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
Ballman
Baufield, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Berry
Blaine
Boynen
Bridges
Buchanan
Bargues
Bauter
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cook
Cowen
Cowles
Crab
Crews
Carrollington
Dewey
Duff, Miss
Dungan
Echard
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glasing
Green
Grover

Pipkin
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Robert of Hill
Robert of Dawson
Ross
Rosem
Sandahl
Schram
Shannon
Shipley
Black
Sider
Smith of Bexar
Smith of Jefferson
Smith
Snelson
Spears

Absent—Excused

de la Garza
Healy

A quorum of the House was announced present.

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

"Heavenly Father, we are thankful that you have given us life that we might be present for this day, as we honor our Speaker, James A. Turman. We thank Thee for giving us the privilege of working with him. Bless all those that have supported him in this life and contributed to his success. Bless all the former Speakers that have all served and contributed to the welfare and progress of our great State. Give us a feeling of Thy presence. We realize the destinies of men and nations are determined by Thee. Help us to not be proud but humble in the presence of the greatness of all who have gathered here. In Christ's Name—Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Hearld for today on motion of Mr. Crain.

The following Member was granted leave of absence on account of illness in his family:
May 17, 1961  

**CONGRATULATORY RESOLUTIONS ADOPTED**

H. S. R. No. 681, By Messrs. Jones of Travis, Foreman and Sandahl: Recognizing Students from Pearce Junior High School.

H. S. R. No. 682, By Mr. Schram: Recognizing Students from Carver High School, Georgetown, Texas.

H. S. R. No. 686, By Messrs. Sandahl, Jones of Travis and Foreman: Recognizing Students from Highland Park School.

H. S. R. No. 687, By Mr. de la Garza and Longoria: Congratulating the Honorable Thomas C. Mann.

H. S. R. No. 690, By Messrs. Jones of Travis, Foreman and Sandahl: Recognizing Students from Manor High School.

H. S. R. No. 691, By Messrs. Jones of Travis, Foreman and Sandahl: Recognizing Students from the University Junior High School.

TO REQUEST A STUDY RELATIVE TO THE FORMS OF CONDITIONAL SALES CONTRACTS

Mr. Rapp offered the following resolution:

H. S. R. No. 685

Whereas, During times of unemployment or sickness there are many individuals who are unable to meet promptly their contracted obligations; and

Whereas, Many contracts of conditional sale do not provide that notice will be given before personal property is repossessed and sold; and

Whereas, If reasonable notice were given to the party in default, it might be possible for the payments to be made, thereby benefiting all parties; and

Whereas, There are many problems involved in providing for adequate protection of all the parties to such a contract, now therefore be it

Resolved, By the House of Representatives of the State of Texas, that the Texas Legislative Council be requested to study the forms of conditional sales contracts in use in Texas and all matters relating thereto; and be it further

Resolved, That the Council be requested to make a full and complete report, together with such recommendations and drafts of legislation as it may deem appropriate, to the Fifty-eighth Legislature.

The resolution was referred to the Committee on Rules.

**RELATIVE TO THE CLOSING OF THE HARLINGEN AIR FORCE BASE**

Mr. de la Garza offered the following resolution:

H. S. R. No. 688

Whereas, The Harlingen Air Force Base at Harlingen, Texas, has been ordered to close by the United States Air Force; and

Whereas, The closing of said Air Base will present a problem and will force an economic lag in the area; and

Whereas, The Base is in excellent condition and the area surrounding it is blessed with the best weather in the United States for all around use of the Air Base; and

Whereas, The housing and recreational facilities in the area are extremely favorable; and

Whereas, The people of the area have always maintained very friendly and cordial relations with the military; Now Therefore Be It

Resolved, by the House of Representatives of the State of Texas That it recommend to the Secretary of the Air Force that he reconsider the order to close Harlingen Air Force Base; and Be It Further

Resolved, That the House of Representatives of the State of Texas recommend to the Director of the General Services Administration that should Harlingen Air Force Base be closed, the Base be utilized for some other suitable purpose.

Mr. de la GARZA, PIPKIN, MURRAY, RAPP.

The resolution was referred to the Committee on State Affairs.

**RELATIVE TO THE MOORE AIR FORCE BASE**

Mr. de la Garza offered the following resolution:

H. S. R. No. 689
Whereas, Moore Air Force Base at Mission, Texas, is no longer being used by the United States Air Force; and
Whereas, The closing of said Air Force Base presented a problem and forced an economic lag in the area; and
Whereas, The base is in excellent condition and the area surrounding it is blessed with the best weather in the United States for all around use; and
Whereas, The housing and recreational facilities in the area are extremely favorable; and
Whereas, The people of the area have always maintained a very friendly and cordial relationship with the military; now, therefore, be it
Resolved, That the House of Representatives of the State of Texas recommends to the Director of the General Services Administration that said base be used by the Government for any suitable purpose; and be it further
Resolved, That the Board of Control of the State of Texas be requested to aid in the location of a suitable Federal or State agency at said base.

To request a study relative to telephone rates

Mr. Struve offered the following resolution:

H. C. R. No. 108

Whereas, The number of individual telephones in use in Texas has more than tripled since the end of World War II and there are now over three million instruments in service; and
Whereas, Texas now ranks sixth in the nation in total number of telephones, and these are used to place well over 16,200,000 local calls and more than 40,000 long-distance calls each day; and
Whereas, Interstate long-distance telephone rates are regulated by the Federal Communications Commission and local exchange rates by city governing bodies, but there is presently no regulation of intrastate long-distance telephone rates in Texas; and

Whereas, Texas is one of two states in the nation, the other being Iowa, where intrastate telephone service is not subject to some type of regulation by a State commission or agency, although other public utilities operating in Texas are subject to such regulation; and

Whereas, There are conspicuous instances in which charges for long-distance calls between cities within the State of Texas exceed the charges for a long-distance call for the same or a greater distance from a city in Texas to a city outside the State; and

Whereas, As a result of a study of "Long Distance Telephone Rates in Texas" made in 1960, the Texas Legislative Council of the 61st Legislature recommended that the State of Texas should regulate long-distance telephone rates and that a State regulatory body, perhaps the Texas Railroad Commission, should also have powers over the regulation of local exchange rates, at least to the extent of establishing the separation procedure to be used by Texas cities in setting exchange rates; and

Whereas, These recommendations have never been implemented in any way by legislative or administrative action; and

Whereas, If there was a need for regulation of the telephone industry in 1960, there is a distinct possibility that a greater need would exist after the passage of more than a decade; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that the Texas Legislative Council be requested to study telephone rates in Texas, including intrastate long-distance toll rates, specific rates, and the general level of rates; to examine comparable rates in other states and the methods by which they are determined; and to consider whether it would be desirable to provide for some type of regulation of such rates by a permanent State agency or commission in Texas; and be it further

Resolved, That the Council be requested to report its findings, together with such recommendations
Whereas, In the course of the construction of certain highway improvements in Wichita County, Texas, said
CONDON-CUNNINGHAM, INC., entered into a supplemental agreement as provided for by the terms of said contract,
missrepresentation by the agents and officials of the State Highway Department relative to the work to be done and the conditions under which it was to be accomplished, the necessity of redesigning plans for the construction and improvements which were the subject of said contract, failure of the agents and officials of the State Highway Department to follow the established course of conducting parties in situations comparable with those which have arisen in connection with the said contracts relating to Project Nos. F119 (11) and V119 (12); and said CONDON-CUNNINGHAM, INC., desires to sue the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; NOW, THEREFORE, BE IT
Resolved, That such suit may be filed within two (2) years from the execution date of this resolution; and BE IT FURTHER Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid CONDON,
Whereas, As of June 1, 1961, Industrial Gas Supply Corporation and Ship Channel Industrial Gas Corporation, each Delaware corporations duly permitted to transact business in the State of Texas, were the owners of all of the capital stock of City Industrial Gas Company in the proportions of Industrial Gas Supply Corporation, 55%, and Ship Channel Industrial Gas Corporation, 45% and, effective as of such date, the said City Industrial Gas Company was dissolved by its said corporate stockholders and the business then being conducted by the said dissolved corporation was continued by the said Industrial Gas Supply Corporation and the said Ship Channel Industrial Gas Corporation in their said names under the direction and operation of the said Industrial Gas Supply Corporation: and,

