Section 1 by deleting the words "one fourth (1/4)" and substituting in lieu thereof for "one-third (1/3)."

Mr. Johnson of Dallas moved to table the amendment by Mr. Korloth to the substitute amendment.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Korloth to the substitute amendment by Mr. Johnson of Dallas was lost by the following vote:

Yay—41

Adams of Lubbock Barlow
Adams of Titus Bartlam
Andrews Bell
Atwell Blaine
Banfield, Mrs. Boren
Butler Miller
Chapman Moore
Conwell Motter
Cook Nugent
Craw Maclin
Crews Osborne
Curlington Petty
de la Garza Quattlebaum
Ebert Ratcliff
Fairchild Redmon
Fletcher Richards
Garrison Roberts of Hill
Gibbens Ross
Grover Sandahl
Healy Schram
Hughes of Dallas Shipley
James Slackirth
Jarvis Shales
Johnson of Dallas Spellman
Johnson of Bell Thermman
Jones of Dallas Thurmond
Kerimer Townend
Lewis Tunnell
McGregor Walker
McLennan Ward
Martin Wilson of Potter

Nay—80

Alanis Isaacs, Miss
Allen Jamison
Bailey Johnson of Bexar
Ballman Jones of Travis
Barba Keenard
Bass Kilpatrick
Berry Koliba
Bridges Kerforth
Buchanan Lecx
Caldwell Lan
Canon La Valle
Carriker Leavenworth
Cole of Harris Longoria
Collins Longoria
Cory McCool
Cowen of El Paso
Cowles McHany
Dewey Markgraf
Duff, Miss Mallet
Eckhardt Munn
Floyd Niemeyer
Foreman Oliver
Gladden Pearcy
Glass Peeler
Gibson Piersi
Green Pipkin
Guffey Preston
Harding Price
Haring Rapp
Harrington Richardson
Hayes Rosas
Hinson Slider
Hollowell Smith of Bexar
Huber Smith of Jefferson
Hughes Spears
of Grayson Springer
Mr. Cotten (present), who would vote "yea," with Mr. Shannon (absent) who would vote "nay." The amendment by Mr. Korioth to the substitute amendment by Mr. Johnson of Dallas was adopted.

Mr. Kennard offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend the Johnson Substitute to H. B. No. 28 by deleting all of subsection (3) (d) of Section 3 under Section 1 of the Johnson Substitute.

(Mr. Hollowell in the Chair)

Mr. Johnson of Dallas moved to table the amendment by Mr. Kennard to the substitute amendment by Mr. Johnson of Dallas. A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Kennard to the substitute amendment by Mr. Johnson of Dallas prevailed by the following vote:

Yea—79

Adams of Lubbock Burgess
Adams of Titus Butler
Andrews Chapman
Atwell Cole of Hunt
Bansfield, Mrs. Connell
Barrows Cook
Bartram Crain
Bell Crews
Bisene Carrington
Boyes de la Garza
Buchanan Dewey

Nay—65

Alaniz Korioth
Allen Lack
Balman Lacy
Barlow Leaverton
Bar
McGregor
Berry Mcintosh
Bridge of El Paso
Cadwell Markgraf
Cannan Mullen
Carriker Parsons
Collins Perzy
Cory Pfeifer
Cowan Pleasant
Duff, Miss Preston
Eckhardt Richards
Floyd Richardson
Gladden Roberts of Hill
Glass Ross
Green Riddle
Guoff Smith of Bexar
Haring Smith of Jefferson
Harrington Spears
Haynes Springer
Hixson Stewart
Humes of Galveston
Hughes of Galveston
Jamison of Wichita
Johnson of Bexar Struve
Jones of Travis Trevino
Kennard Wells
Kilpatrick Wheeler
Mr. Cotten (present), who would vote "yea," with Mr. Shannon (absent) who would vote "nay."

