of Navigation and Canal Commissioners in certain Navigation Districts; providing for severability; and declaring an emergency.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR

May 16, 1961

H. R. No. 106.

SIXTY-FOURTH DAY

(Tuesday, May 16, 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

Adams of Lubbock
Adams of Titus
Alaniz
Allen
Andrews
Atwell
Bailey
Baker, Mrs.
Barlow
Barnes
Bass
Bell
Berry
Blaine
Boyles
Bridge
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cousins
Cook
Cory
Cotlen
Cowan
Cowles
Crain
Cullington
de la Garza
Dewey
Duff, Mrs.
Dungan

Lack
Lary
Latimer
La Valle
Leaverton
Lewis
Longois
McCoppin
McGregor
McGregor
McIlhany
McKrag
Martin
Miller
Moore
Mullen
Murray
Mutchler
Niemeyer
Nugent
Oliver
Osborn
Parsons
Pearce
Peeler
Perry
Pieratt
Pipkins
Preston
Price
Quillian
Rapp
Rainier
Read

Absence

Bartram
Kingsbury

Absent—Excused

Ballman
Buchanan

A quorum of the House was announced present.

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

"Oh Lord, our God, in the closing days of this Regular Session when pressures and time become an important factor, we pray that Thou would bless these that are gathered here as Representatives chosen by the people of this State. Thou knowest each one: their needs, their hopes, their fears. Give them physical and spiritual strength and wisdom greater than their own. By our official actions may our State continue to
grow and prosper. Bless the Speaker with patience and understanding and love, in Christ's Name we pray. 

—Amen.”

LEAVES OF ABSENCE GRANTED

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

Mr. Ballman for today on motion of Mr. Cotten.

Mr. Crews for today on motion of Mr. Hoyen.

Mr. Yesak, temporarily for today on motion of Mr. Adams of Titus.

Mr. Buchanan was granted leave of absence for today on account of a death in his family, on motion of Mr. Hinson.

Mr. Wilson of Potter was granted leave of absence for today on account of illness in his family, on motion of Mr. Mci!chany.

COMMITTEE MEETING

Mr. Collins asked unanimous consent of the House that the Committee on Local and Uncontested Bills be permitted to meet at this time.

There was no objection offered.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 680, By Mr. Walker:

In memory of James W. (Jimmy) Trousdale.

H. S. R. No. 683, By Mr. Healty:

In memory of Calvin Phillip Dodson.

SENATE BILLS ON FIRST READING

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. 234 to the Committee on State Affairs.

S. B. No. 400 to the Committee on State Affairs.

HOUSE BILL ON FIRST READING

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

By Mr. Caldwell:

H. B. No. 1178, A bill to be entitled "An Act validating Brazoria County Water Control and Improvement District No. 3 and declaring it a validly existing, and operating conservation and reclamation district under Section 59, Article XVI, Texas Constitution; validating the addition of lands to such District and the boundaries thereof; validating governmental proceedings and acts; validating $100,000 bonds voted in said District on March 11, 1961, and all proceedings had in connection therewith; finding and determining that the lands and other property within said District are, and will be, benefited by the District; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

HOUSE BILL NO. 214 WITH SENATE AMENDMENTS

Mr. Grover moved that the House do not concur in the Senate Amendments to H. B. No. 214, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 721 WITH SENATE AMENDMENTS

Mr. Wells called up with Senate Amendments for consideration at this time.

H. B. No. 721, A bill to be entitled "An Act to amend Section 1, Section 2, and Section 4 of House Bill 127, Acts of the Regular Session, 51st Legislature, providing for the creation, regulation, and financing of Mosquito Control Districts in counties, etc., providing that this Act shall be severable; and declaring an emergency."

On motion of Mr. Wells the House concurred in the Senate Amendments by the following vote:

Yea-129

Adams of Lubbock Allen
Adams of Titus Allen
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<th>Name</th>
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<td>TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 721</td>
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<td>HOUSE BILL NO. 846 WITH SENATE AMENDMENTS</td>
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<td>H. B. No. 846. A bill to be entitled</td>
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<td>&quot;An Act providing for the trapping and transporting of wild white-tailed</td>
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<td>deer from overpopulated areas to areas of 5,000 acres or more in which</td>
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<td>such deer population is in surplus; providing that the trapping,</td>
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<td>transporting and transplanting of white-tailed deer shall be accomplished</td>
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<td>at no expense to the State, etc.; and declaring an emergency.&quot;</td>
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May 16, 1961

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Dulf, Miss
Dungan
Eckhardt
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Fairchild
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Haynes
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Hinson
Hollowell
Huebner
Hughes of Grayson
Hughes of Dallas
Isack, Miss
James
Jarnagin
Jarvis
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Koroth
Lack
Larav
Latimer
LaValle
Leaverton
Lewis

Absent
Bailey
Barlow
Berry
Cole of Harris
Coven

Shipley
Stewart
Smith of Jefferson
Stewart
Stewart
of Galveston
Wilson of Trinity

Absent—Excused
Ballman
Buchanan
Wilson of Potter

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 846

Floor Amendment No. 1

Amend Section 4 of House Bill No. 846 by eliminating such section and substituting the following therefor:

"Section 4. Under the provisions of this Act, the Game and Fish Commission shall issue such permits for the trapping, transporting, and transplanting of wild white-tailed deer upon a showing satisfactory to it that there is an over-population of such deer in the area in which they are to be trapped and that the area to which such deer are to be removed and transplanted will be suitable therefor."

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 1063 WITH SENATE AMENDMENTS

Mr. Smith of Jefferson called up with Senate Amendments for consideration at this time,

H. B. No. 1063, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 6, of Jefferson County, Texas; converting said District as so enlarged to, and creating and establishing said District as, a conservation and reclamation district under Section 59, Article XVI, Texas Constitution; providing that the general laws, with exceptions, shall apply to said District and to its Drainage Commissioners; etc., and declaring an emergency."

On motion of Mr. Smith of Jefferson the House concurred in the Senate Amendments by the following vote:

Yea's--131
Adams of Lubbock
Allen
Adams of Titus
Andrews
Alaniz

May 16, 1961

Carriker
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Cotten
Cowles
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de Ia Garza
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Dulf, Miss
Dungan
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Haynes
Heatly
Hinson
Hollowell
Huebner
Hughes of Grayson
Hughes of Dallas
Isack, Miss
James
Jarnagin
Jarvis
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Koroth
Lack
Larav
Latimer
LaValle
Leaverton
Lewis

Absent
Bailey
Barlow
Berry
Cole of Harris
Coven

Shipley
Stewart
Smith of Jefferson
Stewart
Stewart
of Galveston
Wilson of Trinity

Absent—Excused
Ballman
Buchanan
Wilson of Potter

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Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 1063 WITH SENATE AMENDMENTS

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Yea's--131
Adams of Lubbock
Allen
Adams of Titus
Andrews
Alaniz
TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1063

Senate Amendment No. 1

Amend House Bill 1063 by adding a new section to follow Section 11, to be known as Section 11a, reading as follows:

"Sec. 11a. In the event that the District, in the exercise of the power of eminent domain, or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 761 WITH SENATE AMENDMENTS

Mr. Cory called up with Senate Amendments for consideration at this time.

"An Act to provide that the District Attorney of the 24th Judicial
District shall be compensated not to exceed Ten Thousand Dollars ($10,000); providing that the stenographer of such Judicial District shall be compensated not to exceed Four Thousand Dollars ($4,000); and declaring an emergency."

On motion of Mr. Cory the House concurred in the Senate Amendments by the following vote:

Yeas—136

Adams of Lubbock  Harrington
Adams of Titus  Hayes
Akin  Healy
Allen  Hinace
Andrews  Hollowell
Atwell  Huddler
Bailey  Hughes
Baufield, Mrs.  de Ia Garza
Barlow  Boyens
Barlow  Bridges
Barlow  Burgess
Barlow  Butler
Barlow  Caldwell
Barlow  Cannon
Barlow  Carriker
Barlow  Cole of Hunt
Barlow  Collins
Barlow  Connell
Barlow  Cory
Barlow  Cotter
Barlow  Crain
Barlow  Crews
Barlow  Crow
Barlow  Crow
Barlow  Cushing
Barlow  de la Garza
Barlow  Dewey
Barlow  Duff, Miss
Barlow  Dunagan
Barlow  Edhardt
Barlow  Eklund
Barlow  Fahlstead
Barlow  Flicker
Barlow  Floyd
Barlow  Foreman
Barlow  Gibson
Barlow  Gibbons
Barlow  Gladden
Barlow  Glass
Barlow  Glaze
Barlow  Gleen
Barlow  Green
Barlow  Grover
Barlow  Guyfer
Barlow  Ham
Barlow  Harding
Barlow  Haring

Preston  Spears
Price  Spilman
Quilliam  Springer
Hacilff  Struve
Henderson  Tarrant
Richards  Tarrant
Richardson  Townsend
Roberts of Hill  Trevino
Roberts of Dallas-Turpin
Rusu  Walker
Rosson  Ward
Schram  Watson
Shannon  Wells
Shipley  Wheatley
Slick  Whitfield
Sider  Wilson of Trinity
Smith of Bexar  Woods
Smith of Jefferson  Yezak
Steele  Absent
Barlow  Sundahl
Chapman  Stewart
Cole of Harris of Galveston
Crahn  Stewart
Kendall  of Wichita
Rapp  Absent—Excused
Ballman  Crews
Buchanan  Wilson of Potter

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 761

Senate Amendment No. 1
Amend H. B. 761 by striking Section 1 thereof, substituting the following in lieu thereof:

"Section 1. The District Attorney of the 24th Judicial District shall be compensated for his services in such amount as may be fixed by the General Law relating to the salary to be paid District Attorneys by the State, and in addition his services may be supplemented by the Commissioners Courts of the counties comprising such District, in the manner specified in succeeding sections of this act; provided, however, that the total salary of such District attorney shall not be supplemented to exceed an annual salary of Ten Thousand Dollars ($10,000.00)."

Senate Amendment No. 2
Amend caption to conform to body of bill.

HOUSE BILL NO. 566 WITH SENATE AMENDMENTS

Mr. Miller called up with Senate Amendments for consideration at this time,
On motion of Mr. Miller the House concurred in the Senate Amendments by the following vote:

Yea---136

Adams or Lubbock
Adams of Titus
Alan
Andrews
Atwell
Bailey
Barnes
Bartram
Bell
Berry
Blalock
Boyes
Bridges
Burgess
Butler
Calwell
Cannon
Carroll
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Cotten
Cowen
Crowes
Curlington
de la Garza
Dewey
Duffy, Mike
Dugger
Eckhardt
Ehris
Fairchild
Fletcher
Floyd
Foreman
Garrettson
Gibbons
Gladden
Glass

Murray
Mutchener
Muenz
Nugent
Oliver
Osborn
Persons
Peeler
Pettit
Pernatt
Pipkins
Preston
Price
Quilliam
Rapp
Ruddiff
Read
Richards
Richardson
Watson
Roberts of Hill
Roberts of Dawson
Rosas
Rosson
Schermerhorn
Schoen君子
Sharp
Shannon
Shay
Smith
of Jeffers
Smith
of Wichita
Smith
of Potter

Yeas---136

Adams or Lubbock
Adams of Titus
Alan
Andrews
Atwell
Bailey
Barnes
Bartram
Bell
Berry
Blalock
Boyes
Bridges
Burgess
Butler
Calwell
Cannon
Carroll
Chapman
Cole of Hunt
Collins
Connell
Cook
Cory
Cotten
Cowen
Crowes
Curlington
de la Garza
Dewey
Duffy, Mike
Dugger
Eckhardt
Ehris
Fairchild
Fletcher
Floyd
Foreman
Garrettson
Gibbons
Gladden
Glass

Murray
Mutchener
Muenz
Nugent
Oliver
Osborn
Persons
Peeler
Pettit
Pernatt
Pipkins
Preston
Price
Quilliam
Rapp
Ruddiff
Read
Richards
Richardson
Watson
Roberts of Hill
Roberts of Dawson
Rosas
Rosson
Schermerhorn
Schoen君子
Sharp
Shannon
Shay
Smith
of Jeffers
Smith
of Wichita
Smith
of Potter

Senate Floor Amendment No. 1

Amend House Bill 666 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. (a) There is hereby created a court to be held in Harris County, Texas, to be called the "County Civil Court at Law No. 2 of Harris County, Texas," and the power of said Court shall be the same as provided by law for county courts except for the usual powers vested in the words "County Civil Court at Law No. 1.

(b) The County Civil Court at Law No. 2 of Harris County, Texas, shall have, and it is hereby granted the same jurisdiction over civil matters, proceedings and cases, as now or may be vested in the County Civil Court at Law No. 1, and
shall have jurisdiction in civil actions, and the judge thereof shall exercise equal administrative and ministerial jurisdiction in matters of the filing and disposition of proceedings in eminent domain, concurrently and coextensively with the judge presiding in County Civil Court at Law No. 1, under the Constitution and laws of Texas, and this Court shall have appellate jurisdiction likewise in appeals of civil cases from the justice courts within Harris County, and the Judges of said Court shall have the same powers, rights and privileges as to civil matters as are or may be vested in the Judges of county courts having civil jurisdiction, provided that the said Court shall have no jurisdiction over any of those matters which is now vested exclusively in the County Court of Harris County, or in the Judges thereof.

(c) The County Civil Court at Law No. 2 of Harris County shall have jurisdiction in all civil matters and causes, original and appellate, except probate matters, over which, by the Constitution and general laws of the State of Texas, the County Court of said County would have formerly had jurisdiction, and shall have and exercise jurisdiction over civil cases, and civil proceedings in the same manner as jurisdiction has been heretofore exercised in civil cases and civil proceedings and in eminent domain by the County Civil Court at Law No. 1.

That County Civil Courts at Law (No. 1 and No. 2) shall have special jurisdiction in matters of eminent domain and the Judges thereof shall have administrative and ministerial jurisdiction to file and dispose of proceedings in eminent domain concurrently and coextensively when filed in either of said Civil Courts, or with the respective Judges thereof.

(d) The terms of the County Civil Court at Law No. 2 of Harris County, and the practice therein and appeals and writs of error therefrom shall be as prescribed by laws relating to county courts. The terms of the Harris County Civil Court at Law No. 2 for civil cases shall be held as now established for the terms of the County Civil Court at Law No. 1 of Harris County until the same be changed in accordance with the law.

Said Court shall hold six (6) terms a year, beginning respectively on the first Monday in January, in March, in May, in July, in September, and in November of each year, and each term shall continue until the business is disposed of.