Whereas, As of August 1, 1954, Industrial Gas Supply Corporation acquired all properties and other assets of Ship Channel Industrial Gas Corporation, including the latter's 45% interest in the business formerly operated in the name of City Industrial Gas Company, and the said Industrial Gas Supply Corporation continued to conduct the said business in the name of Industrial Gas Supply Corporation and as the sole owner of said business; and,

Whereas, During the year 1948 and subsequently the said City Industrial Gas Company was engaged in the business of selling gas for industrial use to industries located within the corporate limits of Houston, Texas, and also in selling gas to said City for distribution and sale by the City of Houston through the City's Magnolia Park Gas Distribution System; and, the same business was subsequently continued in the name of Industrial Gas Supply Corporation and Ship Channel Industrial Gas Corporation, and later in the name of Industrial Gas Supply Corporation, as hereinafter; and,

Whereas, While the said business was being operated in the name of City Industrial Gas Company demand was made by the Comptroller of Public Accounts and the State Tax Auditor of the State of Texas that said Company pay gross receipt taxes to said Comptroller under Article 11.03, Title 122A, Taxation General, Revised Civil Statutes of Texas, 1925, as amended (formerly codified as Article 11.02 of said Statutes) on receipts from the sale of gas to the City of Houston for distribution and sale by said City through the said Magnolia Park Gas Distribution System under threat of claims for penalties and interest, and in the same reason have since been paid by the said successors in interest of the business of the said City Industrial Gas Company (now the said Industrial Gas Supply Corporation) on said gross receipt taxes on said sales were paid by said City Industrial Gas Company, and for the same reason have since been paid by the said successors in interest of the business of the said City Industrial Gas Company (now the said Industrial Gas Supply Corporation) on said gross receipt taxes on said sales were paid by said City Industrial Gas Company.
vised Civil Statutes of Texas, 1925, as amended; and,
Whereas, The Comptroller of Public Accounts has given Industrial Gas Supply Corporation a credit for all such taxes paid subsequently to September 1, 1959 but refuses to credit Industrial Gas Supply Corporation for such taxes wrongfully extracted prior to September 1, 1959; and,
Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and,
Whereas, There is no provision of law of the State of Texas to accurately and definitely determine such taxes, if any, should be returned for the purpose of making such an appropriation; and,
Whereas, In order to definitely and accurately determine such matters, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and,
Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it
Resolved by the Senate of Texas with the House of Representatives concurring, That Industrial Gas Supply Corporation be and it is here­by granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas, for all amounts of money here­fore illegally extracted, prior to September 1, 1959, from the said Ship Channel Industrial Gas Corporation and the said Industrial Gas Supply Corporation as taxes alleged­ly due under the said Article 11.03 Title 13A, Taxation General, on gross receipts from the sale of gas to the City of Houston for distribution in the City’s Magnolia Park Gas Distribution System and service of citation for the purposes herein granted may be made upon the State of Texas by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts; and for such other and further relief as may be just and proper; and be it further
Resolved, That such suit may be filed within Two (2) years from the effective date of this Resolution; and be it further
Resolved, That it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State of Texas or of any fact is made by this Resolution.

The resolution was referred to the Committee on State Affairs.

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 resolutions:
S. C. R. No. 61, Recalling S. B. No. 414 from the Governor.
S. C. R. No. 63, Recalling S. C. R. No. 45 for correction.

INTRODUCTION OF HOUSE BILL NO. 1180

Mrs. Banfield moved to introduce at this time and have placed on first reading, H. B. No. 1180.

The motion prevailed, having received the necessary four-fifths vote.

RELATIVE TO GOING CERTAIN APPROVAL TO THE BOARD OF DIRECTORS OF A AND M COLLEGE

The Speaker laid before the House for consideration at this time,
H. C. R. No. 104, Relative to giving certain approval to the Board of Directors of A and M College.

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

The resolution was adopted.

TO GRANT CERTAIN EASEMENT TO THE CITY OF AUSTIN

The Speaker laid before the House for consideration at this time the following resolution:
Senate Concurrent Resolution No. 63.

Whereas, The rapid growth of northeastern Austin has greatly increased the demand for electrical energy to serve residences, businesses, and state buildings, such as the Department of Public Safety Building, and, the electrical energy requisite to supply the various above named uses is best supplied through dispersed, moderately sized transmission lines in order to decrease the possibility of total failure of electrical service in an entire area as the result of fire, panic, or civil defense emergency; and,

Whereas, It has been determined that a 69KV electric transmission line is necessary on, along and across the eastern most boundary of that certain State-owned tract of land which lies to the east of Guadalupe Street in the City of Austin and to the south of North Loop Boulevard in the City of Austin; and,

Whereas, The State-owned lands of the Texas State Board for Hospitals and Special Schools, as well as other State-owned lands, will be benefited by the provisions for adequate electrical service which will be made possible by the construction of such 69KV electric transmission line, Now, Therefore, Be It Resolved by the Senate, The House of Representatives Concurring: That in consideration for the benefits which will accrue to the State of Texas by reason of the extension and development of such 69KV electric transmission line, there is hereby dedicated and granted to the City of Austin an easement for electric transmission and distribution line purposes, upon and along the following described tract of land, to-wit: A strip of land ten (10.00) feet in width, said strip of land ten (10.00) feet in width, being out of and a part of a 40.00 acre tract of land, a 55.00 acre tract of land and a 12.00 acre tract of land, all being out of and a part of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, and all having been conveyed to the State of Texas by Warranty Deed dated March 14, 1853, of record in Volume 55 at page 347 of the Deed Records of Travis County, Texas, and the center line of said strip of land ten (10.00) feet in width being more particularly described as follows: Beginning at a point in the south line of the aforementioned 40.00 acre tract of land and from which point of beginning the southeast corner of the said 40.00 acre tract of land, same being a point in the north line of Lot 1, Block 11, Hyde Park Annex, said Hyde Park Annex being a subdivision of record in Book 3 at page 136 of the Plat Records of Travis County, Texas, same being a point in the south line of East 41st Street as shown on a map or plat of the J. J. Hegeman Addition, said J. J. Hegeman Addition being a subdivision of record in Book 3 at page 114 of the Plat Records of Travis County, Texas, bears S 60° 00' E 6.00 feet;

Thence, with a line five (5.00) feet west of and parallel to the east line of the said State of Texas tract of land same being a line that is five (5.00) feet west of and parallel to the west line of the said J. J. Hegeman Addition, same being also a line that is five (5.00) feet west of and parallel to the west line of the Smith and Abrahamson Addition, said Smith and Abrahamson Addition being a subdivision of record in Book 4 at page 252 of the Plat Records of Travis County, Texas, to point of termination in the south line of North Loop Boulevard and from which point of termination the north west corner of Lot 15, Block 2, of the said Smith and Abrahamson Subdivision bears S 60° 07' E 8.00 feet.

The resolution was referred to the Committee on State Affairs.

TO GRANT JACK WORLEY AND O. C. DICKENSON PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time H. C. R. No. 46, To grant Jack Worley and O. C. Dickenson permission to sue the State.