Mr. Kennard offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend subsection of the proposed Substitute Amendment by Mr. Johnson to H. B. No. 28 by adding at the end of subsection (3) of subsection (d) of Section 3 of Section 1 of the bill:

"Provided, however, that any individual who, having been totally or partially unemployed for a waiting period week is found eligible to receive benefits with respect to the benefit period immediately following his waiting period week shall be eligible to receive benefits with respect to his waiting period week and when benefits are first paid with respect to his waiting period week."  

Mr. Johnson of Dallas moved to table the amendment by Mr. Kennard to the substitute amendment by Mr. Johnson of Dallas.

The motion to table prevailed.

Mr. Bell offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend amendment to House Bill No. 28 by adding a Subsection (e) thereto, at the end of quoted Section 3, Page 1, to read as follows:

"(e) If the Commission finds that he has made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain any benefit or other payment under this Act, such disqualification shall be for one (1) year following the filing of any such claim."

Mr. Kurth raised a point of order on further consideration of the amendment by Mr. Bell to the substitute amendment by Mr. Johnson of Dallas on the ground that it is not germane to the substitute amendment nor to the bill.

(Speaker in the Chair)

The Speaker overruled the point of order stating his reasons, as follows:

"This is a comparable point of order raised against exactly the same amendment offered to the Committee Amendment. The Chair can find no difference with fundamental considerations regarding germaneness. It appears to the Chair that the terms of this amendment could possibly conflict with the existing law but since the Chair does not pass upon the consistency of amendments either to a bill or to existing law, therefore, the Chair respectfully overrules the point of order."

The amendment by Mr. Bell was adopted.

Mr. Read offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend amendment to House Bill No. 28 by adding thereto a new section to be numbered appropriately and to read as follows:

"Sec. Any person collecting or applying for unemployment compensation shall report each morning that said unemployment office is open, for work."

Mr. Johnson of Dallas moved to table the Amendment by Mr. Read to the substitute amendment by Mr. Johnson of Dallas.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Kilpatrick asked unanimous consent of the House that the Omn.
Mr. Preston offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend Johnson Amendment, Subsection (d) (1) by changing the words and figures as follows:

"(1) Thirty ($30) times his benefit amount, or"

Mr. Johnson of Dallas moved to table the amendment by Mr. Preston to the substitute amendment by Mr. Johnson of Dallas.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Preston to the substitute amendment by Mr. Johnson of Dallas was lost by the following vote:

Yes—60

Adams of Lubbock Jones of Dallas
Atwell Kollha
Bansfield, Mrs. Latimer
Barnes Markgraf
Beal Miller
Blaire Moore
Boyd Nutz
Butler Nutz
Chapman Osborn
Connell Petty
Crews Quillian
Curtinbgton Read
Ehrle Roberts of Dawson
Fairchild Roseon
Garrison Schram
Gibbens Shipley
Grover Slack
Harling Stetson
Harting Spilman
Hollowell Stewart
Huebner of Wichita
Hughes of Dallas Thurman
James Tunnell
Jarvis Walker
Johnson of Dallas Wilson of Potter
Johnson of Bell

Noes—91

Adams of Títus Bass
Akins Berry
Andrews Bridges
Balsey Burgess
Ballman Caldwell
Barnes Cannon
Barlow Carriker

Cole of Hunt McGregor
Collins of El Paso
Cook McIlhany
Cory Martin
Coxen Walleld
Cowles Murray
de la Garza Nuesyer
Dewey Oliver
Duff, Miss Parsons
Dugan Peary
Eckhardt Fessler
Fitcher Finsett
Floyd Pipkin
Foreman Preston
Gladden Price
Glass Rapp
Glasper Richards
Green Richardson
Guffey Roberts of Hill
Harrington Ross
Haynes Bandahl
Healyilder
Hinoe Smith of Bexar
Hughes of Grayson Smith of Jefferson
Iwasaki, Miss Dallas
Jamison Stewart
Johnson of Bexar of Galveston
Jones of Travis Struve
Kannard Thurmond
Kilpatrick Townsend
Korinth Trevino
Lack Ward
Lary Watson
LaValle Wells
Leaverton Wheeler
Lewis Wharton
Longoria Wilson of Trinity
McCoppin Woods
McGregor Yesak
McGregor of McLennan

Present—Not Voting

Cotton Abseot
Allen Crain
Buchanan Ratliff
Cole of Harris

Hale Shannon

The amendment by Mr. Preston to the substitute amendment by Mr. Johnson of Dallas was adopted.