(e) The Judge of the said Harris County Civil Court at Law No. 2, shall be elected at the General Election by the qualified voters of Harris County for a term of four (4) years and shall hold his office until his successor shall have been elected and qualified. He shall have been a duly licensed and practicing member of the Bar of this State for not less than five (5) years, and he shall be compensated as provided by law, and shall be paid out of the county treasury by the commissioners court in equal monthly installments; and when this Act becomes effective the Commissioners Court of Harris County shall appoint a Judge to the County Civil Court at Law No. 2 of Harris County who shall have the qualifications herein prescribed, and shall serve until the next General Election, and until his successor shall be duly elected and qualified.

Any vacancy thereafter occurring in the office of Judge of said Harris County Civil Court at Law No. 2 shall be filled by the Commissioners Court of Harris County; the appointee thereof to hold office until the next succeeding General Election and until his successor shall be duly elected and qualified.

(f) The Judge of the Harris County Civil Court at Law No. 2 shall execute a bond and take the oath of office as required by the law relating to county judges.

(g) A special Judge of the Harris County Civil Court at Law No. 2 may be appointed or elected as provided by law relating to county courts and to the Judges thereof.

(h) The County Clerk of Harris County shall be the Clerk of the Harris County Civil Court at Law No. 2. The Sheriff of Harris County shall, in person or by deputy, attend the said Court when required by the Judge thereof. Said County Clerk shall keep separate dockets for each of said Civil Courts, No. 1 and No. 2, and shall tax the official court reporter's fee as costs in civil ac-
tions filed in each of said Courts in like manner as said fee is taxed in civil cases in the district courts.

The County Clerk shall after the effective date of this Act, file all civil cases in civil proceedings exclusively in the County Civil Courts at Law No. 1 and No.2 and shall file said civil cases alternately in each of said Courts as presented for filing.

(1) In case of disqualification, an over-crowded docket, sickness or absence from the county, of any of the Judges of the County Civil Courts at Law No. 1 or No. 2, of County Criminal Courts at Law Numbers 1, 2 or 3, any other Judge of said Courts may exchange benches with any other County Court at Law Judges of Harris County, Texas, and when so exchanging benches with any other of the said County Court at Law Judges of Harris County, the Judge of County Civil Court at Law No. 2 of Harris County, Texas, shall have all power and jurisdiction of the County Civil or County Criminal Courts at Law, and of the judge thereof, while so exchanging benches; and in like manner the Judges of said County Civil or Criminal Courts at Law of Harris County, Texas, shall have all the power and jurisdiction of any other said Civil or Criminal Courts at Law and of the Judges thereof while so exchanging benches, and may sign orders, judgments and decrees, or other process as "Judge Presiding," when acting for such disqualified or absent judge upon request or in an emergency, or for good cause shown.

That the salary of the Judge of said County Civil Court at Law No. 2 and the salaries of all County and Civil and Criminal Court Judges mentioned herein, to wit: County Civil Court at Law No. 1; County Criminal Court at Law Number 1; County Criminal Court at Law Number 2 and County Criminal Court at Law Number 3 shall be not less than Thirteen Thousand Two Hundred Dollars ($13,200) or more than Fifteen Thousand Six Hundred Dollars ($15,600), per annum, payable in twelve ($12,000) equal monthly installments out of the General Fund of Harris County, Texas.

(1) That the Judge of the County Civil Court at Law No. 2 of Harris County, Texas, may appoint and discharge an Official Court Reporter in the same manner as such a reporter is appointed or discharged by the district courts, and who shall receive the same salary as the reporters of the District Courts of Harris County, Texas, the same to be paid by the County Treasurer out of the General Fund of the County, and in addition to said salary the compensation for transcript fees as provided by law.

Sec. 2. Article 1970-77, Revised Civil Statutes of Texas, 1935, is amended to read as follows:

"Art. 1970-77. The County Court at Law of Harris County, Texas shall hereafter be known as 'County Civil Court at Law No. 1,' and the seal of said Court shall hereafter be the same as that provided by law for county courts, except that the seal shall contain the words: 'County Civil Court at Law No. 1, Harris County, Texas.'

That wherever the name 'County Court for Civil Cases' or 'County Court at Law of Harris County, Texas,' appears in any portion of this Act creating said Court it shall hereafter be understood to mean 'County Civil Court at Law No. 1.'"

Sec. 3. Article 1970-85, Revised Civil Statutes of Texas, 1935, is amended to read as follows:

"Art. 1970-85. There is hereby created a Court to be held in Harris County, Texas, to be called the 'County Criminal Court at Law No. 1.'

That hereafter wherever the name of 'County Court at Law No. 2' appears in this Act creating said Court it shall be read and understood as referring to County Criminal Court at Law No. 2 of Harris County, Texas.'"

Sec. 4. Section 1 of Chapter 108, Acts of the 52nd Legislature, Regular Session, 1933, codified as Section 1 of Article 1970-110b, Vernon's Texas Civil Statistics, is amended to read as follows:

"Section 1. There is hereby created a Court to be held in Harris County, Texas, to be called the 'County Criminal Court at Law No. 2.'

That hereafter wherever the name of County Court at Law No. 2 ap-
pears in this Act creating said Court it shall be read and understood as meaning and referring to 'County Criminal Court No. 2 of Harris County, Texas.'"

Sec. 6. Section 2 of Chapter 106, Acts of the 52nd Legislature, Regular Session, 1931, codified as Section 2 of Article 1970-110b, Vernon's Texas Civil Statutes, is amended to read as follows:

"Sec. 2. The County Criminal Court at Law No. 2 of Harris County, Texas, shall have and it is hereby granted the same jurisdiction over criminal matters that is now or may be vested in county courts having jurisdiction in criminal actions and proceedings under the Constitution and laws of Texas, and shall have appellate jurisdiction in all appeals in criminal cases from Justice Courts and corporation courts within Harris County, and the Judges of such Court shall have the same powers, rights, and privileges as to criminal matters as are or may be vested in the Judges of County Courts having criminal jurisdiction; provided that said Court shall have no jurisdiction over any of those matters which is now vested exclusively in the County Court of Harris County, or in the Judge thereof."

Sec. 7. Section 2 of Chapter 106, Acts of the 52nd Legislature, Regular Session, 1931, codified as Section 2 of Article 1970-110b, Vernon's Texas Civil Statutes, is amended to read as follows:

"Sec. 2. The County Criminal Court at Law No. 2 of Harris County, Texas, shall have and it is hereby granted the same jurisdiction over criminal matters that is now or may be vested in county courts having jurisdiction in criminal actions and proceedings under the Constitution and laws of Texas, and shall have appellate jurisdiction in all appeals in criminal cases from Justice Courts and corporation courts within Harris County, Texas, and the Judges of such Court shall have the same powers, rights, and privileges as to criminal matters as are or may be vested in the Judges of county courts having criminal jurisdiction, provided that said Court shall have no jurisdiction over any of those matters which is now vested exclusively in the County Civil Court at Law No. 1 or in the Judge thereof."

Sec. 8. Article 1970-96, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 8, Acts of the 3rd Legislature, Third Called Session, 1934, is amended to read as follows:

"Art. 1970-96. Said County Criminal Court at Law No. 1 of Harris County, Texas, shall have, and it is hereby granted the same jurisdiction over criminal matters that is now or may be vested in county courts having jurisdiction in criminal actions and proceedings under the Constitution and laws of Texas, and shall have appellate jurisdiction in all appeals in criminal cases from Justice Courts and Corporation Courts within Harris County, and the Judges of said Court shall have the same powers, rights, and privileges as to criminal matters as are or may be vested in the Judges of County Courts having criminal jurisdiction; provided that said Court shall have no jurisdiction over any of those matters which is now vested exclusively in the County Court of Harris County, or in the Judge thereof."

Sec. 9. The County Clerk of Harris County, Texas, upon the effective date of this Act is directed to transfer all of the civil cases now pending in the County Criminal Courts and corporation courts within Harris County, Texas, to the Dockets of the County Criminal Courts at Law Nos. 1 and 2, such cases to be filed alternatively in County Civil Courts at Law Nos. 1 and 2.

Sec. 10. If any part of this Act is held unconstitutional by a court of competent jurisdiction and the remanding of unconstitutionality shall not affect the validity of the remaining portions of this Act.

Sec. 11. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 12. The importance of this legislation and the crowded condition of the calendar in both Houses, create an emergency and an imperssive public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
Senate Floor Amendment No. 2

Amend House Bill 554 by striking out all above and substituting in lieu thereof the following:

"A BILL
To Be Entitled

An Act to create a second County Civil Court at Law for Harris County, Texas, to be known as 'County Civil Court at Law No. 2'; setting out the jurisdiction of said Court the terms, practice, providing for the appointment of a Judge, elections and appointment to fill vacancies; the bond and oath of said Judge, providing for the appointment or election of a special Judge, for the Clerk of said Court, the seal of said Court, for the filing of civil cases therein, providing for the exchange of judges among County Courts at Law both civil and criminal, setting the salary of the County Civil Court at Law No. 5; amending Article 1970-77, Revised Civil Statutes of Texas, 1925, so as to change the name to 'County Civil Court at Law No. 3'; amending Article 1970-85, Revised Civil Statutes of Texas, 1925, so as to change the name to 'County Criminal Court at Law No. 2'; amending Section 1 of Chapter 105, Acts of the 52nd Legislature, Regular Session, 1951, codified as Section 1 of Article 1970-110b, Vernon's Texas Civil Statutes, so as to change the name to 'County Criminal Court at Law No. 9'; amending Section 1 of Chapter 463, Acts of the 55th Legislature, Regular Session, 1957, codified as Section 1 of Article 1970-110c, Vernon's Texas Civil Statutes, so as to change the name to 'County Criminal Court at Law No. 9'; repealing Section 2A of Chapter 463, Acts of the 54th Legislature, Regular Session, 1947, which is codified as Section 2A, Article 1970-110c, Vernon's Texas Civil Statutes; Amending Article 1970-99, Revised Civil Statutes and Section 1 of Chapter 105, Acts of the 52nd Legislature, Regular Session, 1951, codified as Section 2 of Article 1970-110b, Vernon's Texas Civil Statutes, by removing jurisdiction of civil actions; and declaring an emergency."
May 16, 1961

Moore Shannon
Niemeyer Smith of Bexar
Njegest Smith of Jefferson
Oliver Snelson
Parsons Speers
Peeler Springer
Petty Stewart
Pieratt of Galveston
Pipkin Struve
Preston Thurman
Price Thurmond
Quilliam Townsend
Rapp
Trevino
Ratcliff Tunnell
Read Walker
Richards Watson
Roberts of Hill Whitfield
Rosas Wilson of Trinity
Rosson Woods
Sandahl Yezak
Schram

Nays—3

Atwell Crain
Absent
Cotten

Barlow Osborn
Cole of Harris Shipler
Johnson, Miss Slack
Kennard Stewart
Murray of Wichita
Mutscher Ward

Absent—Excused
Ballman Crews
Buchanan Wilson of Potter

TEXT OF SENATE AMENDMENTS
TO HOUSE JOINT RESOLUTION NO. 70

Senate Amendment No. 1

Amend House Joint Resolution No. 70 by striking all below the resolving clause and substituting in lieu thereof the following:

“Section 1. Article IX of the Constitution of the State of Texas is amended by adding thereto a new section to read as follows:

‘Sec. 10(a). The Legislature may authorize the creation of two hospital districts in Brazoria County, one of which shall include all or part of the West Columbia, Brazoria, and Damon Independent School Districts and the other coterminal with the Sweeny Independent School District. The qualified electorate of the hospital districts may, by majority vote of each such hospital district, consolidate the Sweeny Hospital District into the Damon, West Columbia, and Brazoria Hospital District at any time subsequent to the organization of the separate hospital districts. Such districts, if created, may be authorized to levy a tax not to exceedTwenty-five Cents (25¢) on the One Hundred Dollars ($100) valuation of taxable property within the districts, provided no tax may be levied until approved by a majority vote of the participating resident, qualified, property taxpaying voters who may have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections, provided existing obligations are not impaired, but in no event shall any change of rate exceed Twenty-five Cents (25¢) per One Hundred Dollars ($100) valuation. The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities, and to acquire, construct, maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the acquisition, construction, purchase, repair or renovation of improvements and initially equipping the same and such bonds shall be payable from said Twenty-five Cents (25¢) tax.

(b) In addition to all other ad valorem taxes authorized under this Constitution and the laws of the State of Texas, Titus County is hereby authorized and empowered to levy, assess and collect a tax not exceeding Twenty-five Cents (25¢) on the One Hundred Dollars ($100) valuation of taxable property in said County in any one year for the purpose of paying the principal and interest on any bonds issued by said County for the purpose of constructing and equipping a home or homes for the aged persons in said County and to pay the maintenance and operation expenses thereof, provided said bonds and tax shall have been authorized at an election or elections held for that purpose by a
majority of the qualified electors of Titus County, who own taxable property in said County and who have duly rendered the same for taxation, voting at said election. This provision shall be self-enacting and no enabling legislation hereunder shall be required. Any bond issued hereunder shall be issued in accordance with the general laws except as herein otherwise provided.'

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at the general election to be held the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon:

"FOR the Constitutional Amendment authorizing the construction, equipping, maintenance and financing of a home for the aged in Titus County and for permitting the Legislature to authorize the creation of two hospital districts in Brazoria County, one of which is to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweaney Independent School District, also providing for a possible consolidation of the two by qualified voters of such districts, and providing for all necessary construction, equipping, maintaining and financing if authorized."

"AGAINST the Constitutional Amendment authorizing the construction, equipping, maintenance and financing of a home for the aged in Titus County and for permitting the Legislature to authorize the creation of two hospital districts in Brazoria County, one of which is to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweaney Independent School District, also providing for a possible consolidation of the two by qualified voters of such districts, and providing for all necessary construction, equipping, maintaining and financing if authorized."

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State."

Senate Amendment No. 2

Amend House Joint Resolution No. 70 by striking all above the resolving clause and substituting in lieu thereof of the following:

HOUSE JOINT RESOLUTION

Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section authorizing the creation of two hospital districts in Brazoria County, one to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweaney Independent School District, providing for a possible consolidation of the two, providing a mode of funding and also authorizing construction, equipping, maintaining, and financing of a home for the aged in Titus County.

HOUSE BILL NO. 245 WITH SENATE AMENDMENTS

Mr. McGregor of El Paso called up with Senate Amendments for consideration at this time.