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

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

Committee Amendment No. 1

Amend H. C. R. No. 46 by adding a semicolon at the end of last para-
Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further
Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

The resolution, as amended, was adopted.

REQUESTING STUDY AND SURVEY ON HIGHER EDUCATION
The Speaker laid before the House for consideration at this time, S. C. R. No 35, To request a study and survey on higher education.
The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.
The resolution was adopted.

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.

INVITING THE SECRETARY OF THE NAVY, HONORABLE JOHN B. CONNALLY, TO ADDRESS A JOINT SESSION
The Speaker laid before the House for consideration at this time, S. C. R. No 62, Inviting Honorable John B. Connally to address a Joint Session.
The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.
The resolution was adopted.

TO SUSPEND THE JOINT RULES TO CONSIDER H. B. NO. 98
The Speaker laid before the House for consideration at this time, H. C. R. No. 164, Suspending the Joint Rules to consider H. B. No. 98.
The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.
The resolution was adopted

COMMITTEE MEETING
Mr. Buchanan 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.

REQUESTING THE TEXAS COMMISSION ON HIGHER EDUCATION TO MAKE CERTAIN STUDY
The Speaker laid before the House for consideration at this time, H. C. R. No. 58, To request the Texas Commission on Higher Education to make certain study.
The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.
The resolution was adopted.

COMMITTEE MEETING
Mr. Korioth asked unanimous consent of the House that the Committee on Public Health be permitted to meet at his time.
There was no objection offered.

REQUESTING A STUDY RELATIVE TO THE NEEDS OF THE TEXAS COURTS
The Speaker laid before the House for consideration at this time,
H. C. R. No. 96, Requesting a study relative to the needs of the Texas courts.

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

(Mr. Dewey in the Chair)

H. C. R. No. 96 was adopted.

GRANTING RICHARD LOPEZ THE PRIVILEGES OF THE FLOOR

The Chair laid before the House for consideration at this time.

H. S. R. No. 622, To grant Richard Lopez the privileges of the floor.

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

The resolution was adopted.

RELATIVE TO H. B. NO. 52

Mr. Atwell moved to reconsider and spread on the Journal the vote by which House Bill No. 52 failed to pass to engrossment.

SENATE BILL NO. 71 ON SECOND READING

Mr. Murray moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 71.

The motion prevailed by unanimous consent.

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

S. B. No. 71, Relating to management, development of surface estate in certain state owned submerged lands and islands; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend subsection (g) of section 2 of Senate Bill No. 71 by deleting the last seven (7) words thereof and placing a period after the word "leased."

The amendment was adopted.

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

Committee Amendment No. 2

Amend subsection (c) of section 7 of Senate Bill No. 71 by adding thereto the following sentence:

"In cases where the curvature of the shoreline or other conditions prevent an extension of the property lines of littoral owners outward to the bulkhead line without a conflict, the Board shall not approve a lease which does not make a fair and reasonable allocation of the submerged land among the various littoral owners having regard to the frontage of each such littoral owner."

The amendment was adopted.

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

Committee Amendment No. 3

Amend subsection (a) of section 8 of Senate Bill No. 71 by inserting the following after the word "thereof" in the fifth line:

"or, if the dividing line between counties is the shoreline, to the Commissioners Court of the county or the governing body of the city or town, as the case may be, in which the littoral upland is situated."

The amendment was adopted.

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

Committee Amendment No. 4

Amend Senate Bill No. 71 by striking Section 14 and substituting in lieu thereof the following:

"Sec. 14. Repealer. Chapter Thirteenth (13), Article 1478 through Article 1482 and Chapter Fourteenth (14), Articles 1483 through Article 1494 of the Civil Statutes of Texas, 1925, are hereby repealed, and all other laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only. It is expressly provided, however, that it is not intended that this Act shall repeal or modify the provisions of Chapter 3, Title 67, Revised Civil Statutes of Texas, as amended, as it relates to
the powers and duties of the Game and Fish Commission with respect to all matters pertaining to the sale, taking, carrying away, or disturbing of sand, mud or gravel of commercial value, and all gravel, shells, mud shell, and oyster beds and their protection from free use and unlawful disturbing or appropriation as provided in said Chapter 3; nor is it intended that this Act shall repeal or modify the provisions of Article 8225 of Chapter 9, Title 128, Revised Civil Statutes of Texas, as amended, or Articles 4035, 4036, 4037, 4038, 4039, and 4040, and 4041 of Chapter 2, Title 67, Revised Civil Statutes of Texas."

Mr. Cory offered the following amendment to Committee Amendment No. 4:

Amend Committee Amendment No. 4 to Senate Bill No. 71 by adding the following sentence immediately after the first sentence of Section 14:

"Provided that corporations which have been issued articles of incorporation under Chapters Thirteen and Fourteen of the Revised Civil Statutes of Texas, 1925, prior to the effective date of this Act may operate and exercise all of the powers and rights granted under the provisions thereof, and to that extent only such laws shall be considered as remaining in effect."

The amendment was adopted.

Committee Amendment No. 4, as amended, was adopted.

Mr. Andrews offered the following amendment to the bill:

Amend S. B. No. 71 by deleting subsection (g) of Section 7 and substituting a new subsection (g) of Section 7 as follows:

"(g) No State-owned submerged land or islands as herein defined shall be leased except for industrial or recreational purposes including exploration and development of oil and gas under prior existing laws. Said industrial purposes shall not be construed to mean for the purposes of industrial waste disposal."

The amendment was lost.

S. B. No. 71 was passed to third reading.

SENATE BILL NO. 71 ON THIRD READING

Mr. Murray moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 71 be placed on its third reading and final passage.

This Act shall repeal or modify the provisions of Article 8225 of Chapter 9, The following vote:

Yeas—121

Adams of Lubbock
Adams of Titus
M. Austin
Allen
Andrews
Atwell
Bailey
Bainfield, Mrs.
Barlow
Barrows
Bartram
Baxa
Bell
Blaine
Boyce
Brown
Buchanan
Burgess
Bailey
Caldwell
Carlander
Carson
Chapman
Cofr of Harris
Cof of Hunt
Collins
Connell
Cook
Cory
Cowen
Cowles
Crain
Curington
Dewey
Duff, Miss
Dungan
Ehrler
Fairchild
Floyd
Foreman
Garrison
Gluebe
Hughes of Dallas
Isaacks, Miss
James
Jameson
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kolba
Lack
Latimer
Leavel
Leaverton
Longoria
McCoppin
McGregor of El Paso
McIlhany
Martin
Martin
Mills
Murray
Myers
Oliver
Osborn
Pearcy
Peeler
Petty
Pieratt
REASON FOR VOTE

On final passage of S. B. No. 71 by voice vote I voted "YeA."

AUTHORIZING THE APPOINTMENT OF A LEGISLATIVE COMMITTEE ON TAX LAW REVISION AND AN ADVISORY COMMITTEE

The Chair laid before the House for consideration at this time, H. C. R. No. 76, Authorizing the appointment of a legislative committee on tax law revision and an advisory committee.