Mr. Preston moved to reconsider the vote by which the above amendment offered by himself to the substitute amendment by Mr. Johnson of Dallas was adopted and to table the motion to reconsider.

The motion to table prevailed.
Mr. Lewis offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend the Johnson substitute for the Committee Amendment to H. B. No. 28 by adding, after the first sentence in Section 3 (d) (3), the following:

"However, after unemployment has continued for three weeks, and the unemployed person has met all eligibility conditions of this Act, he shall be entitled to receive, in addition to unemployment compensation payments otherwise provided for in this Act, additional unemployment compensation for the full period of his unemployment so that he shall receive compensation in an amount that he would have received had there been no disqualification for the one week waiting period."

Mr. Johnson of Dallas moved to table the amendment by Mr. Lewis to the substitute amendment by Mr. Johnson of Dallas.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Lewis to the substitute amendment by Mr. Johnson of Dallas was lost by the following vote:

Yea-66

Adams of Lubbock
Isaacks, Miss
Adams of Titus
Andrews
Atwell
Atwell, Mrs.
Barnes
Bell
Blaine
Boyes
Boyens of McLennan
Buchanan
Burgess
Butler
Chapman
Chapman
Cook
Cook
Cren
Cren
Ehrle
Fairchild
Garrison
Gibbens
Gingling
Glover
Harding
Harding
Heady
Hollowell
Hughes of Dallas
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Smith of Wichita
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The amendment by Mr. Lewis to the substitute amendment by Mr. Johnson of Dallas was then adopted.

Mr. Fletcher offered the following amendment to the substitute amendment by Mr. Johnson of Dallas:

Amend the Johnson substitute to the committee amendment of House Bill 28 by striking the semi-colon and adding an additional sentence in Section 3(c) (3) (B); to read as follows:

In the event that a contract is entered into between an employer and his employees or their representative by which supplemental unemployment compensation payments upon which the said contract is based shall not be altered by the terms of this section during the term of the said contract or any extension thereof, so as to reduce or alter such supplemental benefits as are provided in said contract.

The amendment by Mr. Fletcher was lost.

The substitute amendment by Mr. Johnson of Dallas, as amended, was adopted.

The Committee Amendment No. 1, as substituted by the amendment by Mr. Johnson of Dallas, was adopted.

H. B. No. 28 was passed to engrossment.

Mr. Kerith moved to reconsider the vote by which H. B. No. 28 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I wish to be recorded as voting "nay" on the passage of H. B. No. 28 to engrossment.

WADE F. SPILMAN

RELATIVE TO CONSIDERATION OF LOCAL AND UNCONTESTED BILL CALENDARS

Mr. Collins moved to suspend all necessary rules to set a local and uncontested bill calendar for consideration on tomorrow at 10:00 o'clock a.m.

The motion prevailed by unanimous consent.

Mr. Collins then moved to suspend all necessary rules to set a local and uncontested bill calendar for the consideration of House Bills for next Thursday at 2:00 o'clock p.m.

The motion prevailed by unanimous consent.

INTRODUCTION OF HOUSE BILL NO. 1109

Mr. Keen read a substitute amendment of the House to introduce at this time and have placed on first reading, H. B. No. 1109.