H. B. No. 245, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care, and treatment; and declaring an emergency."

On motion of Mr. McGregor of El Paso the House concurred in the Senate Amendments by the following vote:

Yeas—139

Adams of Titus  Boyce
Allain  Broderick
Allen  Briones
Andrews  Bullock
Atwell  Caldwell
Balley  Canseco
Bancroft, Mrs. Carrillo
Barlow  Chapman
Barrows  Cole of Hunt
Bartram  Collie
Bass  Counce
Bell  Cook
Berry  Cory
Blaine  Cowen
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Cowles      McGregor
Curtin      de la Garza      McLellan
Dewey       Markgraf
Duff, Miss  Martin
Dungan      Miller
Duchardt    Mullen
Fullerchild Mutchener
Fletcher     Niehuyer
Floyd        Nugent
Foreman      Oliver
Garrison     Peery
Gibbons      Pedler
Gladden      Petty
Glass        Pleasants
Glasing      Pippkin
Green        Preston
Grover       Price
Guffey       Quillian
Hale         Rapp
Harding      Ratliff
Harington    Richards
Hayes        Roberts of Hill
Headly       Roberts of Dawson
Hisson       Ross
Hollowell    Rosen
Huesker      Schram
Hughes       Shannon
Hughes of Dallas Smith of Bexar
Isakacs, Miss Smith of Jefferson
Jamison      Snelson
Johnson of Dallas Speears
Johnson of Bell Springer
Jones of Dallas Stewart
Jones of Travis of Galveston
Kilpatrick   Struve
Koliba       Thurman
Korloch      Tidwell
Lacy         Toomey
Latimer      Tunnell
La Valle      Ward
Leaverton    Watson
Lewis        Wells
Longoria     Wheatley
McCoppin     Whitefield
McGregor      Wilson of Trinity
of McLennan  Woods
Nays—7       Yeak

Adams of Lubbock Jarvis
Cotton       Parsons
Crafa        Slider
James
Cole of Harris Murray
Kennard      Osborn

Read        Stewart
Sandahl      Shipley
Walker

Absent—Excused
Ballman       Crews
Buchanan      Wilson of Potter

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 245

Senate Floor Amendment No. 1
Amend House Bill 245 by striking out the word “federal” in line 22 of the Senate-printed bill.

Senate Floor Amendment No. 2
Amend caption to conform to body of bill.

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 384, An Act permitting the Commissioners Court of all counties containing more than five hundred thousand (500,000) population according to the last preceding Federal Census to employ special counsel; providing special duties for such special counsel; providing the manner in which such special counsel shall be named; and declaring an emergency.

PROVIDING FOR CONSIDERATION OF THE CALENDAR FOR TODAY

Mr. Bartram moved to suspend all necessary rules in order to take up and consider at this time the calendar for today.

The motion prevailed by the necessary two-thirds vote.

HOUSE BILL NO. 960 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 960, A bill to be entitled “An Act to provide additional revenue to permit support of State services at an adequate level by imposing a corporation income tax; providing for administration of said tax; providing for disposition of the proceeds
The bill was read second time on May 2 and further consideration was postponed until 10:00 o'clock a.m., May 9.

Mr. Chapman moved that further consideration of House Bill No. 960 be postponed until 11:00 o'clock a.m. next Monday, May 22.

Mr. Wilson of Trinity moved to table the motion to postpone House Bill No. 960.

A record vote was requested on the motion to table.

The motion to table the motion to postpone further consideration of H. B. No. 960 until 11:00 o'clock a.m. next Monday, May 22, was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas—59</th>
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<tr>
<td>Adams of Lubbock</td>
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<td>Adams of Titus</td>
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<th>Nays—75</th>
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<td>Mr. Chapman (present), who would vote &quot;nay&quot; with Mr. Yezak, (absent) who would vote &quot;yea.&quot;</td>
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<tr>
<td>Mr. Glass (present), who would vote &quot;yea&quot; with Mr. Crews (absent) who would vote &quot;nay.&quot;</td>
</tr>
<tr>
<td>Mr. Hale (present), who would vote &quot;nay&quot; with Mr. Keenard (absent) who would vote &quot;yea.&quot;</td>
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MAY 16, 1961

HOUSE BILL NO. 481

THE HOUSE was called to order at 11:00 o'clock A.M. by Speaker James A. Turman.

Mr. Fairchild (present), who would vote "nay" with Mr. Stewart of Galveston (absent) who would vote "yea."

The motion to postpone further consideration of H. B. No. 960 then prevailed.

REASON FOR VOTE
H. B. 960

I voted to consider H. B. 960 today because I feel that if we raise the money to pay the teachers, we must do it now. This money could have been set aside for this purpose. I feel that we must be willing to vote for tax raising bills if we have voted for spending bills. I voted for H. B. 9, therefore I felt that in good faith I must vote to consider some means of paying these debts.

SCOTT BAILEY
CARL WHEATLEY

MESSAGE FROM THE SENATE

AUSTIN, TEXAS, MAY 16, 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 reconsidered the vote by which the House amendments were concurred in and now refuses to concur in House Amendments to Senate Bill No. 414 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Ratliff, Hardeman, Rogers, Martin, Moffett.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Schwartz, Calhoun, Moore, Rogers, Parkhouse.

Respectfully submitted,

CHARLES A. SCHNABEL
Secretary of the Senate.

HOUSE BILL NO. 481 ON SECOND READING

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

H. B. No. 481. A bill to be entitled "An Act levying a tax on the occupation of producing natural gas; defining 'Producers' so as to include 'Severance Producers' and 'Dedicated Reserve Producers,' recognizing the interests of said Producers as an interest in land, levying a tax of 1.505 cents per thousand cubic feet on each MCF of gas produced in the State of Texas against such Producers (with exceptions), providing a division formula for the paying of such tax by each Producer or combination of Producers (including Severance Producers and Dedicated Reserve Producers), further defining and describing persons to whom the tax applies, providing exclusions, providing for collection and enforcement, defining terms, providing for severability and declaring an emergency."

The bill was read second time.

Mr. Latimer moved that further consideration of House Bill No. 481 be postponed until next Monday, May 22, at 11:30 o'clock a.m.

Mr. Eckhardt moved to table the motion to postpone H. B. No. 481.

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the motion to postpone further consideration of H. B. No. 481 and the vote was announced yeas 68, nays 71 and 2 present not voting.

A verification of the vote was requested and was granted.

The roll of those voting nay was again called and the verified vote resulted as follows:

Yeas—68

Alaniz
Andrews
Bailey
Bass

Burgess
Caldwell
Cannon
Carriker
Chapman

Yeas—68

Alaniz
Andrews
Bailey
Bass

Burgess
Caldwell
Cannon
Carriker
Chapman
The Speaker stated that the motion to table the motion to postpone further consideration of H. B. No. 481 was lost by the above vote.

A record vote was requested on the motion to postpone further consideration of H. B. No. 481 until next Monday, May 22, at 11:30 o'clock a.m., prevailed by the following vote:

**Yeas—71**

Adams of Lubbock
Allen of Titus
Allen
Atwell
Barnes
Barns
Bartram
Bell
Blaine
Boyesen
Bridges
Butler
Cole of Harris
Cole of Hunt
Cook
Cowie
Cowie
Cray
Curtington
de la Garza
Ehrle
Fairchild
Floyd
Garrigan
Gibbens
Graham
Groover
Hale
Helms
Huebner

**Nays—69**

Adams of Lubbock
Adams of Titus
Allen
Atwell
Barnes, Mrs.
Bell
Blaine
Boyesen
Brock of McLennan
Butler
Cole of Harris
Cole of Hunt
Cook
Cowie
Cowie
Cray
Curtington
de la Garza
Ehrle
Fairchild
Floyd
Garrigan
Gibbens
Graham
Groover
Hale
Helms
Huebner
Mr. Bailey called up with Senate Amendment for consideration at this time.

H. C. R. No. 38, Relative to erecting a monument on the Capitol grounds.

On motion of Mr. Bailey the House concurred in the Senate Amendment.

TEXT OF SENATE AMENDMENT TO H. C. R. NO. 38

Floor Amendment No. 1

Amend H. C. R. No. 38 by adding the following at the end of said Resolution:

"And that said location selected by the Board of Control shall be chosen so that none of the permanent shrubbery or trees on the Capitol grounds will be destroyed."

INTRODUCTION OF MRS. MARION MILLER

In accordance with the provisions of H. S. R. No. 605, providing for the introduction of Mrs. Marion Miller to the House of Representatives, Mrs. Miller was escorted to the Speaker's rostrum by the Honorable Wilson Foreman.

Speaker Turman presented Mr. Foreman who introduced Mrs. Miller to the House. Mrs. Miller then addressed the House as follows:

REMARKS BY MRS. MARION MILLER MADE TO THE HOUSE OF REPRESENTATIVES, MAY 16, 1961

I feel humble and proud at this moment that a person as insignifi-
cannot as I should have the privilege of addressing men of your caliber, and I realize that this opportunity could only happen here, in America.

Through the grace of God and the tools of science, Man has broken the barriers of sound and space. Our heads are in the clouds much of the time; if we can keep our feet firmly on the ground and not fly completely to outer space, we still have a chance to survive. And yet it is that to which we are the closest right here on earth, the MIND, that has yet to be truly penetrated.

The Free World now recognizes Communism as its greatest challenge and barrier to future existence. It is a matter of survival. The United States has stood at the helm of the Free World’s resistance to this international criminal conspiracy whose goal is the establishment of a Socialist, Communist tyranny in every country on the face of the earth whether through infiltration, indoctrination, subversion or if need be, through force and violence. Each of our fifty states in this glorious Union must accept its role and responsibility of preserving the basic freedoms of man politically, economically and spiritually. You as legislators of this heroic State of Texas, whose forefathers spilled their blood in memory of the Alamo, surely feel the weight of your responsibilities to serve the people’s needs while safeguarding their unalienable rights under the Constitution.

The MOSCOW MANIFESTO—1940 Edition is horrifyingly reminiscent of Hitler’s "MEIN KAMPF." The world has since painfully acknowledged its mistake in not taking Hitler’s self-proclaimed blueprint for world domination seriously. The result of a second failure to take at face value an even more monstrous threat, COMMUNISM, would completely eliminate the opportunity for a third try. The MOSCOW MANIFESTO 1940 is a formidable and menacing directive to the Communist Parties in 81 countries, frankly urging the destruction of free governments by every means which can be made to succeed.

"The CPUSA is not just ‘another political party’ as its adherents and apologists would have you believe. It is a fifth-column which no American who values his freedom can afford to ignore. Its most menacing quality is its ability to pursue inflexible objectives—fixed, unvarying goals—by means of flexible tactics. Falsehood, trickery and cold-blooded deception are part and parcel of the Communist plan of action."

Are we really prepared properly for this insidious "war of the minds" as well as for the military and strategic aspects of physical warfare? The answer lies with YOU, each and every one of you. We can not hope to save the world and our own country unless we WILL to sacrifice personally and accept the challenge as individuals. An educational program to alert the public of the growth and menace of Communism is essential to a basic understanding of our enemy. We have no need to fear the truth. But in addition, not only must we understand what we are against, but especially what ARE WE FOR?

"All that is necessary for the success of evil, is that good men do NOTHING!"

Speaker Turman then presented Mrs. Miller with an enrolled copy of H. S. R. No. 605, the resolution inviting her to visit the House of Representatives.

Speaker Turman then introduced Mr. Paul Miller, husband of Mrs. Marion Miller, to the House.

ADDRESS ORDERED PRINTED

On motion of Mr. Crain, the resolution by Mrs. Miller addressed to the House on the grounds was ordered printed in the Journal.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 38, Relative to the erection of a monument on the Capitol grounds.

INVITATION TO THE HONORABLE JOHN B. O'CONNALLY TO ADDRESS A JOINT SESSION

The Speaker laid before the House for consideration at this time the following resolution:
May 16, 1961 HOUSE JOURNAL 2095

S. C. R. No. 62

Whereas, It is learned with much interest that the Secretary of the Navy, the Honorable John B. Connally, is to visit in his native State on May 22, 1961; and

Whereas, This outstanding Texan and American by virtue of his ability, energy and patriotism has assumed this position of leadership in our national government; and

Whereas, It is a source of much pride and satisfaction that this distinguished Texan has brought national recognition to our State; and

Whereas, It is the desire of the Senate of Texas, the House of Representatives concurring, that the Honorable John B. Connally be invited to address a joint session of the Fifty-seventh Legislature; now therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Honorable John B. Connally be invited to address a joint session of the Fifty-seventh Legislature in the House of Representatives at 11:45 A.M. on May 22, 1961, and that an official copy of this Resolution of Invitation be forwarded to him by the Secretary of the Senate.

The resolution was referred to the Committee on Rules.

HOUSE BILL NO. 996 WITH SENATE AMENDMENTS

Mr. Caldwell called up with Senate Amendments for consideration at this time, H. B. No. 996.

Mr. Caldwell moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 1090 ON THIRD READING

Mr. Miller moved that all necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1090.

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. 1090, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of one million two hundred thousand (1,200,000) or more, according to the last preceding Federal census, an compensation to district and criminal district judges in such counties, providing for the compensation of substitute judges; and declaring an emergency."

The bill was read third time.

Mr. Grover offered the following amendment to the bill:

Amend H. B. 1090 by striking out the words and figures "Nine hundred thousand (900,000)" wherever it appears and insert the words and figures "One Million (1,000,000)."

The amendment was adopted.

H. B. No. 1090 was then passed.

RECORD OF VOTE

Mr. Hale requested to be recorded as Voting Nay on final passage of H. B. No. 1090.

HOUSE BILL NO. 141 ON SECOND READING

Mr. Bartram moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 141.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 141, A bill to be entitled "An Act to amend Articles 2.08 and 10.04 of the Texas Non-Profit Corporation Act, Acts 1959, 56th Legislature, Chapter 162; and declaring an emergency."

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

HOUSE BILL NO. 141 ON THIRD READING

Mr. Bartram moved that the constitutional rule requiring bills to
The motion prevailed by the following vote:

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<td>Richardson</td>
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<td>James</td>
<td>Roberts of Hill</td>
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<td>Jarris</td>
<td>Springer</td>
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**Absent**

| Cole of Harris | Sandahl |
| Colten | Walker |
| Glass | Ward |
| Kortich | Woods |
| McGregor | of El Paso |

**Absent—Excused**

| Ballman | Wilson of Potter |
| Buchanan | Yesak |
| Crow | |

The Speaker then laid House Bill No. 141 before the House on third reading and final passage.

The bill was read third time and was passed.

**COMMITTEE MEETING**

Mr. Spears asked unanimous consent of the House that the Committee on Conservation and Reclamation be permitted to meet at this time.

There was no objection offered.

**RECESS**

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

The motion prevailed.

In accordance with the motion to recess the House at 12:21 o'clock p.m., lock recess until 2:30 o'clock p.m. today.

**AFTERNOON SESSION**

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.
HOUSE BILL NO. 368 ON SECOND READING

Mr. Garrison moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 368.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 368, A bill to be entitled "An Act barring the collection of those taxes delinquent prior to and including December 31, 1939; amending Section 1, Chapter 128, Acts of the 44th Legislature, Regular Session 1935, as amended; providing for an effective date; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 368 by striking out all below the enacting clause and substituting in lieu thereof the following, to wit:

Section 1. Section 1 of Chapter 128, Acts of the 44th Legislature, Regular Session, 1935, as last amended by Chapter 226, Acts of the 54th Legislature, (codified as Article 7336F of Vernon's Civil Statutes) is hereby amended to read as follows:

"Section 1. The collection of all delinquent ad valorem taxes due the State, county, municipality or other defined subdivision that were delinquent prior to and including December 31, 1939, is forever barred."