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

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

Committee Amendment No. 1

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION 76

Whereas, The over-all tax structure of the State of Texas under the Constitutional and statutory provisions is one that has been developed piecemeal since 1876, being changed by many previous Legislatures and the passage of many Constitutional Amendments; and

Whereas, Such piecemeal and gradual changing of the State's tax laws has resulted in a complex, burdensome and out-of-date structure which under the present day economy and fiscal operation of the State has created a major problem for the Legislature in providing for the proper and adequate financing of the State Government; and

Whereas, Many Legislators and public-minded citizens have expressed the opinion for the need to revise completely the State's complicated and cumbersome tax structure; and

Whereas, The State of Texas is enjoying a considerable economic growth as well as an increase in population, and therefore needs an up-to-date, simplified and streamlined tax structure to insure the...
Resolved, By the House of Representatives, the Senate concurring, That there be constituted a Joint Legislative Committee on Tax Law Revision, said Committee to consist of seven (7) members of the House of Representatives, appointed by the Speaker, and seven (7) members of the Senate, appointed by the Lieutenant Governor; and be it further

Resolved, That said Committee shall have the authority to request and receive, as it may determine, the services of the Texas Legislative Council, the Texas Research League, the State Comptroller, the State Auditor, the Legislative Budget Board, and any and all other State departments and agencies; and be it further

Resolved, That the life of said Committee shall be such as to permit it to report to the 58th and 59th Legislatures and that reappointments on the Committee needed due to resignation, death, or failure of a member thereof to be re-elected to the 58th or 59th Legislature shall be made in the same manner as appointments to the original Committee; and be it further

Resolved, That the Committee shall make a thorough survey of the entire present tax structure of the State and the utilization of present revenues, including the Constitutional and statutory earmarking of funds; and be it further

Resolved, That the Legislative Committee on Tax Revision be and is hereby directed to make a preliminary report and recommendations, if it deems such advisable, to the 58th Legislature and to make a final report and recommendations to the 59th Legislature concerning: (1) The type of taxes presently levied, and the incidence and impact of such taxes; (2) A complete revision and recodification of all existing laws; (3) Substantive changes deemed necessary to streamline and modernize existing tax laws by eliminating inconsistent provisions, duplications and obsolete provisions; (4) A long range permanent tax policy and program deemed adequate and feasible to meet the present and the estimated future financial needs of the State and to equalize to the extent practicable the tax burden on the citizens of Texas in future years, as well as a feasible procedure for continuing revision to meet changing economic conditions; (5) A new policy, or reaffirmation of present policy, of Constitutional and statutory earmarking of funds; (6) All in order to provide a more desirable, streamlined and up-to-date tax and fiscal structure for the State of Texas; and be it further

Resolved, That the Governor, the Lieutenant Governor, and the Speaker be and they are hereby authorized to appoint ten (10) members each to an Advisory Committee which shall assist the Joint Legislative Committee on Tax Law Revision in any manner requested by the said Joint Legislative Committee on Tax Law Revision, said members of the Advisory Committee to act as an individual advisory capacity rather than to have the said Advisory Committee act as a whole in making recommendations or expressing opinions; replacements on said Advisory Committee to be made by the appointing officers as needed; and provided further that the three appointing officers may, if they so desire, select other members of the Legislature to serve on said Advisory Committee; and be it further

Resolved, That members of the Legislature while attending to the duties of the Committee shall be reimbursed, out of the Legislative Expense Fund of the 57th Legislature, for actual expenses incurred.

The amendment was adopted.

The resolution, as amended, was adopted.

SENATE BILL NO. 214 ON SECOND READING

Mr. Latimer moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 214.

The motion prevailed by unanimous consent.

The Chair laid before the House on its second reading and passage to third reading.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>S. B. No. 214, Amending Texas Business Corporations Act regarding cumulative voting for directors, and declaring an emergency.</td>
<td></td>
</tr>
<tr>
<td>The bill was read second time.</td>
<td></td>
</tr>
<tr>
<td>Mr. Cannon offered the following committee amendment to the bill: Committee Amendment No. 1 Amend Senate Bill 214 by adding a new Section 2 and re-numbering all subsequent sections, said new Section 2 to read as follows: Section 2. The effective date of this Act shall be June 1, A. D., 1964.</td>
<td></td>
</tr>
<tr>
<td>The amendment was adopted.</td>
<td></td>
</tr>
<tr>
<td>S. B. No. 214 was passed to third reading.</td>
<td></td>
</tr>
<tr>
<td>SENATE BILL NO. 214 ON THIRD READING</td>
<td></td>
</tr>
<tr>
<td>Mr. Latimer moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 214 be placed on its third reading and final passage. The motion prevailed by the following vote:</td>
<td></td>
</tr>
<tr>
<td><strong>Year—126</strong></td>
<td><strong>Nay—12</strong></td>
</tr>
<tr>
<td>Alanis</td>
<td>Crews</td>
</tr>
<tr>
<td>Allen</td>
<td>Cranfill</td>
</tr>
<tr>
<td>Andrews</td>
<td>Boone</td>
</tr>
<tr>
<td>Atwell</td>
<td>Borden</td>
</tr>
<tr>
<td>Bailey</td>
<td>Brough</td>
</tr>
<tr>
<td>Bankhead, Mrs.</td>
<td>Brooks</td>
</tr>
<tr>
<td>Barlow</td>
<td>Brown</td>
</tr>
<tr>
<td>Barnes</td>
<td>Brocksom</td>
</tr>
<tr>
<td>Bartram</td>
<td>Brownson</td>
</tr>
<tr>
<td>Hess</td>
<td>Bumby</td>
</tr>
<tr>
<td>Blaine</td>
<td>Burns</td>
</tr>
<tr>
<td>Boyce</td>
<td>Burrell</td>
</tr>
<tr>
<td>Bridges</td>
<td>Bynum</td>
</tr>
<tr>
<td>Buchanan</td>
<td>Cadle</td>
</tr>
<tr>
<td>Burgess</td>
<td>Cadwallader</td>
</tr>
<tr>
<td>Butler</td>
<td>Caudle</td>
</tr>
<tr>
<td>Caldwell</td>
<td>Caffey</td>
</tr>
<tr>
<td>Cannon</td>
<td>Capece</td>
</tr>
<tr>
<td>Carr</td>
<td>Chapman</td>
</tr>
<tr>
<td>Cole of Hunt</td>
<td>Cole</td>
</tr>
<tr>
<td>Collins</td>
<td>Coleman</td>
</tr>
<tr>
<td>Cook</td>
<td>Conneal</td>
</tr>
<tr>
<td>Cory</td>
<td>Conyngham</td>
</tr>
<tr>
<td>Cotten</td>
<td>Cooper</td>
</tr>
<tr>
<td>Cowan</td>
<td>Cowley</td>
</tr>
<tr>
<td>Cowles</td>
<td>Crews</td>
</tr>
<tr>
<td>James</td>
<td>Rapp</td>
</tr>
<tr>
<td>Jamison</td>
<td>Ratliff</td>
</tr>
<tr>
<td>Johnson of Dallas</td>
<td>Read</td>
</tr>
<tr>
<td>Johnson of East</td>
<td>Richards</td>
</tr>
<tr>
<td>Johnson of East</td>
<td>Richardson</td>
</tr>
<tr>
<td>Jones of Dallas</td>
<td>Roberts of Hill</td>
</tr>
<tr>
<td>Jones of Travis</td>
<td>Roberts of Dawson</td>
</tr>
<tr>
<td>Kippin</td>
<td>Ross</td>
</tr>
<tr>
<td>Kolb</td>
<td>Rosson</td>
</tr>
<tr>
<td>Kortright</td>
<td>Rowan</td>
</tr>
<tr>
<td>Lack</td>
<td>Schram</td>
</tr>
<tr>
<td>Lary</td>
<td>Shamburger</td>
</tr>
<tr>
<td>LaValle</td>
<td>Shipley</td>
</tr>
<tr>
<td>Leaverton</td>
<td>Stitler</td>
</tr>
<tr>
<td>Lewis</td>
<td>Smith of Easton</td>
</tr>
<tr>
<td>Longoria</td>
<td>Smith of Jefferson</td>
</tr>
<tr>
<td>McCoppin</td>
<td>Spears</td>
</tr>
<tr>
<td>McGregor</td>
<td>Spillman</td>
</tr>
<tr>
<td>of McLennan</td>
<td>Spurrier</td>
</tr>
<tr>
<td>McGregor</td>
<td>Stewart</td>
</tr>
<tr>
<td>of El Paso</td>
<td>of Galveston</td>
</tr>
<tr>
<td>Mclnay</td>
<td>of Waco</td>
</tr>
<tr>
<td>Markgraf</td>
<td>Stennis</td>
</tr>
<tr>
<td>Martin</td>
<td>Strata</td>
</tr>
<tr>
<td>Moore</td>
<td>Thurmond</td>
</tr>
<tr>
<td>Mallen</td>
<td>Townes</td>
</tr>
<tr>
<td>Mutcher</td>
<td>Truex</td>
</tr>
<tr>
<td>Niemeyer</td>
<td>Turner</td>
</tr>
<tr>
<td>Oliver</td>
<td>Walker</td>
</tr>
<tr>
<td>Osborn</td>
<td>Ward</td>
</tr>
<tr>
<td>Parsons</td>
<td>Watson</td>
</tr>
<tr>
<td>Peeler</td>
<td>Wells</td>
</tr>
<tr>
<td>Petty</td>
<td>Wheelwright</td>
</tr>
<tr>
<td>Pieratt</td>
<td>Wilson of Trinity</td>
</tr>
<tr>
<td>Pipkin</td>
<td>Wilson of Potter</td>
</tr>
<tr>
<td>Preston</td>
<td>Price</td>
</tr>
<tr>
<td>Quilliam</td>
<td>Woods</td>
</tr>
<tr>
<td>Naye—12</td>
<td></td>
</tr>
<tr>
<td>Adams of Lubbock</td>
<td>Haring</td>
</tr>
<tr>
<td>Bell</td>
<td>Jarvis</td>
</tr>
<tr>
<td>Cole of Harris</td>
<td>Miller</td>
</tr>
<tr>
<td>Connell</td>
<td>Nugent</td>
</tr>
<tr>
<td>Craft</td>
<td>Thurman</td>
</tr>
<tr>
<td>Ehrie</td>
<td>Yesk</td>
</tr>
<tr>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Adams of Titus</td>
<td>Kenaard</td>
</tr>
<tr>
<td>Hallman</td>
<td>Murray</td>
</tr>
<tr>
<td>Berry</td>
<td>Peavy</td>
</tr>
<tr>
<td>Gladden</td>
<td>Sexton</td>
</tr>
<tr>
<td>Huebner</td>
<td></td>
</tr>
<tr>
<td>Absent—Excused</td>
<td></td>
</tr>
<tr>
<td>de la Garza</td>
<td>Healy</td>
</tr>
</tbody>
</table>