There was no objection offered and it was so ordered.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read severally first time and referred to the appropriate Committees, as follows:

By Mr. Pearcy:

H. B. No. 1107, A bill to be entitled "An Act amending Chapter 19, Acts of the 55th Legislature, First Called Session, 1957, pertaining to the Hall County Water Control and Improvement District No. 6; finding a benefit to all land and other property within the District; providing the District and is created to serve a public use and benefit; defining the boundaries of the District; finding a closure and related matters; exempting property of the District and bonds of District from taxation; providing for bonds of District to be eligible investments; providing for no election for confirmation and no hearing for exclusions; adopting the ad valorem plan of taxation for the District; providing for amount and kind of bonds for directors; provisions for failure to call director elections and other matters relating to the Board of Directors; validating the District, the Board of Directors and all acts and contracts of the Board of Directors; providing rights, powers and authorities of District within and without boundaries of District; authorizing the Board of Directors to use maintenance tax funds for easements and rights-of-way and for bond purposes or bond
sinking funds and providing determination of such by the Board of Directors is final except for fraud, palpable error or gross abuse of discretion; providing it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the District before a bond election is held and it shall not be necessary to secure approval of the State Board of Water Engineers prior to the issuance of bonds by the District; providing that bonds issued by the District shall be incontestable after approval by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing that certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, shall not apply to this District; providing for a severability clause; and declaring an emergency.”

Referred to the Committee on Conservation and Reclamation.

By Mr. Nugent:

H. B. No. 1108, A bill to be entitled “An Act amending Section 1 of Chapter 50, Acts of the 55th Legislature, Regular Session, 1957, as amended, granting regulatory authority over wildlife resources in Menard County, Texas, to the Texas Game and Fish Commission; and declaring an emergency.”

Referred to the Committee on Game and Fisheries.

By Messrs. Kennard, McGregor of El Paso, Jones of Travis, Johnson of Bexar, Foreman, Gladden, Richardson, and Spears:

H. B. No. 1109, A bill to be entitled “An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 55th Legislature, (Vernon's Annotated Civil Statutes, Article 1269j-5), by adding a new Section to make bonds issued by any city having a population of 150,000 or more according to the next preceding Federal Census, for airport purposes eligible as security for public funds and as investments for certain funds; enacting other provisions relating to the subject; and declaring an emergency.”

Referred to the Committee on Banks and Banking.

By Mr. Butler:

H. B. No. 1110, A bill to be entitled “An Act creating 'Escondido Watershed District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that a confirmation election or hearing on exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; specifying the purposes and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; providing that the District shall bear the expense of any necessary relocation, raising, or re-routing facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency.”

Referred to the Committee on Conservation and Reclamation.

SUSPENDING THE JOINT RULES TO CONSIDER H. J. R. NO. 30

Mr. Dungan offered the following resolution:

H. J. R. No. 30

Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the House and Senate be suspended in order to permit the House and the Senate to consider at any time H. J. R. No. 30, and said Rules are hereby suspended.

The resolution was read and was adopted.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 119

On motion of Mr. de la Garza and by unanimous consent of the House,
the Conference Committee Report on H. B. No. 119 was adopted by the following vote:

Yeas—141

Adams of Lubbock Hisson
Adams of Titus Hollowell
Allen Hughes of Grayson
Andrews Hughes of Dallas
Atwell Iamsack, Miss
Bailey James
Bain of Titus Jamison
Barlow Jarvis
Barney Johnson of Dallas
Bartram Johnson of Bell
Birds Johnson of Dallas
Berry Jones of Dallas
Blaine Jones of Travis
Boyd Kiplick
Buchanan Kotila
Burgess Lack
Butler Latimer
Butler of Dallas Leaverton
Caldwell Lewis
Collin of McLennan
Collins Longoria
Cook McGregor of El Paso
Cotton Mcllhany
Cowen Martz
Cowles Martin
Cromer Miller
Crowe Moore
Curvungton of la Garza Mullen
de la Garza Murray
DeBakey Mussow
Dewey Naemeyer
Duffy, Miss Nagen
Dunn Oliver
Duncan Oboho
Eberhadt Oak
Ehrle Oesbrown
Fairchild Pearcy
Fletcher Pieler
Ford Pielot
Foreman Pierson
Garrison Pippin
Gibbons Preston
Gladden Price
Glenn of Quitman
Glass of Rapp
Glasston Raitil
Green Read
Grofer Read
Guffey Richards
Harding Richardson
Haring Roberts of Hill
Harrington Roberts of Dawson
Harrues Rosea
Rosean
Romson
Shirley
Shipley
Slack
Slater
Smith of Bexar
Smith of Jefferson
Smith of Trinity
Smithson
Springer
Stewart
Stewart
Stewart
Struve
Thurman
Thurmond
Tremo
Tunnel
Walker
Ward
Watson
Wells
Wheelley
Whitfield
Wilson of Trinity
Wood
Yazik