Sec 2. This Act shall be in force and effect on and after July 1, 1964.

Sec 3. The fact that there is an urgent need to remove those taxes from the books which are delinquent for over twenty (20) years, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 368 be placed on its third reading and final passage.

The amendment was adopted.
Mr. Haring moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 183.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 183. A bill to be entitled "An Act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto; and declaring an emergency:"

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 183 by striking all below the enacting clause and insert in lieu thereof the following:

Section 1. A divorce from the bonds of matrimony obtained in foreign countries shall be of no force or effect in this State, if both parties to the marriage were domiciled in this State at the time the proceeding for the divorce was commenced.

Sec. 2. Proof that a person obtaining a divorce from the bonds of matrimony in a foreign country was domiciled in this State within twelve (12) months prior to the commencement of the proceeding therefor, and resumed residence in this State within six (6) months after the date of his departure therefrom shall be prima facie evidence that the person was domiciled in this State when the divorce proceeding was commenced.

Sec. 3. The fact that all civilized countries have long realized that the strength of their nation depends upon the strength of their individual families, and the fact that liberal divorce laws, as exists in some foreign countries, create an intolerable situation which encourages the destruction of the family unity, encourages juvenile delinquency, and creates immeasurable suffering, loneliness, and strife in society, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was lost.

Mr. Haring moved to reconsider the vote by which Committee Amendment No. 1 was lost.

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

The motion to table prevailed.

A record vote was requested on the passage of H. B. No. 183 to engrossment.
### HOUSE JOURNAL 2099

**May 16, 1961**

H. B. No. 183 failed to pass to engrossment by the following vote:

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<th>Yeas</th>
<th>Nays</th>
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<td>76</td>
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**Yeas:**
- Alaniz
- Bailey
- Barlow
- Bell
- Berry
- Boysen
- Caldwell
- Cannon
- Carricker
- Cole of Hunt
- Cory
- Cowen
- Dewey
- Fletcher
- Glass
- Green
- Grover
- Guffey
- Haring
- Harrington
- Heatly
- Hollowell
- Isaacs, Miss Bexar
- Johnson of Bexar
- Kennard
- Koliba
- Lack

**Nays:**
- Adams of Lubbock
- Adkins of Grayson
- Allen
- Atwell
- Bandfield, Mrs.
- Barnes of Dallas
- Bartram
- Bass of Travis
- Blaine
- Bridges
- Burgess
- Butler
- Chapman
- Cole of Harris
- Collins
- Coulson
- Cook
- Cowles
- Crain
- Duncan
- Eckhardt
- Ehrle
- Feichtl
- Floyd
- Foreman
- Garrison
- Gibbens
- Glademan
- Harding
- Huebner
- Redd
- Richards
- Roberts of Hill
- Roberts of Dawson Townend
- Ross
- Rosson
- Sandahl
- Schram
- Shipley
- Slack
- Absent: Andrews
- Cotten
- Curington
- de la Garza
- Duff, Miss
- Glusing
- Hale
- Hayes
- Absent—Excused: Ballman
- Buchanan
- Crews
- Mr. James moved to reconsider the vote by which H. B. No. 183 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

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**MESSAGE FROM THE SENATE**

Austin, Texas, May 16, 1961

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

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

- S. B. No. 353, Prohibiting the running at large of live stock; and declaring an emergency.
- S. B. No. 432, Changing the qualifications of certain members of the Finance Commission; and declaring an emergency.
- S. B. No. 450, Relating to the ownership of land in Texas by a corporation; and declaring an emergency.
- S. B. No. 452, Granting authority to the State Department of Health to approve additional methods of disinfectant to be maintained in public swimming pools; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.
LEAVE OF ABSENCE GRANTED

Mr. Smith of Jefferson was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Huesner.

HOUSE BILL NO. 665 ON SECOND READING

Mr. Curington moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 665.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 665, A bill to be entitled "An Act relating to legal rate of publication in newspapers: amending Article 29 of the Revised Civil Statutes of Texas of 1925, as amended, to establish rates to be charged by newspapers for such publication; repealing all laws in conflict; and declaring an emergency."

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

HOUSE BILL NO. 665 ON THIRD READING

Mr. Curington moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 665 be placed on its third reading and final passage.

The motion prevailed by the following vote:

\[
\begin{array}{ll}
\text{Yea} & \text{Nay} \\
109 & 11 \\
\end{array}
\]

The roll was called:

Fairchild  McIlhany
Fletcher  Martin
Floyd  Miller
Foreman  Mullen
Garrett  Murray
Gibbons  Mutchner
Gladdens  Niemeyer
Glass  Oliver
Glasier  Parsons
Green  Pearcy
Grover  Peeler
Guzey  Petry
Hale  Preston
Harding  Guilliam
Harrington  Ratliff
Hays  Read
Healy  Richards
Hinson  Roberts of Hill
Hollowell  Roberts of Dawson
Huebner  Sandahl
Hughes  Schram
Hughes of Grayson  Shannon
Hughes of Dallas  Smith of Bexar
James  Ennis
Johnson of Dallas  Spelman
Johnson of Bell  Stewart
Jones of Dallas  of Galveston
Jones of Travis  Kennard
Kennard  Stewart
Kilpatrick  of Wichita
Kilby  Slive
Koroth  Thurmond
Lack  Townend
Lary  Tunnell
Leaverton  Walker
Lewis  Walls
Longoria  Whitley
McCoplin  Wilson of Trinity
McGregor  Woods
McGregor of McLennan

Nays—

Adams of Tyler  Markgraf
Allen  Pipkins
Carriker  Richardson
Eskhardt  Rosas
Haring  Rosson
Isaacks, Miss  Slack
Jarvis  Springer
Johnson of Bexar  Thurman
Laitner  Walker
La Valle  Wheatley
McGregor  of El Paso
McGregor

Present—Not Voting

Price  Yesak
Rapp  Yes

Absent

Price  Yesak
Rapp  Yes

Barney  Moore
Dungan  Nugent
Jamison  Osborn
May 16, 1961

The Speaker then laid House Bill No. 665 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Currington moved to reconsider the vote by which H. B. No. 665 was passed and to table the motion to reconsider. The motion to table prevailed.

REASON FOR VOTE
On H. B. 665, I voted "present not voting" for reason I had a personal or private interest in such legislation.

YEAK
REASON FOR VOTE
We desire to be recorded present not voting due to the fact that we have a personal interest in H. B. 665 and therefore according to Article 3, Section 22 of Article 3912e of Vernon's Civil Statutes, and further repealing Article 3897 of the Revised Civil Statutes of Texas, 1925, and any other statute which requires a district, county, or precinct official to file an annual report of all fees and commissions collected with the State Auditor, District Clerk, Commissioners Court, or any other official or officials providing for a repealing clause; and declaring an emergency.

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

HOUSE BILL NO. 833 ON THIRD READING
Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 833 be placed on its third reading and final passage. The motion prevailed by the following vote:

Yeas—124
Adams of Lubbock
Adams of Titus
Carrington
Alcala de la Garza
Allen
Andrews
Bailey
Barnes
Barlow
Bartram
Bass
Bill
Berry
Blaine
Boyer
Bridges
Butler
Caldwell
Cannon
Carroll
Carroll of Harris
Collins
Cook
Cory
Cutler
Coven

House Bill No. 833, A bill to be entitled "An Act repealing paragraph (q), Section 19 of Article 3912e of Vernon's Civil Statutes, and further repealing Article 3897 of the Revised Civil Statutes of Texas, 1925, and any other statute which requires a district, county, or precinct official to file an annual report of all fees and commissions collected with the State Auditor, District Clerk, Commissioners Court, or any other official or officials providing for a repealing clause; and declaring an emergency."

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment.
<table>
<thead>
<tr>
<th>Isaacks, Miss</th>
<th>Pipkin</th>
<th>House Bill No. 829 on Third Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jamison</td>
<td>Preston</td>
<td>Mr. Hughes of Grayson moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 829.</td>
</tr>
<tr>
<td>Johnson of Dallas</td>
<td>Price</td>
<td>The motion prevailed by unanimous consent.</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
<td>Quilliam</td>
<td>The Speaker laid before the House on its third reading and final passage.</td>
</tr>
<tr>
<td>Johnson of Bell</td>
<td>Rapp</td>
<td>H. B. No. 829, A bill to be entitled &quot;An Act concerning the practice of barbering in this State; amending Sections 9, 20 and 37 of House Bill 104, Chapter 45, Acts of the 41st Legislature, First Called Session, as amended; changing the existing provisions relating to the licensing and operation of barber schools and colleges; providing for an increase of the annual renewal fee for certificates of registration; providing that the members of the State Board of Barber Examiners shall receive an increase in per diem; providing for severability; and declaring an emergency.&quot;</td>
</tr>
<tr>
<td>Jones of Dallas</td>
<td>Read</td>
<td>The bill was read third time.</td>
</tr>
<tr>
<td>Jones of Travis</td>
<td>Richards</td>
<td>Mr. Hughes of Grayson offered the following amendment to the bill: Amend Committee Amendment No. 1 to House Bill 829 by adding to Section 9 of Section 1 by adding a new subsection following subsection (L) which said subsection shall read as follows: &quot;(M) Nothing in this section shall prevent the practice of barbering or practice as a hairdresser or cosmetologist by present holders of Class 'B' certificates, but any person obtaining a 'Class B' certificate as that term is defined in House Bill 104, Acts of the 41st Legislature, First Called Session, 1929, as amended (coddified as Article 914 A, Penal Code of the State of Texas), after the effective date of this Act shall not engage in the practice of barbering as barbering is defined in the said House Bill 104. The amendment was adopted. H. B. No. 829 was passed by the following vote:</td>
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<tr>
<td>Kenneard</td>
<td>Roberts of Dawson</td>
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<tr>
<td>Kilpatrick</td>
<td>Rosas</td>
<td></td>
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<tr>
<td>Koliba</td>
<td>Rosenblum</td>
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<tr>
<td>Koroith</td>
<td>Sandahl</td>
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<td>Lack</td>
<td>Schram</td>
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<td>Lary</td>
<td>Shannon</td>
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<td>Latimer</td>
<td>Black</td>
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<tr>
<td>La Vals</td>
<td>Slicer</td>
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<td>Leaverton</td>
<td>Snelsen</td>
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<td>Lewis</td>
<td>Spears</td>
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<td>Longoria</td>
<td>Spillman</td>
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<tr>
<td>McCoplin</td>
<td>Stewart</td>
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<td>McGregor</td>
<td>of Galveston</td>
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<td>McLennan</td>
<td>Struve</td>
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<td>McIlhany</td>
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<td>Martin</td>
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<td>Miller</td>
<td>Townsend</td>
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<td>Moore</td>
<td>Trevino</td>
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<td>Mullen</td>
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<td>Murray</td>
<td>Walker</td>
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<td>Mutcher</td>
<td>Ward</td>
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<td>Niehwyer</td>
<td>Watson</td>
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<td>Oliver</td>
<td>Wells</td>
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<td>Osborn</td>
<td>Wheatley</td>
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<td>Parsons</td>
<td>Whitfield</td>
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<td>Pearcy</td>
<td>Wilson of Trinity</td>
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<td>Peeler</td>
<td>Wisdom</td>
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<tr>
<td>Petty</td>
<td>Yeak</td>
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<tr>
<td>Piertatt</td>
<td>Nays—10</td>
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<tr>
<td>Chapman</td>
<td>Markgraf</td>
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<td>Crain</td>
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<td>Haring</td>
<td>Ratcliff</td>
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<td>James</td>
<td>Richardson</td>
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<td>Jarvis</td>
<td>Roberts of Hill</td>
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<td>Absent</td>
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<td>Atwell</td>
<td>Shipley</td>
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<td>Cole of Hunt</td>
<td>Smith of Bexar</td>
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<td>Duff, Miss</td>
<td>Springer</td>
<td></td>
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<td>Hale</td>
<td>Stewart</td>
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<td>Husner</td>
<td>of Wichita</td>
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<tr>
<td>McGregor</td>
<td>of El Paso</td>
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<tr>
<td>Absent—Excused</td>
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<tr>
<td>Ballman</td>
<td>Smith of Jefferson</td>
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<tr>
<td>Buchanan</td>
<td>Wilson of Potter</td>
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<td>Crews</td>
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<tr>
<td>The Speaker then laid House Bill No. 829 before the House on third reading and final passage. The bill was read third time and was passed.</td>
<td></td>
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</tr>
</tbody>
</table>
### Yeas—116
- Adams of Lubbock
- Allen
- Atwell
- Banfield, Mrs.
- Barlow
- Barnes
- Bass
- Bell
- Berry
- Bird
- Bridges
- Burgson
- Caldwell
- Canovan
- Carrick
- Cole of Harris
- Cole of Hunt
- Collins
- Connell
- Cook
- Cowen
- Cowles
- de la Garza
- Dewey
- Dungan
- Echardt
- Etheridge
- Floyd
- Foreman
- Forrest
- Gibbens
- Gladden
- Glass
- Glasure
- Goom
- Groover
- Gunby
- Harding
- Harrington
- Harris
- Hartley
- Hollowell
- Hoehner
- Hughes
- Hughes of Grayson
- Isaacs, Miss
- James
- Jamison
- Jarvis
- Johnson of Dallas
- Johnson of Bexar
- Jones of Bell
- Jones of Dallas
- Jones of Travis
- Koenard
- Kilpatrick
- Koliba
- Koroth

### Nays—18
- Adams of Titus
- Bailey
- Bartram
- Beall
- Bell
- Berry
- Bird
- Bridges
- Burgson
- Caldwell
- Canovan
- Carrick
- Cole of Harris
- Cole of Hunt
- Collins
- Connell
- Cook
- Cowen
- Cowles
- de la Garza
- Dewey
- Dungan
- Echardt
- Etheridge
- Floyd
- Foreman
- Forrest
- Gibbens
- Gladden
- Glass
- Glasure
- Goom
- Groover
- Gunby
- Harding
- Harrington
- Harris
- Hartley
- Hollowell
- Hoehner
- Hughes
- Hughes of Grayson
- Isaacs, Miss
- James
- Jamison
- Jarvis
- Johnson of Dallas
- Johnson of Bexar
- Jones of Bell
- Jones of Dallas
- Jones of Travis
- Koenard
- Kilpatrick
- Koliba
- Koroth

### Record of Vote
- Mr. Cory requested to be recorded as voting No on the motion to consider H. B. No. 829.

### Committee Meeting
- Mr. Hollowell asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.
- There was no objection offered.

### Committee Meeting
- Mr. Chapman asked unanimous consent of the House that the Committee on Counties be permitted to meet at this time.
- There was no objection offered.

### House Bill No. 824 on Second Reading
- Mr. de la Garza moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 824.
The motion prevailed by unanimous consent.