The Chair then laid Senate Bill No. 214 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:
Yeas—125


Nays—10

Nays: Adams of Lubbock, Analon, Barlow, Bell, of Harrison, Cole of Harris, Connally, De Zadik, Dewey, of The Chair.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 27

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 27:

Messrs. Barlow, Chairman; Eckhardt, Preston, Rossa and Spears.

GRANTING PERMISSION TO SUE THE STATE

Mr. Cole of Harris offered the following resolution:

H. C. R. No 199

Whereas, On January 1, 1955, and at all times subsequent to that date, Continental Fidelity Investment Company has been a duly organized corporation, chartered under the laws of the State of Texas, with its principal offices in Houston, Texas; and,

Whereas, During the period from January 1, 1955, through December 31, 1955, the Continental Fidelity Investment Company had no gross receipts; and,
Whereas, On or about March 15, 1956, Continental Fidelity Investment Company paid Franchise taxes in the amount of $1,489.50 for the year beginning May 1, 1956, and ending April 30, 1957; and,

Whereas, For the year beginning May 1, 1956, and ending April 30, 1957, the Franchise tax owed to the State of Texas by Continental Fidelity Investment Company was $25.00; and,

Whereas, For the period from January 1, 1956, through December 31, 1956, Continental Fidelity Investment Company had no gross receipts; and,

Whereas, On or about March 15, 1956, Continental Fidelity Investment Company paid the sum of $25.00; and,

Whereas, The State of Texas refunded this amount of overpayment of Franchise tax paid by Continental Fidelity Investment Company; and,

Whereas, There is no provision of law of the State of Texas whereby this amount of overpayment can be recovered except through a direct appropriation by the Legislature; and,

Whereas, There is no provision of law of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be retained for the purpose of making such appropriation; and,

Whereas, In order to definitely and accurately determine such matter, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and,

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the House of Representatives of Texas with the Senate concurred in, That Continental Fidelity Investment Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas to recover judgment against the State of Texas for overpayment of Franchise taxes made by Continental Fidelity Investment Company to the State of Texas for the period beginning May 1, 1956, and ending April 30, 1957, and for the period beginning May 1, 1957, and ending April 30, 1958, and service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts, and to each other and further relief as may be just and proper; and be it further

Resolved That such suit may be filed within two (2) years from the effective date of this Resolution; and be it further

Resolved That it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State of Texas of or of any fact is made by this Resolution.

The resolution was referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTION NO. 51 WITH SENATE AMENDMENT

Mr. Buchanan called up with Senate Amendment for consideration at this time,

H. J. R. No. 51, A Joint Resolution "Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section to be known as Section 21, to provide that the Legislature may authorize the creation of Hospital Districts composed of all or part of one or more counties, the assumption by the District of any indebtedness and the transfer
On motion of Mr. Buchanan the House concurred in the Senate Amendment by the following vote:

<table>
<thead>
<tr>
<th>Yeas—136</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Lubbock</td>
</tr>
<tr>
<td>Alabis</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Andrews</td>
</tr>
<tr>
<td>Bailey</td>
</tr>
<tr>
<td>Ballman</td>
</tr>
<tr>
<td>Barnes, Mrs.</td>
</tr>
<tr>
<td>Barlow</td>
</tr>
<tr>
<td>Barnes</td>
</tr>
<tr>
<td>Barron</td>
</tr>
<tr>
<td>Bass</td>
</tr>
<tr>
<td>Berry</td>
</tr>
<tr>
<td>Blaine</td>
</tr>
<tr>
<td>Boyer</td>
</tr>
<tr>
<td>Bridges</td>
</tr>
<tr>
<td>Buchanan</td>
</tr>
<tr>
<td>Burgess</td>
</tr>
<tr>
<td>Butler</td>
</tr>
<tr>
<td>Caldwell</td>
</tr>
<tr>
<td>Cannon</td>
</tr>
<tr>
<td>Carrillo</td>
</tr>
<tr>
<td>Chapman</td>
</tr>
<tr>
<td>Cole, Mr.</td>
</tr>
<tr>
<td>Cole of Hunt</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Connell</td>
</tr>
<tr>
<td>Cook</td>
</tr>
<tr>
<td>Cory</td>
</tr>
<tr>
<td>Cotton</td>
</tr>
<tr>
<td>Cowen</td>
</tr>
<tr>
<td>Cowles</td>
</tr>
<tr>
<td>Crain</td>
</tr>
<tr>
<td>Cumby</td>
</tr>
<tr>
<td>Duff, Miss</td>
</tr>
<tr>
<td>Dungan</td>
</tr>
<tr>
<td>Eckhardt</td>
</tr>
<tr>
<td>Enloe</td>
</tr>
<tr>
<td>Fairchild</td>
</tr>
<tr>
<td>Fletcher</td>
</tr>
<tr>
<td>Ford</td>
</tr>
<tr>
<td>Foreman</td>
</tr>
<tr>
<td>Garrison</td>
</tr>
<tr>
<td>Gibbons</td>
</tr>
</tbody>
</table>

| Nays—2 |
| Wilson of Potter |

Absent—Excused

de la Garza | Healy

TEXT OF SENATE AMENDMENT TO H. J. R. NO. 51

Senate Amendment No. 1

Amend H. J. R. 51 by striking out the last sentence of Section 1 and substituting in lieu thereof the following:

"Provided, however, that no district shall be created except by act of the legislature and then only after thirty (30) days' public notice to the district affected, and in no event may the legislature provide for a district to be created without the affirmative vote of a majority of the tax-paying voters in the district concerned."