Nays—1

Bridges

Absent

Johnson of Bexar
Smith of Jefferson
SSndahl
Wilson of Potter

Absent—Excused

Hale
Shannon

RECESS

Mr. de la Garza moved that the House recess until 10:00 o'clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to recess, the House at 5:23 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Banks and Banking: H. B. No. 1109.


May 9, 1961

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

SIR: Your Committee on Engrossed Bills to whom was referred

H. B. No. 9, A bill to be entitled "An Act amending Sections 1 and 2 of Article IV of Senate Bill No. 115, Chapter 244, Acts of the Fifty-first Legislature, Regular Session, 1949, as last amended by House Bill No. 8, Chapter 390, Acts of the Fifty-second Legislature, Regular Session, 1957, to provide a new teacher and administrator salary schedule with increments; amending Section 1 of Article V of Senate Bill No. 116, supra, as amended by House Bill No. 267, Chapter 241, Acts of the Fifty-third Legislature, Regular Session, 1953, to provide for an increased operating cost allotment; amending Subsection (2) (a) and (b) of Section 2 of Article V of Senate Bill No. 116, supra, as amended by Senate Bill No. 102, Chapter 409, Acts of the Fifty-third Legislature, Regular Session, 1957, to increase the allowable total base costs for each bus; amending Sections 1, 2 and 4 of Article VI, Senate Bill No. 116, supra, as amended by Senate Bill No. 1, Chapter 9, Acts of the Fifty-third Legislature, First Called Session, 1954, and by Senate Bill No. 163, Chapter 174, Acts of the Fifty-third Legislature, Regular Session, 1953, (Article 5928-16, Sections 1, 2 and 4, Vernon's Texas Civil Statutes), to fix the amount to be charged for the 1961-63 school year against the local school district toward the Foundation School Program and the method to determine thereafter annually such charge; providing a repealing and severability saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 5, 1961

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

SIR: Your Committee on Engrossed Bills to whom was referred

H. B. No. 349, A bill to be entitled "An Act amending Article 19 of the Revised Civil Statutes of Texas, 1921, apportioning the State of Texas into Representative Districts; naming the Counties composing each District; providing the number of Representatives to be elected in each District; providing for returns of elections and issuance of certificates of election; providing for severability; repealing all laws in conflict herewith; making the Act effective upon passage and approval; declaring an emergency." has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 5, 1961

Hon. James A. Turman, Speaker of the House of Representatives.
Austin, Texas, May 5, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1082, A bill to be entitled "An Act amending Section 2 of Chapter 88, Acts of the Forty-First Legislature, Second Called Session, 1929, as amended (compiled as Article 6676a-3, Vernon's Texas Civil Statutes), by exempting owners from registering and paying the regular registration fee for certain farm trailers, farm semi-trailers, water well drilling and road construction machinery used for certain purposes and under certain conditions but requiring payment of an annual fee of Five Dollars ($5); providing for issuance of special plates and exemption of such vehicles from certain inspection requirements; providing that exemptions from registration and from payment of regular fees shall apply to farm trailers and farm semi-trailers owned by cotton gins under certain conditions; defining certain conditions under which exemptions and payment of special fees for farm trailers and farm semi-trailers shall not apply and providing consequences for violation of such conditions; amending Subsection 3 of Section 133 of the Uniform Act Regulating Traffic on Highways (compiled as Article 6701d of Vern. on's Texas Civil Statutes), by exempting from the provisions of such Subsection farm trailers and farm semi-trailers whose gross weight does not exceed ten thousand (10,000) pounds provided they are operated in accordance with certain requirements; deleting 'gross weight'; providing a severability clause; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. G. R. No. 86, Recommending that the Texas Education Agency make a survey to determine the practicability of the use of paper-back textbooks in the public schools of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. G. R. No. 99, Providing for suspension of the Joint Rules in order to take up H. B. No. 249.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 399, 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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.
May 9, 1961