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

H. B. No. 834, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1926, as enacted by Senate Bill No. 6, Chapter 465, Second Called Session of the 44th Legislature, 1936, as amended by Senate Bill No. 6, Chapter 465, 51st Legislature, 1949, providing that salaries of criminal district attorneys or county attorneys performing the duties of district attorney and salaries of his assistants, shall be paid from the County Officers' Salary Fund or General Fund; that the State shall pay to each county for its Officers' Salary Fund, an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney or county attorney performing the duties of district attorney and the salaries of his assistants, as all felony fees collected by such official during the year 1935, bear to the total fees collected by said official during said year; etc.

The bill was read second time.

Mr. Cotten raised a point of order on further consideration of H. B. No. 834 on the ground that the bill is in violation of Joint Rule 9A.

The Speaker overruled the point of order.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. No. 834 by adding a new section thereto to be entitled Section 2:

"Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 834 was passed to engrossment.

H. B. No. 834 ON THIRD READING

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 834 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—132

Adams of Lubbock Haynes
Adams of Titus Hollowell
Allen Hughes of Grayson
Andrews Bailey
Bailey Jepson, Miss
Barnes James
Bartram Johnson of Dallas
Bass Johnson of Bexar
Bell Johnson of Bell
Bernal Jones of Dallas
Bland Kennedy
Boyce Kilpatrick
Bryans Koliba
Burgess Lack
Butler Larry
Caldwell Latimer
Cannons LaVale
Carriker Leaverton
Cole of Hunt Lewis
Conwell Longoria
Cook McCoppin
Gory McGregor
Coven of McLennan
Cowles McGregor
Creel of El Paso
Curtis McIlhany
De la Garza McCullough
Dorf, Miss Martin
Dickhardt Moore
Ehrie Mullen
Fairchild Murray
Fletcher Mutschler
Floyd Nienow
Foreman Oliver
Garrision Paesano
Gibbons Pearce
Glass Peeler
Glassing Peterson
Glassing Pieratt
Green Preston
Greer Rapp
Guffey
Hale
Harding
Harrington
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Ratcliff       Stewart
Head           Struve
Richards       Struve
Robertson      Thurman
Rosson         Thurmond
Sandahl        Trevino
Shannon         Walker
Stack           Watson
Sluder          Wells
Smith of Bexar  Whitfield
Snelson        Wilson of Trinity
Spilman         Yezak
Stewart of Galveston

Nays—10
Cotten          Osborn
Dewey           Roberts of Hill
Haring          Springer
Jarvis          Ward
Nugent          Wheatley

Absent
Alamín          Hissom
Atwell          Hiebner
Chapman         Korish
Cole of Harris  Richardson
Dungan          Shipley
Healy

Absent—Excused
Ballman         Smith of Jefferson
Buchanan        Wilson of Potter
Crews

The Speaker then laid House Bill No. 834 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. de la Garza moved to reconsider the vote by which H. B. No. 834 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 835 ON SECOND READING

Mr. de la Garza moved that all the necessary rules be suspended for the purpose of taking up and considering this time House Bill No. 835.

The motion prevailed by unanimous consent.

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

H. B. No. 835, A bill to be entitled "An Act to amend Section 6 (a) of Senate Bill No. 5, Chapter 465, Second Called Session, Forty-fourth Legislature, 1935, (Compiled as Art. 1912a, V.C.S. by providing for reimbursement by the State of counties, wherein county officers are compensated on a salary basis, for costs expended in felony cases in the operation of the offices of Sheriff, District Clerk, Justices of the Peace and Constables by withholding by Assessors and Collectors of Taxes in such counties from collections of State taxes, an amount computed on a basis of fourteen cents (14¢) per capita of the population of such counties according to the last preceding Federal Census, etc.

The bill was read second time.

Mr. Cotton raised a point of order on further consideration of H. B. No. 835 on the ground that the bill is in violation of Joint Rule 9A.

The Speaker overruled the point of order.

Mr. de la Garza offered the following amendment to the bill:

Amend H. B. 835 by adding a new section thereto to be entitled Section 2:

"Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 835 was passed to engrossment.

HOUSE BILL NO. 835 ON THIRD READING

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 835 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas—126
Adams of Lubbock Johnson of Bell
Adams of Titus Jones of Dallas
Alanis Jones of Travis
Allen Kinnard
Andrews Kilpatrick
Bandfield, Mrs. Koroch
Barlow Lack
Barrett Larry
Bartram Latimer
Bass La Valle
Bell Leaverton
Berry Lewis
Blake Longoria
Boyles McCoppin
Bridges McGregor
Burgess of McLennan
Butler McGregor
Caldwell of El Paso
Carrick Markgraf
Chapman Martin
Cole of Harris Miller
Cole of Hunt Moore
Collins Mullen
Counsell Murray
Cox Mutchler
Cory Niemeyer
Cowen Oliver
Cowa Parsons
Craig Frazier
Curington Felker
de la Garza Petty
Dewey Plihatt
Duff, Miss Pipkin
Dungan Preston
Eckhardt Price
Ellis Guilliam
Fairchild Rapp
Fletcher Ratcliff
Floyd Read
Foreman Richards
Garringer Roberts of Dawson
Gibbons Rosas
Gladden Rosen
Glass Schild
Glessing Shipley
Green Black
Grover Slider
Guffey Smith of Bexar
Hailey Sneed
Harding Spears
Harrington Hplman
Haynes Stewart
Healy of Galveston Stewart
Hollowell of Wichita
Hughes Strove
Hughes of Dallas Thurman
Iamsacks, Mrs. Thurmond
James Townsend
Jamison Trevino
Johnson of Dallas Tunnell
Johnson of Bexar Watson
Wells Woods
Whitfield Yeak
Wilson of Trinity
Nays—11
Bailey Richardson
Cotten Roberts of Hill
Haring Springer
Jarvis Walker
Kolba Wheatley
Nugent

Absent
Atwell Sandahl
Hinson Shannon
Husner Ward
Osborn

Absent—Excused
Ballman Smith of Jefferson
Buchanan Wilson of Potter
Craw

The Speaker then laid House Bill No. 835 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. de la Garza moved to reconsider the vote by which H. B. No. 835 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 804 ON SECOND READING

Mr. Butler moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 804.

The motion prevailed by unanimous consent.

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

H. B. No. 804, A bill to be entitled "An Act providing that the Comptroller shall provide the State Treasurer with a record of all pay warrants issued; that the Treasurer shall cause the daily totals of such warrants to be posted to the proper fund and control ledgers in his records; that the Treasurer shall establish control totals on bank collection letters and warrants presented for payment and pass such
warrants to the Comptroller for mechanical verification of the amounts of such warrants by fund, fund class, or warrant class; that upon such reconciliation the Treasurer shall reimburse those presenting warrants for payment; that the Comptroller shall process paid warrants against his warrant issue records and maintain current controls over warrants issued, warrants paid, and warrants outstanding; etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No 1
Amend House Bill No. 804 by striking all below the enacting clause and substituting the following in lieu thereof:

"Section 1. As required by Article 4359 of the Revised Civil Statutes of the State of Texas, as amended, the Comptroller shall provide the State Treasurer with a copy of a pay warrant register for all pay warrants issued by the Comptroller or under his supervision.

Sec. 2. The Treasurer shall keep a file of the warrants issued registers prepared in accordance with Article 4359, as amended, and shall cause the daily totals of pay warrants issued to be posted to the proper fund and control ledgers in his records.

Sec. 3. The Treasurer shall establish totals of warrants paid daily or submitted for payment daily, by fund, fund class, or warrant class and shall reconcile such totals with totals established by the Comptroller from separate processing of the warrants presented for payment and with the Comptroller's entries to his accounts, and daily the Treasurer shall post to his ledgers such reconciled totals of warrants paid.

When totals of warrants paid as derived by the Comptroller have been reconciled with the totals as derived by the Treasurer, the Comptroller shall prepare a warrants paid register each day or, with the permission of the State Auditor, on a monthly basis. Totals shown on such registers shall be reconciled with the daily totals obtained in balancing with the Treasurer and with entries to the Comptroller's accounting ledgers.

Sec. 4. Upon receipt of an inquiry concerning a previously issued warrant or a request for a duplicate warrant, the agency for which the warrant was issued shall search its records. Such agency shall initiate appropriate action, through the Treasurer, to obtain reimbursement to the State for any warrant found to be improperly paid.

Copies of paid warrants may be prepared as needed.

Sec. 5. Outstanding warrants shall be listed each month by reconciliation of warrants issued against warrants paid; and such list of warrants remaining outstanding shall be prepared by the Comptroller who shall furnish a copy of such register or list to the Treasurer. The Treasurer and the Comptroller shall reconcile the totals outstanding by each fund or fund class or warrant class with the control ledgers maintained by the respective offices.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and parts of laws in conflict with this Act are hereby repealed, and Articles 4382 and 4384 of the Revised Civil Statutes of 1925, as amended, are specifically repealed.

Sec. 8. This Act shall be in effect and in force on and after September 1, 1961. It shall be implemented thereafter as the Comptroller of Public Accounts can assume the responsibility for preparing the records and performing the routines required by this Act.

Sec. 9. The fact that existing laws impose responsibilities on the Treasurer which should devolve upon the Comptroller and the fact that the Comptroller has been placed with an electronic data processing center capable of handling the work of re-
concluding warrants issued, paid, and outstanding electronically and therefore more rapidly and more economically than this work can be performed by the Treasurer, and the necessity for paid warrants to be on file in the State agencies for which they were issued so that they may there be audited in the post-audits made by the State Auditor, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended; and this Act shall take effect as provided herein, and it is so enacted.

The amendment was adopted.

H. B. No. 804 was passed to engrossment.

Mr. Butler moved to reconsider the vote by which H. B. No. 804 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 804 ON THIRD READING

Mr. Butler moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 804 be placed on its third reading and final passage.

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

Yea—95

Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Banks, Mrs.
Barlow
Barnes
Bartram
Bass
Berry
Blaine
Borrayo
Bridges
Butler
Caldwell
Carriker
Chapman
Cole of Harris
Collins
Hughes of Dallas
James
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Korfoth
Lack
Lary
Latimer
Leaverton
Lewis
McCoppin
McGregor
of McLennan
of El Paso
Mclllhany
Martin
Miller
Moore
Mullen
Murray
Muscheller
Oliver
Paxton
Pleasit

Nays—34

Baley
Bell
Burgess
Cannon
Cook
Colten
Cowan
de la Garza
Dewey
Duff, Miss
Dufi
Fletcher
Gilbess
Goffe
Hart
Hollower
Holland
Isaacs, Miss
Jamison

Present—Not Voting

Grain

Abest

Alana
Cole of Hunt
Ehrle
Gladden
Harrington
Hinton
Huebner

Ballman

Buchanan
May 16, 1961

Creeds
Osborn
Smith of Jefferson
Wilson of Potter

COMMITTEE MEETING

Mr. Dungan asked unanimous consent of the House that the Committee on Labor be permitted to meet at this time.

There was no objection offered.

LEAVE OF ABSENCE GRANTED

Mr. Osborn was granted leave of absence for the remainder of the day on account of illness, on motion of Mr. Dewey.

HOUSE BILL NO. 86 ON SECOND READING

Mr. Parsons moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 86.

The motion prevailed by unanimous consent.

The Speaker laid before the House grossment.

H. B. No. 86, A bill to be entitled "An Act amending subsection (1), Article 7.02 and subsection (1), Article 7.06 of Chapter 1 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to provide that the cigarette tax shall be paid by the person who ultimately uses or consumes cigarettes; and declaring an emergency."

Sec. 2. The fact that passage of this Act would permit citizens of the State of Texas to receive credit for Federal income tax purposes for cigarette taxes paid to the State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 86 was passed to engrossment.

HOUSE BILL NO. 86 ON THIRD READING

Mr. Parsons moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130
Adams of Lubbock
Cannon
Adams of Titus
Carricker
Alans
Chairman
Allen
Cole of Hunt
Andrews
Collins
Atwell
Connell
Bailey
Cook
Bardfield, Mrs.
Cory
Barlow
Cotton
Barnes
Cowen
Bartram
Covies
Bass
Crain
Bell
Curlington
Berry
de la Garza
Blaine
Dewey
Boyesen
Duff, Miss
Bridges
Eckhardt
Burgess
Fairchild
Butler
Floyd
Caldwell
Foreman
The Speaker then laid House Bill No. 88 before the House on third reading and final passage was passed.

Mr. Parsons moved to reconsider the vote by which H. B. No. 88 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1068 ON SECOND READING

Mr. Fletcher moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1068.

The motion prevailed by unanimous consent.

H. B. No. 1068, a bill to be entitled “An Act authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the Methodist Student Movement of Texas, Inc., a tract of land owned by the State of Texas for the use and benefit of Southwest Texas State College, in consideration for conveyance by the Methodist Student Movement of Texas, Inc., of a tract of land to the City of San Marcos for street purposes; and declaring an emergency.”

The bill was read second time.

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

Amend House Bill No. 1068 by striking out all below the enacting clause and inserting in lieu thereof the following:

“Section 1. In consideration for the conveyance by the Methodist Student Movement of Texas, Inc., of the tract of land described as Tract No. 1 in Section 2 of this Act, to the State of Texas for the use and benefit of the Southwest Texas State
College, the Board of Regents of the State Teachers Colleges, acting by the President thereof, is hereby authorized and directed to convey to the Methodist Student Movement of Texas, Inc., by special warranty deed, the tract of land described as Tract No. 2 in Section 3 of this Act, in the widening and maintenance of North Edward Gary Street adjacent to the College campus in the City of San Marcos, the Board of Regents of the State Teachers Colleges, acting by the President thereof, is hereby authorized and directed to execute and deliver to the City of San Marcos, Texas, a proper instrument conveying thereto a right-of-way easement to the tract of land described as Tract No. 1 in Section 3 of this Act, for its use in the widening and maintenance of such street. The form of the instrument of conveyance shall be approved by the Attorney General of Texas.

"Section 2. In consideration for the benefits accruing to the State of Texas and to Southwest Texas State College from the use of the tract of land described as Tract No. 1 in Section 3 of this Act, in the widening and maintenance of North Edward Gary Street adjacent to the College campus in the City of San Marcos, the Board of Regents of the State Teachers Colleges, acting by the President thereof, is hereby authorized and directed to execute and deliver to the City of San Marcos, Texas, and from which point an Elm tree, 13 inches in diameter, bears S. 39° 14' W. 82.8 feet and a Knackaway tree, 7 inches in diameter, bears N. 8° 15' W. 96.2 feet and an old iron pipe bears N. 8° 00' W. 0.73 feet, and the beginning point is the Northwest corner of the property herein described:

Thence with the East line of North Edward Gary Street and the West line of the Methodist Student Movement of Texas, Inc., S. 9° 00' E. 144.70 feet to an old iron pipe at the intersection of the East line of North Edward Gary Street and the North line of East Wood Street for the Southwest corner;

Thence with the North line of East Wood Street, N. 84° 00' E. 22.91 feet to an iron pipe for the most Eastern corner;

Thence N. 8° 00' W. 157.60 feet to the center of a Hackberry tree, 8 inches in diameter on the South line of the heretofore mentioned State of Texas Lot and on the North line of the Methodist Student Movement of Texas, Inc., Lot for the most Northern corner and from which point an iron stake bears S. 8° 00' E. 2.10 feet;

Thence with the South line of the State of Texas Lot, S. 76° 45' W. 23.00 feet to the place of beginning.