APPOINTMENT OF CONFERENCE COMMITTEE ON H. R. NO. 995

The Speaker announced the appointment of the following Confer-
Section 1. All cities and towns in Texas of four thousand five hundred (4,500) inhabitants or less, according to the last preceding Federal Census, heretofore incorporated or attempted to be incorporated under any of the terms and provisions of the general laws of the State of Texas, whether under the aldermanic or commission form of government, and which are now functioning or attempting to function as incorporated cities or towns, are hereby in all respects validated as of the date of such incorporation, or attempted incorporation, and the incorporation of such cities and towns shall not be held invalid by reason of the fact that the election proceedings or other incorporation proceedings may not have been in accordance with law, or by reason of a failure to properly define the limits of such city or town.

Section 2. The areas and boundary lines of all such cities and towns affected by this Act, including both the boundary lines covered by the original incorporation proceedings and by any subsequent extension of the corporate limits of such cities and towns shall not be held invalid because of the inclusion in such limits of more territory than is expressly authorized in Article 971 of the Revised Civil Statutes of the State of Texas of 1925, or by reason of the inclusion in the corporate area of territory other than that which is intended to be used for strictly town purposes.

Sec. 3. All governmental proceedings and acts performed by the governing bodies of such cities and towns and all officers thereof since their incorporation, or attempted incorporation, are hereby in all respects validated as of the respective dates of such proceedings and acts.

Sec. 4. If any word, phrase, clause, sentence, paragraph or provision of this Act is declared unconstitutional, it is the intention of the Legislature that the remaining provisions thereof shall be effective and that the remaining portions shall remain in full force and effect.

Sec. 5. The provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation of such city or town.
or extension of boundaries or any of the acts or proceedings hereby validated if such litigation is ultimately determined against the legality thereof.

Sec. 6. 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 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. Curington moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on House Bill No. 482.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on House Bill No. 482 prevailed by the following vote:

Yeas-138

Adams of Lubbock
Curington
Adams of Titus
Bailey
Ballman
Bandfield, Mrs.
Barlow
Barnes
Bartram
Bass
Buell
Blair
Billings
Boyd
Brice
Brown
Buckham
Burgess
Butler
Calwell
Carr
Carriker
Chapman
Cole of Hunt
Collins
Concath
Cook
Coyle
Cotter
Cowie
Cowling
Craw
Crews

Jones of Travis
Kennard
Kilpatrick
Koliba
Korich
Lack
Larry
LaValle
Leaverton
Lewis
Leavens
McConnochie
McGregor
of McLennan
McGregor
of El Paso
McLemore
Makay
Martin
Miller
Mullen
Murray
Muterscher
Niemeyer
Nugent
Oliver
Osborn
Parsons
Peery
Peele
Peters
Pugh
Piersatt
Pipkin
Presley
Price
Quilliam
Rapp
Rogers
Richard
Riley
Rollo
Ross
Sanders
Schaub
Shannon
Shirley
Slack
Silver
Smith of Bexar
Smotherly
Smith of Wichita
Spear
Springer
Stewart
Strive
Thermon
Townsend
Trevino
Tunstall
Walker
Ward
Watson
Wells
Wheatley
Whitfield
Wilson of Trinity
Wilson of Potter
Woods
Yost

Absent

Alaniz
Artsell
Atwell
Cole of Harris
Collins
Coppock
Cotter
Cowie
Cowling
Crain
Crews

HONORING SPEAKER JAMES A. TURMAN AND FAMILY, AND PRESENTATION OF GIFTS

The Honorable Will Smith of Jefferson County, who was in the Chair, stated that in accordance with the provisions of H. S. R. No. 597 this day has been designated as "Speaker's Day." The following Committee was appointed to escort Speaker Turman.
The Chair recognized the Honorable L. DeWitt Hale of Nueces County, who introduced former Speakers and their wives who were present, as follows:


The Chair introduced other guests present and seated on the Speaker’s rostrum, as follows:

Mr. Harold Murphy, representing the Faculty of East Texas State College; Mr. F. H. McDowell, representing the President of East Texas State College; Dr. John Guinn, President of Texas Women’s University; The Honorable Jerry Sadler, and Mr. Matt Sheley of Greenville, Texas.

The Chair laid before the House and had read the following resolution offered by Messrs. Wells, Cory and Pieratt:

H. S. R. No. 693

Whereas, There are two questions before the House this special day.
To wit: What is a Speaker? and, What is a Jimmy Turman? As a preamble we know the following:

A Speaker of the House is sensitive to the temperament of his Members. He knows when to interfere. He knows when not to be too parliamentary about procedure. He interjects humor when feelings flare.

He commands authority by his appearance and manner. He is fair without being condescending. He is firm and judicious. He shows that he is not immune to criticism by listening to suggested improvements. He is not a figurehead because he knows his job and he guides the procedure of his politics.

He appreciates respect. He has insight into human folly. He can see through a ruse. He craves friendship because friends come the hard way when divisions and decisions scatter the near at hand. He takes nothing for granted since his position was gained by experience and hard work and at the expense of much testing of his integrity; and

Whereas, The question now is, What is a Jimmy Turman?

Specifically, Jimmy Turman is, by his acts and engrossment, a distinguished Speaker in this Fifty-seventh Legislature.

He is a Doctor of Education and is really a versatile phenomenon in that his numerous degrees in the field of education match his finesse in the field of legislation. His distinguished accomplishments as a scholar and educator are equaled by his great longing to be just a friend called Jimmy, regardless of impressive honors and awards.

He reverses his feminine 36-26-38 beautiful brunette wife and she is his confidante and partner in serious decisions and political aspirations as well as his only special interest. He is slated and constantly grateful for a son to inherit the Turman traditions and for a son to work for a better world. This is
May 17, 1961 HOUSE JOURNAL 2155

The appealing "Art", James Arthur Turman, Jr., born December 20, 1957, who is the gregarious pride of the House Members and employees; and

Whereas, A Jimmy Turman is a force of opposites, a force of gravity for enfoldment, and a hub of most interesting human traits that turn the wheels in a manner worth noting in this resolution of identification.

Opposing and supposing associates of Jimmy Turman, as well as staunch supporters, do know that the old adage, "Charity begins at home" is pertinent to his actions. For, he is an example of the truth that a man can succeed in promoting good government in the world, in the State, and in the home only when he has gained a measure of self-government through discipline of his own thinking.

He practices directing word and deed away from fear, self, and frenzied ambition into healthy constructive channels. He is doing his part to raise the standards of human government by efforts toward whole-hearted obedience to the counsel of the Apostle Paul to think on all things that are true, honest and just.

Jimmy Turman does have a way of not being taken by a boomerang of temper and of rash statements. In any situation, his patience and forbearance and good will bring tranquility that irritation and unkindness might have destroyed.

The most convincing feature of Christian hope is that it grows best in the soil of struggle. Jimmy Turman's faith has endured and been strengthened through the environment of the burdens and crosses which have been a part of his surviving as a just and equitable Speaker and a happy and conscientious man; and

Whereas, We now conclude that a dedicated Speaker and Jimmy Turman are synonymous. There is one thought, for all of us: in the work of this Legislature, in the work of salvation, grace is the attitude of God and hope is the response of man. God's grace is the ground of man's hope. This is to say that Jimmy Turman's hope is his confidence that out of the troubles of this present time will come deep sympathy, out of the collapse of human cleverness in battle will come a greater dependence on Divine help, and out of the common sacrifices of the Members of the House will come a wider spirit of unity; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature congratulates James A. Turman as Speaker of the House and commends to him these challenges to his daily life and his future.