HOUSE JOURNAL 1829

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 570, An Act providing that in all counties where an independent audit has not been made within the preceding ten (10) years, and 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 hospitals, farms, 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 1638, 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 (2) years thereafter on the even-numbered years and completed not later than December 31st of such year; providing for a repealing clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 762, An Act relating to the regulatory authority of the Game and Fish Commission in Comal County; amending Chapter 156, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to extend the duration of the Act to January 1, 1965; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 893, An Act creating a Conservation District under Article XVI, Section 59, of the Constitution, comprising certain territory lying within the County of Lamar, Texas, for the purpose of flood control and preservation of land and soil, and the fertility thereof, and to construct, acquire, improve, carry out, maintain, repair and operate dams, structures, projects and works of improvement for flood prevention (including structural and land treatment measures), and for agricultural phases of the conservation, development, utilization and disposal of water within the District, and to purchase or acquire other facilities and equipment necessary or useful in connection therewith and for other purposes for soil conservation and preservation and related matters, and to purchase or acquire land, easements or rights-of-way, and to cooperate with county, State and Federal Governments in carrying out the purposes of this Act; providing for a Board of Directors for the government of said District; authorizing the District to do all things necessary to prevent floods and conserve and provide other provisions relating thereto; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.
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preserve the land and soil and the fertility thereof within the District; making applicable to the District; Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain; authorizing said District to have all the powers, rights, privileges and duties of a local organization within the purview and meaning of Public Law 666, 83rd Congress, Chapter 656, 2nd Session, H. R. 6788; authorizing the District to issue negotiable bonds and to levy taxes for payment of interest and principal thereof and providing for an election to authorize said bonds; authorizing the District to issue refunding bonds; providing for the approval by the Attorney General and registration by the Comptroller of Public Accounts of said bonds and refunding bonds; providing bonds and refunding bonds to be incontestable; providing for deposits: providing for bonds and refunding bonds to be legal investments; providing bonds and refunding bonds to be free from State taxation: authorizing the District to acquire water appropriation permits and other permits; providing for levying and collecting, and other powers, rights and duties pertaining to taxes and taxation; prescribing other powers of the District; finding a benefit; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 27, congratulating and inviting the Honorable Bill Dannel to speak before a Joint Session of the House and Senate at his earliest convenience,

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman

Austin, Texas, May 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 95, welcoming the Junior Class of the United States Air Force Academy, the Falcon Football Team, faculty and staff members, and other friends of the Air Force Academy.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman

SENT TO GOVERNOR

May 9, 1961

H. B. No. 259
The House met at 10:00 o'clock a.m., and was called to order by the Speaker.

"Strike all after the phrase ‘Bond and Warrant Law of 1931, as heretofore or hereafter amended’ in the last sentence of Section 3."

(Mr. Dewey in the Chair)

The amendment was adopted.

S. B. No. 251 was passed to third reading.

SENATE BILL NO. 293 ON SECOND READING

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

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

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

SENATE BILL NO. 294 ON SECOND READING

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

S. B. No. 294, Regarding powers of Tarrant County Water Control and Improvement District No. 1 to issue bonds for sewage and waste disposal facilities; and declaring an emergency.

The bill was read second time.

Mr. Cotten offered the following amendment to the bill:

Add a new section to be properly numbered as follows:

"The power of eminent domain exercised by the Tarrant County Water Control and Improvement District shall be limited to Tarrant County, Texas."

The amendment was adopted.

Mr. Thurman offered the following Committee amendment to the bill:

Committee Amendment No. 1

Amend S. B. 294 by adding the following words at the end of Section 3-1:

The term “sole expense” shall mean the actual cost of such relocation, raising, lowering, re-routing,