The strip of land herein described contains 2,578 square feet and is a part of Lots 5, 6, and 7, Block 4, of the H. B. Coffield Addition.

TRACT NO. 2. Being a strip of land, 22.90 feet wide, from the West side of a Lot conveyed by the
Beginning at an old iron pipe on the north line of east wood street, and on the south line of a tract of land conveyed by addie m. goodman, a widow, et al. to the methodist student movement of texas, inc., by deed of date january 29, 1966, and of record in volume 163, pages 591-95 of the deed records of hays county, texas, and on the south line of a part of lot 5, block 4, of the h. b. coffield addition as of record in volume 'o', page 198 of the deed records of hays county, texas, and the southwest corner of a lot conveyed by the methodist student movement of texas, inc., to the state of texas by deed of date january 4, 1957, and of record in volume 176, pages 399-400 of the deed records of hays county, texas, and the southwest corner of the strip of land herein described and from which point a pecan tree, 14 inches in diameter, bears n. 76° 09' e. 48.6 feet and another pecan tree, 14 inches in diameter, bears n. 76° 09' e. 26.5 feet;

thence with the east line of the methodist student movement of texas, inc., lot and the west line of the state of texas, lot, n. 8° 00' w. 164.00 feet to an iron pipe on the south line of a tract of land conveyed by mrs. annie l. severy, a widow, to the state of texas by deed of date april 10, 1936, and of record in volume 122, page 18 of the deed records of hays county, texas, and the northeast corner of the methodist student movement of texas, inc., lot and the northwest corner of the state of texas lot and the northeast corner of the strip of land herein described and from which point an elm tree, 13 inches in diameter, marked x, bears n. 81° 45' e. 4.3 feet;

thence with the north and south line of the state of texas lots, n. 78° 45' e. 32.90 feet to an iron pipe for the northeast corner;

thence e. 8° 00' e. 168.00 feet to an iron pipe on the north line of east wood street for the southeast corner;

thence with the north line of east wood street, s. 84° 00' w. 33.91 feet to the place of beginning.

the strip of land herein described contains 3,791 square feet and is a part of lots 5, 6, and 7, block 4, of the h. b. coffield addition.

"section 4. the fact that there is urgent need for completion of the transaction herein authorized and widening of the street as herein contemplated, so that more adequate street and parking facilities may be provided for college buildings now being erected and to be erected in the near future, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule be hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

the amendment was adopted.

h. b. no. 1068 was passed to engrossment.

house bill no. 1068 on third reading

mr. fletcher moved that the constitutional rule requiring bills to be read on three several days be suspended and that house bill no. 1068 be placed on its third reading and final passage.

the motion prevailed by the following vote:

yea-133

adams of lubbock
alcala bell
andrews berry
bailey blaine
banfield, mrs. bonne
barlow bridges
barnes burgess
bartram butler
The Speaker then laid House Bill No. 1068 before the House on third reading and final passage.

The bill was read third time and passed.

Mr. Fletcher moved to reconsider the vote by which H. B. No. 1068 was passed and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bridges moved that all the necessary rules be suspended for the purpose of taking up and considering this time House Bill No. 120.

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. 120, a bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; providing that funds heretofore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; requiring an election to authorize the exercise of the powers herein granted; containing a savings clause; and declaring an emergency."

The bill was read third time.

Mr. Adams of Lubbock offered the following amendment to the bill:

Amend Committee Amendment by adding to Section 2 the following:

"Furthermore any college made a Senior College under the authority
of this act shall be prohibited from receiving state aid for junior and
senior level work for 20 years from the
date of the passage of this Act.
The amendment was adopted.
H. B. No. 120 was passed by the
following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>114</td>
<td>16</td>
</tr>
</tbody>
</table>

Adams of Lubbock
Jones of Dallas
Adams of Titus
Jones of Travis
Albany
Kilpatrick
Bentfield, Mrs.
Collins
Barlow
Eckard
Bell
LaValle
Berry
Leaverton
Blaize
Longorita
Boyle
McCoppin
Bridges
McGregor
Burgess
of McLennan
Buller
of El Paso
Caldwell
McGregor
Cannon
Martin
Carriker
Miller
Carpenter
Moore
Cole of Harris
Mullen
Cole of Hunt
Nutcher
Collins
Oliver
Crawford
Percy
Cowles
Peeler
Carrington
Pleasant
de la Garza
McKinnon
Dungan
Pipkin
Echard
Price
Fairchild
Quilliam
Fletcher
Rapp
Floyd
Ratliff
Foreman
Reed
Garrett
Richards
Gibbons
Richardson
Gladson
Roberts of Hill
Glass
Rosaas
Gesting
Rossen
Green
Schrain
Grover
Shannon
Guthy
Shibler
Hale
Black
Harding
Sider
Harding
Smith of Bexar
Harrington
Snelson
Haynes
Spears
Hinshaw
Smith of Potter
Hollowell
Springer
Hughes
Stewart
of Grayson
Stewart
James
Smith of Jefferson
Jameson
Sundberg
Johnson of Dallas
Stewart
Johnson of Bell
Thurman
Thurmond
Whitfield
Townsend
Wilson of Trinity
Trevino
Walker
Ward
Watson

Nays—16

Allen
Isaacks, Miss
Atwell
Jarvis
Cook
Lattimer
Cotman
Lewis
Crain
Nugent
Dewey
Peavy
Ehrl
Roberts of Dawson
Hughes of Dallas
Tunnell

Present—Not Voting

Andrews
Johnson of Bexar

Absent

Barnes
Markgraf
Bartram
Murray
Bartman
Moss
Duffy, Miss
Parsons
Hicks
Sandahl
Hubbard
Walls
Koroth

Absent—Excused

Ballman
Osborn
Buchanan
Smith of Jefferson
Crews
Wilson of Potter

Mr. Bridges moved to reconsider
the vote by which H. B. No. 120
was passed and to table the motion
to reconsider.

The motion to table prevailed.

BILLS AND RESOLUTIONS SIGNED
BY THE SPEAKER

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

H. B. No. 32, An Act concerning
the payment of aid and compensation
to persons who have paid fines or
served sentences for crimes of which
they are not guilty; and declaring
an emergency.

H. B. No. 138, An Act to adopt
and establish certain miscellaneous
statutory provisions applicable to
private corporations, whether for
profit or not for profit; to provide
certain special laws applicable to
veteran, educational, cemetery, de-
tective, and certain railroad corpora-

to provide restrictions upon the acquisition of land by corporation and to impose penalties for violation; to provide for the authority of the Attorney General to examine corporate books and records and for foreclosure of such lien; to provide a lien against corporate property for fines and penalties and for foreclosure of such lien; to provide authority to the Attorney General to proceed against insolvent corporations; to re-enact the Uniform Stock Transfer Act; to repeal certain statutory provisions contained in Title 32 of Texas Civil Statutes, 1925, as amended, which have been supplanted by the provisions of this Act; containing saving and partial invalidity clauses; and declaring an emergency.

H. B. No. 140, An Act to amend the Texas Business Corporation Act, Acts, 1925, 54th Legislature, Chapter 64; said Act being amended by amending Section C of Article 2.29; by amending Article 2.26 by adding a new Section D; by amending said Act by adding a new Article 4.14; and by amending Section A of Article 6.03; and declaring an emergency.

H. B. No. 165, An Act amending Section 1 of Chapter 355, Acts of the Forty-second Legislature, 1927; (Section 1 of Article 188a-2, Vernon's Texas Civil Statutes), relating to performance of duties of the County Judge by the Judge of any County Court at Law in certain counties, by changing the counties to which the Act is applicable from counties having a population of less than 500,000 inhabitants to counties having a population of less than 750,000 inhabitants, according to the last preceding or any future Federal Census; and declaring an emergency.

H. B. No. 243, An Act amending Article 43 of the Code of Criminal Procedure of Texas, 1925, to require the sheriff of each county to report to the district or county attorney each month as to all prisoners in his custody and the authority by which he detains them; and declaring an emergency.

H. B. No. 261, An Act concerning the adoption and filing of rules and regulations of State administrative agencies authorized by law to make rules and regulations; and declaring an emergency.

H. B. No. 485, An Act to amend Article 3.46 of the Insurance Code (Acts of 1951, Fifty-second Legislature, as amended by Acts of 1955, Fifty-fourth Legislature, page 916, Chapter 383, Section 13, as further amended by Acts of 1959, Fifty-sixth Legislature, page 890, Chapter 411, Section 4) pertaining to investments by life, health or accident insurance companies in real estate by adding to said Article a paragraph permitting such companies to acquire, secure, retain, hold and convey production payments subject to restrictions and limitations; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency.

H. B. No. 582, An Act to amend Acts 1901, Fifty-second Legislature, Chapter 276, by adding a new Section to such Act making the bonds and notes issued by regional college districts pursuant to such Act, authorized investments, and making them eligible to secure public funds; and declaring an emergency.


H. B. No. 610, An Act amending Section 16 of Chapter 276, Acts of the Fortieth Legislature, Regular Session, 1927, as amended, and repealing Section 16 of Chapter 276, Acts of the Fortieth Legislature, Regular Session, 1927, to provide that certain fees collected by the Railroad Commission be deposited to the General Revenue Fund of the State; abolishing the Motor Transportation Fund; transferring the balance in that fund to the General Revenue Fund; providing an effec-
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County, Texas, shall each receive an annual salary of not less than Twelve Thousand Dollars ($12,000) nor more than Sixteen Thousand Dollars ($16,000) to be determined and fixed by the Commissioners Court of Bexar County, Texas, and when thus determined and fixed such annual salary shall be paid in twelve (12) equal monthly installments by warrants drawn upon the County Treasurer of Bexar County, Texas, upon orders by the Commissioners Court; and declaring an emergency.

H. B. No. 938, An Act amending Chapter 19, Acts of the Fifty-fifth Legislature, Second Called Session, 1957, to provide that the Act shall apply to Precinct 4 of Tyler County; repealing certain laws; and declaring an emergency.

H. B. No. 967, An Act authorizing the Commissioners Courts of the counties of the 31st Judicial District and the 8th Judicial District to supplement the salary of the District Attorneys of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

H. B. No. 1060, An Act to create the Farmers Creek Watershed Authority as a conservation and reclamation district in Montague County under the provisions of Article XVI, section 59 of the Constitution of Texas; describing its metes and bounds; prescribing the duties, powers, functions, and procedures for the district; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the District; providing for a governing body and prescribing its duties; adopting certain provisions of the General Law; enacting other provisions required for the functioning of the District; providing a severance clause; and declaring an emergency.

“The foregoing notwithstanding, any lands in the Veterans’ Land Fund which have been first offered for resale to Veterans and which have not been sold may be resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law.

“This amendment shall become effective upon its adoption.”

The amendment was adopted.

Mr. Price offered the following amendment to the resolution:

Amend H. J. R. No. 68 by deleting Section 2 and substituting in lieu thereof the following:

“Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State of Texas on the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon the following:

“FOR the Amendment to Section 49-b of Article III of the Constitution of Texas by adding thereto a provision authorizing the resale of lands of the Veterans’ Land Fund remaining unsold after having been first offered for sale to Veterans, to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law.”

“AGAINST the Amendment to Section 49-b of Article III of the Constitution of Texas by adding thereto a provision authorizing the resale of lands of the Veterans’ Land Fund remaining unsold after having been first offered for sale to Veterans, to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law.”

If it appears from the returns of said election that a majority of the votes cast were in favor of said Amendment, the same shall become a part of the State Constitution and be effective from the date set forth in said Amendment, and the Governor shall issue a proclamation in keeping therewith.”

The amendment was adopted. H. J. R. No. 68 was passed by the following vote:

Texas—113

Adams of Lubbock    James
Adams of Titus    Jamison
Allen    Jarvis
Andrews    Johnson of Bexar
Atwell    Johnson of Bell
Bailey    Jones of Dallas
Bannfield, Mrs.    Jones of Travis
Bartman    Kennard
Bili    Kilpatrick
Berry    Kittle
Blalke    Koehl
Boyden    Lary
Bridges    La Valle
Burgess    Leaverton
Butler    McCoppin
Caldwell    McGregor
Cannon    McLellan
Carriker    Melhany
Chapman    Marksgraf
Cole of Harris    Martin
Cole of Hunt    Miller
Collins    Moore
Corry    Mullens
Cowen    Murray
Cowles    Muthers
Crain    Niemeyer
Carlington    Oliver
de la Garza    Parsons
Doff, Miss    Peeler
Dungan    Petty
Edwards    Piersall
Elrle    Phillips
Falchul    Preston
Fletcher    Price
Floyd    Quilliam
Foreman    Read
Garrison    Radiford
Gibson    Reed
Gibbons    Richards
Gladden    Roberts of Hill
Glass    Rosen
Gustav    Schram
Hall    Shannon
Harding    Smith of Bexar
Haynes    Smithers
Holloway    Spear
Huebner    Spilman
Hughes    Springer
of Grayson
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Mr. Price moved to reconsider the vote by which H. J. R. No. 68 was passed and to table the motion to reconsider.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

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

"Section 1. The purpose of this Act is to prevent the theft and traffic in stolen boat motors, and the sale or encumbered boat motors without the enforced disclosure to the purchaser of any and all liens for which any such boat motor stands as security, and the provisions hereof, singularly and collectively, are to be literally construed to that end."

Sec. 2. As used in this Act—

The term 'motor' means any kind of detachable engine or motor, including gasoline or battery powered engines, and motors, designed or used to propel any type of boat or water craft.

The term 'Department' means the Texas Highway Department.

The term 'first sale' means the sale or transfer of a new boat motor to anyone other than a distributor, dealer, or retailer buying or acquiring the boat motor solely for the purpose of resale.

The term 'subsequent sale' means any sale or transfer of ownership subsequent to the first sale.

H. B. No. 52. A bill to be entitled 'An Act providing for the issuance of certificates of title on boat motors and prohibiting sale of boat motors in this State after the first sale except through use of the certificates of title issued therefor; placing the administration of the Act in the Texas Highway Department and prescribing procedures for its administration; placing certain duties on county tax collectors; making further provisions relative to liens upon and transfer of title to boat motors; providing for the collection of certain fees; making an appropriation; prescribing offenses; and fixing the effective date of this Act.'