Wells, Cory, Pibbatt.

On the motion of Mr. Pibbatt the names of all Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

The Chair recognized the Honorable C. W. Pearcey of Bell County, who addressed the House, as follows:

Mr. Speaker, Ladies and Gentlemen of the House, Distinguished Guests:

On several occasions our distinguished Speaker, whom we honor today, has complimented highly the membership of this House by stating that there is more wisdom and mature judgment among the members of this House for meeting the problems facing our state than has been available in any previous Legislature. He has also publicly proclaimed his confidence in the courage of all members of this House to face these issues. I would like to return that compliment today by stating that the leadership he has provided certainly ranks with the best of any previous Legislature.

He has reminded us continuously of our personal responsibilities, to our individual consciences, to the people of our home districts, and the discharge of our solemn obligations to all the people of the State of Texas. He has met all issues with an open mind, but he has not failed to remind us that our challenge here is to do the greatest good for the most people, with equity for all, and injustice to none. He pled-
tered.

distinguished Speaker has untiringly
given, and he

guaranteed

governed such pressures without fal-
tering.

I would remind you today that
democratic principles and processes
can prevail in this House only so
long as the House is guaranteed
the right to chart its own course
and to determine its own policies. Our
distinguished Speaker has untiringly
dedicated himself to such a course
which submits to the will of the
majority. His success in maintain-
ing this highly desirable goal has
been outstanding.

I would like to recall to your
minds the words of one of our
distinguished colleagues and good
friend and neighbor of mine, the
Honorable Terry Townsend, recorded
in the Journal April 21st, 1961, in
which he stated: "I, for one, wish
to express what I feel is the senti-
ment and purpose of this House in regards to the
manner in which Speaker Jim Tur-
man has presided over the discus-
sions on the tax bill. The Speaker
has been very fair in his use of
the power of the Chair, not only
in the consideration of this tax bill
but on all those bills that we have
previously considered. I think that
we all feel that everyone has had
an equal opportunity to run with
his amendments, and the will of the
majority prevailed."

I think that you will agree
whole-heartedly with me when I say that
our Speaker has brought to the
Chair a new kind of dignity, a sense
of eminent fairness and unfaltered
impartiality, seldom experienced in
any legislative body. He has accom-
plished this task and endeared him-
self to the membership of this House
by respecting the rights, opinions,
and position of all members, and
insisting that each of us follow the
same course. In this instance, and
only in this instance, has he told us
what he expected of us; in all
other matters he has insisted that
we vote our own convictions.

Ladies and gentlemen, I submit
to you that this House has accom-
plished much during this session,
and these accomplishments must be
credited in great measure to the
enlightened and dynamic leadership
of our distinguished Speaker.

It has been one of the greatest
experiences of my life to serve in
this House during this session. I
feel that I have profited greatly
from my observations and associa-
tions with all of you fellow mem-
bers, but I am especially grateful for
the privilege of serving in the fifty-
seventh Legislature under one of the best
presiding officers of all times . . .
the Honorable James A. Turman.

The Honorable Tony Korioth of
Grayson County was recognized and
presented Speaker Turman with an
autographed gavel from the Honor-
able Sam Rayburn.

The Honorable James Dee Cole of
Hunt County was recognized and
presented Speaker Turman with a
framed scroll signed by all Members
of the House of Representatives of
the Fifty-seventh Legislature.

The Honorable Minton Murray of
Cameron County was recognized and
presented Speaker Turman with a
framed scroll signed by all Members
of the House of Representatives of
the Fifty-seventh Legislature.

The Honorable Vidal Trevino of
Webb County was recognized and
presented Speaker Turman with a
walnut desk clock from the Pages.

The Honorable W. W. Glass of
Cherokee County was recognized and
presented Speaker and Mrs. Tur-
man with a steak set in Old Master
Dining Silver from the Employees of
Outstanding Expense office.

The Honorable Sam Collins of
Newton County was recognized and
presented Speaker Turman with an
attaché case from the Sergeant-at-
Arms office.

The Honorable Reed Quillian of
Lubbock County was recognized and
presented Speaker Turman with a
Speaker's Chair from former Speak-
er Waggoner Carr.

The Honorable John Allen of
Gregg County was recognized and
presented Mrs. Turman with a clock-radio from friends in Gregg County.

The Honorable Bob Bass of Bowie County was recognized and presented Speaker and Mrs. Turman with a plate setting in Old Master silver from employees in the Journal Mailing Room.

The Honorable Emmett Lack of Hardin County was recognized and presented Speaker and Mrs. Turman with a set of silver and crystal trays from the employees of the Speaker's apartment.

The Honorable E. H. Cory of Victoria County was recognized and presented the Speaker with a Conference Desk from Members of the House.

The Honorable Neil Caldwell, the Honorable John Allen and the Honorable Franklin Spears were recognized and sang two songs.

The Honorable Ronald Bridges of Nueces County was recognized and presented the Speaker with a Conference Desk from Members of the House.

The Honorable Jim Markgraf of Kaufman County was recognized and presented Speaker Turman with a round silver tray from the Speaker's Office staff and the Parliamentarian.

The Honorable Wade Spilman of Hidalgo County was recognized and presented Speaker Turman with golf clubs and golf bag and a golf tee from Members of the House.

The Honorable Ted Springer of Potter County was recognized and presented Speaker Turman with a golf cart from the Committee Clerks.

The Honorable Charles Sandahl of Travis County and the Honorable Vernon Stewart of Wichita County were recognized and presented Mrs. Turman with a portrait of Speaker Turman from the Committee Chairmen.

The Honorable L. DeWitt Hale of Nueces County was recognized and presented Speaker and Mrs. Turman with a silver serving dish from employees of the Chief Clerk's office and the Voting Machine Operators.

The Honorable Virginia Huff of Ellis County was recognized and presented Mrs. Turman with a portable Singer sewing machine from the Members of the House.

The Honorable George Preston of Lamar County was recognized and presented Art Turman with a piece of luggage and a toy stuffed dog from the Assistants in the Journal Department.

The Honorable H. G. Wells of Swisher County was recognized and presented Speaker and Mrs. Turman with silver Old Master serving pieces from the Secretaries, Secretary Pool and Supervisors.

The Honorable B. H. Dewey of Brazos County was recognized and presented Speaker and Mrs. Turman with a large silver tray from the employees of the Calendar Clerk, bill typists, proof readers, and printers.

The Honorable Will Smith of Jefferson County then read the following poem:

CONCERNING THE BURNING OF MIDNIGHT OIL

Here's to the Speaker of the Texas House.
On our special Speaker's Day, I've talked with the Members of the Texas House.
And this is what they say.

"When we go home when the Session's done looking old and tired and gray And the home folks ask what's happened to us, This is what we are going to say."

"If we've grown old and there is silver in our hair, Speaker Jim Turman put it there. He worked us in the morning, and he worked us late at night,"
And he worked us all the hours in between.

He went strictly by the rules, drove us like a team of mules in the hardest working session ever seen."

He's worked us long and hard and late. It hasn't all been fun, but we hope to go back to the folks and say "We got a real job done."

Mr. Smith of Jefferson addressed the House as follows: "This is almost the same poem that appears on page 2173 of the House Journal of the Forty-eighth Legislature in 1943 and this has been the hardest working session that I have served in since that time."

The Honorable Obit Jones of Travis County was recognized and presented Speaker Turman with a complete set of fishing tackle from the porters.

The Honorable Bill Dungan of Kinney County was recognized and presented Speaker Turman with a shotgun from the East Texas Delegation.