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 52 by striking out all below the Enacting Clause and substituting the following:

"Section 1. The purpose of this Act is to prevent the theft and traffic in stolen boat motors, and the sale or encumbered boat motors without the enforced disclosure to the purchaser of any and all liens for which any such boat motor stands as security, and the provisions hereof, singularly and collectively, are to be literally construed to that end."

Sec. 2. As used in this Act—

The term 'motor' means any kind of detachable engine or motor, including gasoline or battery powered engines, and motors, designed or used to propel any type of boat or water craft.

The term 'Department' means the Texas Highway Department.

The term 'first sale' means the sale or transfer of a new boat motor to anyone other than a distributor, dealer, or retailer buying or acquiring the boat motor solely for the purpose of resale.

The term 'subsequent sale' means any sale or transfer of ownership subsequent to the first sale.
Sec. 5. Applications for certificates of title for boat motors shall be made to the county tax collector in the county of the applicant's domicile upon a form to be prescribed by the Department.

Sec. 6. (a) Within ten (10) days after the purchase of any boat motor, whether bought separately or as a part of a boat or other water craft, at a first sale or subsequent sale in this State, the purchaser shall make application for a certificate of title.

(b) Within fifteen (15) days after the owner, being a resident of this State, brings into this State any boat motor which has previously been the subject of the first sale, the owner shall make application for a certificate of title.

(c) Every person owning a boat motor in this State may make application for a certificate of title for said motor as provided in this Act at any time after January 1, 1962.

(d) Each licensed dealer shall be exempt from filing an application for certificate of title on any boat motor that has been the subject of a subsequent sale, and such dealer may demonstrate such boat motor for the purpose of sale, trade, or transfer provided such dealer has purchased a dealers' license issued under the provisions of PC Article 1722a, Sec. 6.

Sec. 7. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 8. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 9. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 10. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 11. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 12. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.

Sec. 13. The application for a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title provided herein shall contain all the information necessary for issuing a certificate of title. The certificate of title must be issued in the name of the person to whom he acquired the boat motor, the date of acquisition, and full information concerning any liens against the boat motor.
plicant and shall note thereon the required information concerning the boat motor and the existence or non-existence of liens as disclosed in the application and deliver such receipt to the applicant upon payment of the required fees.

Sec. 5. Every tax collector shall, on the same day issued by him, forward to the Department copies of all receipts issued by him, together with the applications and such evidence as may have been delivered to him and the portion of the fees which is required to be forwarded to the Department under Section 12 of this Act. The Department within five (5) days after receiving such application, if upon inspection thereof it is satisfactorily shown that the certificate of title thereon shall issue, shall issue certificate of title marked 'Original' on the face thereof and send it to the address of the applicant as given in his application by first class mail; provided, however, that in the event there is a lien disclosed in the application the certificate of title shall be issued in duplicate, one of which shall be mailed to the address of the first lien holder as disclosed in the certificate of title by first class mail; the copy of the certificate of title marked 'Duplicate Original' and shall be sent by first class mail to the address of the applicant as given in his application.

Section 10. The receipt or certificate of title marked 'Duplicate Original' shall be used only as evidence of title to the boat motor and shall not be used by any person in establishing any interest in the boat motor or to establish any lien thereon.

Sec. 11. No boat motor for which a certificate of title is required may be sold or disposed of in this State unless the owner designated in the certificate of title transfers the certificate of title on form to be prescribed by the Department before a notary public, which form shall include, among such other matters as the Department may determine, an affidavit to the effect that the signer is the owner of the boat motor, and that there are no liens against such boat motor, except such as are shown on the certificate of title; and no title to any boat motor shall pass or vest until such transfer is so executed. All sales made in violation of this Act shall be void and no title shall pass unless the provisions of this Act have been complied with.

Sec. 12. Each applicant for a certificate of title or reissuance thereof as provided herein shall pay to the county tax collector the sum of one dollar ($1.00), of which thirty-five cents (35¢) shall be retained by the tax collector and shall be accounted for and used in the same manner as fees retained by the tax collector under Section 57, Acts 46th Legislature, 1939, page 692, as heretofore or hereafter amended. The remaining sixty-five cents (65¢) shall be forwarded to the Department. The Department shall deposit such funds in the State Treasury to the credit of the State Highway Fund.

Sec. 13. Sections 2, 4, 5, 6, 11, 14, 16, 18, 19, 21, 26, 27, 28, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 47a, 49, 50, 51, 52, 53, 54, 55, 56, 59, 60 and 81 of the Certificate of Title Act (Acts 46th Legislature, 1939, page 692, as heretofore or hereafter amended) and Sec. 2 of Chapter 384, Acts 59th Legislature, 1947 (codified as V.P.C.) are hereby adopted and shall apply in the administration and enforcement of this Act insofar as they can be made applicable. Whenever the term 'certificate of title' is used in the adopted sections and Articles, it shall mean a certificate of title required under this Act; 'motor vehicle' shall mean boat motor as defined herein; 'designated agent' shall mean county tax collector or his duly authorized deputies.

Sec. 14. Any person who violates any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00).

Sec. 15. This Act shall become effective January 1, 1962. The Department shall provide each county tax collector in this State with a supply of application and receipt forms as
required herein on or before the effective date hereof.

Sec. 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

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

Amend Committee Amendment to H. B. No. 82.

Page 3, line 4, change "55" to "56" line 7, change 654 to 564.

The amendment was adopted.

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

H. B. No. 82 failed to pass to engrossment.

MOTION TO PLACE HOUSE BILL NO. 28 ON THIRD READING

Mr. Koriotl moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 28.

The motion was lost, not receiving the necessary two-thirds vote.

HOUSE BILL NO. 892 ON THIRD READING

Mr. James moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 892.

The motion prevailed by the necessary two-thirds vote.

REASON FOR VOTE

Please record Will Ehrle as voting "NO" on suspension of rules on H. B. 892.

WILL EHRLE

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

H. B. No. 892, A bill to be entitled "An Act to eradicate so-called private clubs operated as a subterfuge for the sale of liquor by the drink, and to assure strict compliance for operation of bona fide private clubs; providing certain fees and taxes for operation of private clubs to the credit of the General Revenue Fund; providing penalties; and declaring an emergency."

The bill was read third time.

Mr. Berry offered the following amendment to the bill:

Amend House Bill 892 by adding a new subsection after the period on Line 52 of Page 8 of the printed bill to read as follows:

"(6a.) Notwithstanding any other provision of law it shall be unlawful to consume any alcoholic beverage in a legally licensed private club only as follows:

(a) On Sunday between the hours of 2:15 o'clock a.m. and 11:00 o'clock Midnight.

(b) On Monday prior to 10:00 o'clock a.m.

(c) On any day except Sunday or Monday between the hours of 1:15 o'clock a.m. and 7:00 o'clock a.m.

(d) This Act shall not amend or repeal the laws relating to consumption or possession of alcoholic beverages on election days."

The amendment was lost.

H. B. No. 892 was passed.

Mr. James moved to reconsider the vote by which H. B. No. 892 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Mr. Ehrle, Mr. Cotten, Mr. Peary, Mr. Ward, and Mr. Hollowell requested to be recorded as voting "NAY" on the motion to suspend the rules to consider H. B. No. 892 and on the passage of H. B. No. 892.

REASON FOR VOTE

I voted against the passage of H. B. No. 892. It may be a way to allow the sale of liquor by the drink. This I cannot go for.

LEON THURMAN
REASON FOR VOTE
I wish to vote "NO" on 892.

BILL HOLLOWELL

REASONS FOR VOTE
Please record Will Ehrle as voting "NO" on final passage of H. B. 892.

WILL EHRLE

I voted "NO" on H. B. 892.

JAMES COTTEN
C. W. PEARCY
J. E. WARD

HOUSE BILL NO. 155 ON THIRD READING

Mr. Dewey moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 155.

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. 155, a bill to be entitled "An Act relating to filing fees and expenses for primary elections; amending Article 193 as amended, and Article 186 as amended, of the Election Code of Texas, 1951; repealing Article 194 of the Election Code of Texas, 1951; and declaring an emergency."

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

Yeas—104

Adams of Lubbock
Adams of Titus
Alaska
Allen
Andrews
Banfield, Mrs.
Barlow
Bartram
Bass
Bell
Berry
Blue
Boyesen
Burgess
Butler
Chapman
Cole of Harris
Cole of Hunt
Collins

Nays—32

Bailey
Bridges
Caldwell
Carroll
Cotten
Cowley
Fairchild
Gladden
Harrington
Hollowell
Hughes
Kilpatrick
Koilba
Latimer
Leaverton
Lewis
Longoria
Martini
Miller
Moore
Mullen
Murray
Mutzer
Niemeyer
Nugent

Present—Not Voting

Smith of Bexar

Absent

Atwell
Crews
Healy
Koistoth

Yeas—104

Green
Grover
Hale
Harding
Hart
Hayes
Hinson
Huelsner
Hughes of Dallas
Isaacks, Miss
James
Jarnes
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Koilba
Lary
Latimer
Leaverton
Lewis
Longoria
Martini
Miller
Moore
Mullen
Murray
Mutzer
Niemeyer
Nugent

Nays—32

Bailey
Bridges
Caldwell
Carroll
Cotten
Cowley
Fairchild
Gladden
Harrington
Hollowell
Hughes
Kilpatrick
Koilba
Latimer
Leaverton
Lewis
Longoria
Martini
Miller
Moore
Mullen
Murray
Mutzer
Niemeyer
Nugent

Present—Not Voting

Smith of Bexar

Absent

Atwell
Crews
Healy
Koistoth
Mr. Dewey moved to reconsider the vote by which H. B. No. 166 was passed and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE HOUSE BILL, NO. 15 ON THIRD READING**

Mr. Guffey moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 15.

The motion was lost, not receiving the necessary two-thirds vote.

**HOUSE BILL NO. 73 ON THIRD READING**

Mr. Spears moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 73.

The motion prevailed by the necessary two-thirds vote.

Mr. Allen moved to table H. B. No. 73.

The motion to table was lost.

H. B. No. 73 was then passed.

Mr. Spears offered the following amendment to the bill:

(1) Amend House Bill No. 73, adding a new subsection 7 at the end of Article 15 to read as follows:

"Subsection 7. Notwithstanding any other provisions of this Act, the aggregate amount required to be paid by any employer city or town under this Act as amortizing payments and as current cost contributions shall not exceed in any one month:

"(a) The sum of Four Dollars ($4.00) for each volunteer fireman who is a member of the Firemen's Relief and Retirement Fund of such city or town; and

"(b) If such city or town has a population of less than one hundred eighty thousand (180,000) according to the last preceding Federal census, an additional sum equal to seven and one-half per centum (7 1/2 %) of the total monthly payroll of the Fire Department of such city or town for each month; or if such city has a population of one hundred eighty thousand (180,000) or more and less than five hundred thousand (500,000) according to the last preceding Federal census, an additional sum equal to twelve and one-half per centum (12 1/2 %) of the total monthly payroll of the Fire Department of such city for such month.

"The provisions of this subsection and the limitations herein contained shall not be applicable to cities of five hundred thousand (500,000) population or more, according to the last preceding Federal census."

(2) Amend Subsection 7 of Article 14 to read as follows:

"The provisions of this subsection and the limitations herein contained shall not apply to the volunteer firemen unless there is an affirmative vote favorably by a majority of such volunteer firemen and the governing body of each city or municipality involved." (and striking the Subsection 7 now at the end of Art. 14.)

The amendment was adopted.

Mr. Allen moved to table H. B. No. 73.

The motion to table was lost.

H. B. No. 73 was then passed.
Mr. Spears moved to reconsider the vote by which H. B. No. 73 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted against H. B. No. 73 because there is pending in committee H. C. R. No. 83, which would provide for the Texas Legislative Council to study and recommend next Session a plan that will be satisfactory to all parties concerned. If reelected, I will vote next Session for such a compromise plan. Since chances of passage into law of H. B. No. 73 this Session are almost impossible due to the lateness of the hour, I feel that a "tie in the hand is worth two in the bush." H. B. No. 73 in its present form would cost the cities of the 74th District thousands of dollars each year.

TERRY TOWNSEND.

HOUSE BILL NO. 771 ON SECOND READING

Mr. Townsend moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 771.

The motion prevailed by unanimous consent.

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

H. B. No. 771. A bill to be entitled "An Act amending Section 193 of Chapter 429, Acts of the 52nd Legislature, Regular Session, 1951, as last amended by Chapter 513, Acts of the 54th Legislature, Regular Session, 1955, (compiled as Election Code, Article 13.15 of Vernon's Texas Civil Statutes) is amended to read as follows:

'Sect. 439. Filing Fees for Certain Offices.

(a) No person's name shall be placed on the ballot for a district, county or precinct office who has not paid to the county executive committee the amount of the estimated expense of holding such primary apportioned to him by the county executive committee as here­before provided.

(b) Candidates for United States Senator or for Congressman-at-Large or for Justice of the Court of Civil Appeals and all those who are can­didates for State offices to be voted upon by the qualified voters of the whole State, except the office of Lieutenant Governor, shall pay to the Secretary of State five per cent (5%) of one year's salary. Candi­dates for the office of Lieutenant Governor shall pay to the Secretary of State the sum of Six Hundred Dollars ($600).

Provided, however, that in any Special Election for the office of United States Senator or United States Representative as may from time to time arise, the filing fee for United States Senator shall be five per cent (5%) of one year's salary and for United States Repre­sentative shall be five per cent (5%) of one year's salary. A candidate who is required to pay a filing fee as herein provided shall not be re­quired to pay any other sum or sums to any other person or com­mittee to have his name placed on the ticket as such candidate. Pay­ment of the fee herein required must be made within three days af­ter the candidate files his applica­tion for a place on the ballot and the name of no person who is re­quired to pay a filing fee to the Secretary of State shall be placed on the ballot unless he has paid the fee in accordance with these provi­sions: but it shall be sufficient to meet the requirements of these pro­visions to mail a money order, a..."
certified check, or a good personal check to the Secretary of State by registered letter within the time herein stated, as shown by the postmark on the letter.

(c) All sums paid to the Secretary of State by candidates for the office of Justice of the Court of Civil Appeals shall be distributed among the party executive committees of the respective counties making up the district in such equitable manner as may be determined by the Secretary of State. Candidates for this office shall not be entitled to participate in the distribution of the surplus in the county executive committee's primary fund. The Secretary of State shall certify to the proper county chairmen the names of the candidates for Justice of the Court of Civil Appeals who have paid the filing fee, at the same time that he certifies the names of other candidates under Section 190 of this Code.

Sec. 3. The fact that the occasion of such a subject election may arise before this bill would otherwise become law, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in the House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Dewey offered the following substitute amendment for Committee Amendment No. 1:

Amend H. B. No. 771 by striking all below the striking clause and substituting in lieu thereof the following:

'Section 1. Section 190 of Chapter 429, Acts of the 52nd Legislature, Regular Session, 1951, as last amended by Chapter 513, Acts of the 54th Legislature, Regular Session, 1955, (compiled as Election Code, Article 12.15 of Vernon’s Texas Civil Statutes) is amended to read as follows:

'190. Filing Fees for Certain Offices.

(a) No person's name shall be placed on the ballot for a district, county or precinct office who has not paid to the county executive committee the amount of the estimated expense of holding such primary appointment, as shown by the postmark on the letter.

(b) Candidates for United States Senator or for Congressman-at-Large or for Justice of the Court of Civil Appeals and all those who are candidates for State offices to be voted upon by the qualified voters of the whole State, except the office of Lieutenant Governor, shall pay to the State Executive Committee five per cent (5%) of one year's salary. Candidates for the office of Lieutenant Governor shall pay to the Secretary of State the sum of Six Hundred Dollars ($600).

Provided, however, that in any Special Election for the office of United States Senator or United States Representative as may from time to time arise, the filing fee for United States Senator shall be five per cent (5%) of one year's salary and for United States Representative shall be five per cent (5%) of one year's salary. A candidate who is required to pay a filing fee as herein provided shall not be required to pay any other sum or sums to any other person or committee to have his name placed on the ballot as such candidate. Payment of the fee herein required must be made within three days after the candidate files his application for a place on the ballot and the names of no person who is required to pay a filing fee to the Secretary of State shall be placed on the ballot unless he has paid the fee in accordance with these provisions; but it shall be sufficient if he meet the requirements of these provisions to mail a money order, a certified check, or a good personal check to the Secretary of State by registered letter within the time herein stated, as shown by the postmark on the letter.

(c) All sums paid to the State Executive Committee by candidates for the office of Justice of the Court of Civil Appeals shall be distributed among the party executive committees of the respective counties making up the district in such equitable manner as may be determined by the State Executive Committee. Candidates for this office shall not be entitled to participate in the distribution of the surplus in the coun-
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ty executive committee's primary fund. The State Executive Committee shall certify to the proper county chairmen the names of the candidates for Justice of the Court of Civil Appeals who have paid the filing fee, at the same time that he certifies the names of other candidates under Section 190 of this Code.'

Sec. 2. The fact that the occasion of such a subject election may arise before this bill would otherwise become law, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.'

The substitute amendment for the Committee Amendment was adopted.

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

H. B. No. 771 was passed to engrossment.

HOUSE BILL NO. 771 ON THIRD READING

Mr. Green moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 771 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—125
Adams of Lubbock Cole of Harris
Adams of Tarrant Colvin
Allen
Alexander
Andrews
Atwell
Bailey
Bailey, Mrs.
Barlow
Barker
Bartram
Bass
Bay
Baughman
Bayer
Bayer, Mrs.
Bauer
Bates
Baughman
Baughman, Mrs.
Belden
Bennett
Bernal
Berger
Bergstrom
Bertman
Bertram
Bieske
Biersig
Bingaman
Bingaman, Mrs.
Bishop
Bivins
Bivins, Mrs.
Bixler
Bixler, Mrs.
Bledsoe
Bode
Bodney
Boyer
Boyer, Mrs.
Brandenburg
Brooks
Brooks, Mrs.
Brown
Brown, Mrs.
Brown, Rev.
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Brown, Rev., Mrs.
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Brown, Rev., Mrs.
Brown, Rev., Mrs.
Brown, Rev., Mrs.
The Speaker then laid House Bill No. 771 before the House on third reading and final passage.

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

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MOTION TO PLACE HOUSE BILL NO. 43 ON SECOND READING

Mr. Gladden moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 43.

The motion was lost, not receiving the necessary two-thirds vote.

MOTION TO PLACE HOUSE BILL NO. 344 ON SECOND READING

Mr. Berry moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 344.

The motion was lost, not receiving the necessary two-thirds vote.

VOTE RECORDED

Mr. Ehrlie requested to be recorded as voting Nay on the motion to suspend the rules to consider H. B. No. 344.

MOTION TO ADJOURN

Mr. McGregor of El Paso moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

A record vote was requested on the motion to adjourn.
May 16, 1961

The motion to adjourn until 10:00 o'clock a.m. tomorrow was lost by the following vote:

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2 Jour.—18
The Speaker stated that the motion to suspend all necessary rules to take up and consider H. B. No. 797 prevailed by the above vote.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 797, A bill to be entitled "An Act to provide for the prosecution and punishment of any person or persons remaining in or upon the premises of privately owned commercial enterprises and refusing to leave on request or after knowing their presence is unwanted or undesired, or to intentionally interfere, as a means of protest against the policies of such business, with the conduct of business enterprise or establishment; and declaring an emergency."

The bill was read second time.

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

Amend House Bill No. 797 by striking all below the enacting clause and substituting in its place the following:

"Section 1. It shall be unlawful for any person or group of persons to enter upon or into any privately owned commercial enterprise or establishment and remain there after being requested to leave or after it appears unequivocally that the presence of such person or group of persons is undesirable and unwanted by the owner or management of such enterprise. Further, it shall be unlawful for any person or group of persons to intentionally interfere with the conduct or management of such enterprise or establishment..."
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by occupying the space within as a
means of protest against the policy
or policies of conduct of such enter-
prise or establishment.

Sec. 2. Nothing in this Article shall
be construed to protect or apply
to any unlawful business establish-
ment, nor to apply to the conduct of
legitimate labor organizations.

Further, the provisions of this Act
shall apply without any regard what-
soever to race, color, or creed, and
shall not deprive any person or per-
sons of the right to assemble peace-
fully in public places, or the right of
free speech.

Sec. 3. Any person, whether indi-
vidually or as a member of a group of
persons, violating any provision
of this Act shall be guilty of a mis-
demeanor and, upon conviction, shall
be fined not less than Fifty Dollars
($50), nor more than Two Hundred
Fifty Dollars ($250).

Sec. 4. This Act does not in any
way affect the operation of Chapter
303, Acts of the 49th Legislature,
Regular Session, 1945, relating to
blind persons accompanied by see-
ing-eye dogs.

Sec. 5. If any provision of this Act
or the application thereof to any
person or circumstance is held in-
valid, such invalidity shall not affect
other provisions or applications to
the Act which can be given effect
without the invalid provision or
application, and to this end the pro-
visions of this Act are declared to
be severable.

Sec. 6. The fact that the type of
activity herein described is presently
being engaged in without any effec-
tive legal remedy by persons pro-
tected by the provisions of this Act
creates an emergency and an impera-
tive public necessity that the Con-
stitutional Rule requiring bills to be
read on three several days in each
House be suspended, and that this
Rule be hereby suspended, and that
this Act take effect and be in force from
and after its passage, and is so en-
acted."

Mr. Oliver moved the previous
question on the passage of H.B. No
797 to engrossment, with pending
Committee Amendment No. 1 and
the main question was ordered.

A record vote was requested on
the adoption of Committee Amend-
ment No. 1 was adopted by the following vote:

Committee Amendment No. 1 was
adopted by the following vote:

Year—34

Adams of Lubbock  Johnson of Bell
Adams of Titus    Jones of Dallas
Allen             Kennard
Andrews           Koliba
Atwell           Lacy
Bailey          Hanchett, Mrs.
Bartram           Latimer
Bass             Lewellen
Bell             McCoppin
Bluhm             McCroger
Boyden           McLemee
Bryson           McHanny
Caldwell         Markgraf
Cannon           Martin
Chapman           Miller
Cole of Harris  Mutscheller
Cole of Hunt       Niemeyer
Collins           Nuxent
Connell           Ogil
Cook                Ori
Cotien            Orr
Cowen             Pieratt
Craws            Preston
Crow            Ratliff
Curtis            Read
Dewey            Richards
Duff, Miss       Richardson
Dungan           Roberts of Hill
Ehrle            Roberts of Dawson
Fairchild      Schram
Fletcher          Shannon
Garrison         Shipley
Gibbens          Slidell
Glass             Smiley
Groen           Stewart of Wichita
Grover             Townsend
Haynes            Towend
Hines            Hollowell
Huebner          Walker
Hughes           Ward
Hughes of Grayson      Watson
James           Wells
Jamison          Wilson of Trinity
Jarvis            Johnson of Dallas

Nays—44

Alanis         Carricker
dele la Garza
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May 16, 1961    HOUSE JOURNAL 2131

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House be suspended, and that this
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Fairchild      Schram
Fletcher          Shannon
Garrison         Shipley
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Glass             Smiley
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May 16, 1961    HOUSE JOURNAL 2131

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Nays—44

Alanis         Carricker
dele la Garza
Barlow                Berry
Bridges            Butter
Mr. Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 797 be placed on its third reading and final passage. The motion was lost by the following vote: (not receiving the necessary four-fifths vote)

Yea—84

Adams of Lubbock
Adams of Titus
Allen
Allen
Isaacks, Miss
Johnson of Bexar
Jones of Travis
Korinth
La Valle
Longoria
McGregor
McGregor of El Paso
Moore
Mullen
Mullen
Murray
Pecos

Absent

Eckhardt
Healy
Hughes of Dallas

Absent—Excused

Ballman
Barnes
Buchanan

H.B. No. 797 was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 797 ON THIRD READING

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Yea—84

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Adams of Titus
Allen
Allen
Isaacks, Miss
Johnson of Bexar
Jones of Travis
Korinth
La Valle
Longoria

Absent

Eckhardt
Healy
Hughes of Dallas

Absent—Excused

Ballman
Barnes
Buchanan

H.B. No. 797 was passed to engrossment.

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H.B. No. 797 was passed to engrossment.
Mr. Martia moved to reconsider the vote by which H. R. No. 797 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE**

**Reason for voting against H. R. No. 797**: Texas Penal Code Article 449 makes this bill completely unnecessary as the same result is obtained and at a much greater penalty. I do not believe that this Legislature should be burdened with unnecessary bills.

There are many other reasons to vote against this bill, but these I have given suffice I respectfully submit.

**PAUL FLOYD**

**REASON FOR VOTE**

The decision as to how to vote on H. R. No. 797 has been one of the most difficult ones that I have had to make during this session. Two important rights, property rights and human rights, in both of which I believe strongly, are in hopeless conflict in the consideration of this bill.

Whereas I know that innocent merchants may suffer as a result of sit-ins, which I sincerely regret, I feel so strongly that persons should not be denied access to any place that holds itself out as "open to the public" because of race or color that I decided, after searching my conscience, to vote against the bill.

**REED QULLIAM**

**HOUSE BILL ON FIRST READING**

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

By Mr. Hazen:

H. R. No. 1123: A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in Orange County; authorizing the County to issue certificates of indebtedness for the purpose of construction improvements to the public roads within said County and of acquiring right of way for designated State highways, Federal highways, and county roads: providing terms, conditions, and provisions relating to said certificates of indebtedness and to their issuance; requiring the levy of a tax to pay such certificates and the interest thereon; authorizing the refunding of said certificates; enacting other provisions relating to the subject; providing that this Act shall be cumulative of other laws relating to the subject; providing a severability clause; and declaring an emergency."

Referred to the Committee on Counties.

**SENATE BILLS ON FIRST READING**

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. 453 to the Committee on Public Health.

S. B. No. 459 to the Committee on Judiciary.

S. B. No. 472 to the Committee on Banks and Banking.

**Pertaining to the Privileges of the Employees to the Floor of the House of Representatives**

Mr. Koliba offered the following resolution:

H. S. R. No. 684

Whereas, At great expense to the State of Texas an intercommunication system has been furnished to each member of the House which enables him to converse privately with his secretary when the secretary is at her desk; and

Whereas, Office space is being made available to many members and their secretaries for them to discharge their official duties; and

Whereas, In some instances secretaries have voted for a member of the House of Representatives in violation of Rule 11, Section 8 of the Rules of the House; and

Whereas, It is not in keeping with the decorum and dignity of the House of Representatives to have secretaries sitting on the floor of the House reading newspapers and smoking; and
Whereas, Great confusion is created by having an excessive number of persons on the floor of the House, thereby impeding and hindering the work of the Legislature; now therefore be it

Resolved, by the House of Representatives That the House Rules Committee establish a policy whereby secretaries will remain at the desks that have been provided for them or remain outside the area on the floor of the House enclosed by the railing with chairs and space provided for such purpose when the House is in session, and further that other employees remain outside the area on the floor of the House enclosed by the railing except when engaged in the official discharge of their duties.

The resolution was referred to the Committee on Rules.

REQUEST OF SENATE GRANTED

On motion of Mr. Rosson, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 414.

REQUEST OF SENATE GRANTED

On motion of Mr. Grover, the House granted the request of the Senate for the appointment of a Conference Committee on House Bill No. 214.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 414

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 414: Messrs. Grover, Chairman; Cole of Harris, Whitfield, Garrison and Floyd.

RELATIVE TO THE CONSIDERATION OF LOCAL AND UNCONTESTED BILL CALENDAR

Mr. Collins moved to suspend all necessary rules in order to set a calendar of local and uncontested bills for consideration on the next Thursday, May 18, at 9:30 o'clock a.m.

There was no objection offered and it was so ordered.

NOTICE GIVEN

Mr. Townsend gave notice that he would call tomorrow from the Journal the motion to reconsider the vote by which H. J. R. No. 47 failed to pass to engrossment.

ADJOURNMENT

Mr. Oliver moved that the House adjourn 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 adjourn the House at 6:36 o'clock p.m., adjourned 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:

Conservation and Reclamation: S. B. No. 461, S. B. No. 447.


Labor: H. B. No. 769.

Municipal and Private Corporations: S. B. No. 424.

Oil, Gas and Mining: H. B. No. 1127.

Privileges, Suffrage and Elections: H. B. No. 435.

Public Health: S. B. No. 206.


REPORTS OF THE COMMITTED ON ENGROSSED BILLS

Austin, Texas, May 15, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 120, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; providing that funds herefore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; requiring an election to authorize the exercise of the powers herein granted; containing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 11, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 770, A bill to be entitled "An Act to amend Section 1 of Article 3.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951), page 666, as amended by Acts of 1957, Fifty-fifth Legislature, page 87, Chapter 41, Section 1), providing that the shares of a domestic insurance company with a nominal or par value shall be divided into shares of not less than One Dollar ($1) each, and not more than One Hundred Dollars ($100) each, providing that shares representing at least fifty per cent (50%) of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; and to amend paragraphs (a), (b), (c), and (d) of Article 3.02a, Insurance Code (Acts, 1955, Fifty-fourth Legislature, page 916, Chapter 263, Section 4), providing that the shares of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than One Dollar ($1) each, and not more than One Hundred Dollars ($100) each, providing that shares representing at least fifty per cent (50%) of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflicts; providing for a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

May 16, 1961

HOUSE JOURNAL 2135

COMMITTEE ON ENGROSSED BILLS

May 16, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred


Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 11, 1961

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