The Honorable George Hismon of Upshur County was recognized and presented Art Turman with a bicycle from the Grandfathers of the House.

The Honorable Frank B. McGregor of McLennan County was recognized and presented Speaker Turman with a watch from the Members.

The Honorable Maurice Pipkin of Cameron County was recognized and presented Speaker Turman with a credenza from the Members of the House.

The Honorable Murray Watson of McLennan County was recognized and presented Speaker Turman with a rifle from the deer hunters and other Members of the House.

The Honorable Roy Harrington of Jefferson County was recognized and presented Speaker Turman with a Stenorette from many friends.

The Honorable Franklin Spears of Bexar County was recognized and presented Mrs. Turman with a diamond wrist watch from the Members of the House.

The Honorable Will Smith of Jefferson County then presented Mrs. Turman with a bouquet of red roses in behalf of the Committee Chairmen and a miniature gavel from the Rules Committee.

Mr. Smith of Jefferson County then presented Speaker Turman with a humidifier from the Rules Committee.

Speaker Turman then addressed the House, expressing appreciation for the gifts.

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

"Father, our hearts are made tender at this moment of silence as we realize how much you have blessed this State in outstanding leadership in past years as well as present. May we as citizens and Thy children always do our best that we might uphold the great record made by those who have gone before. Have mercy upon us in the days of decision. In Christ's Name—Amen."

ADDRESS ORDERED PRINTED

On motion of Mr. McGregor of El Paso the remarks of the Honorable C. W. Pearce, addressed to the House on today, were ordered printed in the Journal.

RECESS

Mr. Hismon moved that the House recess until 5:00 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House at 1:13 o'clock p.m., took recess until 5:00 o'clock p.m., today.

AFTERNOON SESSION

The House met at 3:00 o'clock p.m. and was called to order by the Honorable B. H. Dewey, Jr.

INTRODUCTION OF HOUSE BILL NO. 1131

Mr. Green asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 1131.
May 17, 1961

HOUSE JOURNAL

2159

There was no objection offered and it was so ordered.

HOUSE CONCURRENT RESOLUTION NO. 40 WITH SENATE AMENDMENT

Mr. Garrison called up with Senate amendment for consideration at this time.

H. C. R. No. 40, Relative to providing for parking spaces in the Capitol Area.

Mr. Cotten raised a point of order on further consideration of H. C. R. No. 40 on the ground that it is in violation of Joint Rule No. 9A.

The Chair overruled the point of order.

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

TEXT OF SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION NO. 40

Substitute for H. C. R. No. 40

Whereas, The completion of new State Buildings in the Capitol area has resulted in a need for additional parking space for the many State employees as well as the increased number of visitors to the agencies housed in these buildings; and

Whereas, Parking space in the Capitol grounds is at all times congested, and during Sessions of the Legislature must be set aside for Members; and

Whereas, Two additional buildings are now under construction, and the safety fences erected around building sites will further reduce available parking space; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the State Building Commission be and is hereby directed to design whatever parking space it may deem suitable on State-owned land in the vicinity of the Capitol and nearby State buildings, such parking facilities to be designed and developed by the State Board of Control in accord with the State Building Commission’s over-all plan for the area and size to accommodate the largest possible number of State employees and members of the press and for taxpayers and visitors; provided, however, that no part of the area described in Chapter 313, Acts, 1957, Regular Session, shall be used for such purpose or purposes; and, be it further

Resolved, That the State Board of Control shall have authority to construct, operate and maintain such parking facilities so that the net expenditure of State funds for such will be kept as small as possible and to charge reasonable fees for parking privileges, such fees to be deposited to the credit of the State Building Commission to be used for operation, construction and maintenance of such facilities.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 414

Mr. Rosson submitted the following Conference Committee Report on Senate Bill No. 414:

May 17, 1961

The Honorable Ben Ramsey, President of the Senate.

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

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on S. B. 414, beg leave to report that we have considered same and report back with recommendation that said Bill be passed in the form and text hereto attached.

Respectfully submitted,

RATLIFF,
MOFFETT,
HARDEMAN,
ROGERS,
MARTIN,
On the part of the Senate.

R. B. ROSSON,
JACK CONNELL, JR.,
WILL EHRLE,
DAVID READ,
REED QUILLIAM,
On the part of the House.
By Ratliff:

S. B. No. 414, An Act authorizing counties to acquire a supply of fresh water for the courthouse and other county purposes and providing for the acquisition of such treatment and distribution facilities and water permits as may be required; providing a limitation on the cost of such projects; providing the circumstances under which such counties may sell water not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of such projects; providing that such bonds shall be secured by a pledge of the net revenue from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds; authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under this Act shall be legal investments for certain purposes; providing obligations for certain purposes; providing for the Issuance of refunding bonds; providing bonds Issued under this Act may be adopted by an order or resolution and declared an emergency.

Be it Enacted By The Legislature of the State of Texas:

Section 1. The provisions of this Act may be adopted by an order of the Commissioners Court of any county within this state only upon the unanimous vote of the members of such court.

Sec. 2. The Commissioners Court of any county is hereby authorized to acquire by purchase, construction or otherwise an adequate source of fresh water, either surface or subterranean, for the purpose of supplying water to the courthouse and for other county purposes provided that such county shall comply with the provisions of Chapter 1, Title 118, R.C.S. of Texas, 1923, as amended, relating to water permits, where applicable; and in the furtherance of such project such county shall be authorized and empowered to purchase, construct, repair and maintain pools, lakes, reservoirs, wells, dams, and such treatment and distribution facilities as may be required, all of which is hereinafter sometimes referred to as the project; provided, however, that no project or projects adopted by any one county under the provisions of this Act shall exceed the total cost of $250,000, exclusive of interest.

Sec. 3. The Commissioners Court of any county is hereby authorized and empowered to sell, contract to sell, deliver and distribute any or all water of the project which is not needed for county purposes to any municipal corporation or political subdivision of this State now created or existing or hereafter established under the laws of the State of Texas, or to any individual, corporation or company at the time the provisions of this Act are adopted by the county, but in no event may the county sell water under the terms of this Section if an adequate public water supply is available to such municipal corporation, political subdivision, individual, corporation or company at the time the provisions of this Act are adopted by the county, nor shall the county sell water under this Act for irrigation purposes. The cost of supplying the water, including any increases in the cost of acquisition, storage, treatment and distribution facilities shall be considered a part of the cost of the project as such term is used in the preceding and following Sections.

Sec. 4. (a) For the purpose of paying the cost of the project, including, without limitation, legal, fiscal, engineering expenses, and interest during the term of the project, the county may, after approval in an election as hereinafter provided, issue its negotiable...
bonds payable from and secured by a pledge of the net revenues of the project. When so provided in the order, and after an election, authorizing the issuance of bonds, bonds issued by the county may be additionally secured by levy of an ad valorem tax on the taxable property of the county out of the Permanent Improvement Tax prescribed under Article 8, Section 9 of the Constitution. If the bonds are to be supported by such a tax, the Commissioners Court shall levy such tax sufficient to pay the interest on the bonds as it accrues and the principal as it matures, but the order authorizing the issuance of the bonds may provide that the amount of tax to be collected each year may be reduced or abated to the extent that money is on hand from the pledged revenues applicable to the payment of interest and principal.

(b) As to bonds issued by the county secured solely by a pledge of net revenues of the project as aforesaid, it shall be the mandatory duty of the Commissioners Court to contract for and impose such rates and charges, for water supplied by the project as will be fully sufficient to operate and maintain the project and produce all amounts required to pay principal and interest on the bonds when due, and establish such reserves as may be provided in the order authorizing the issuance of such bonds.

(c) All water used by the county for its own facilities shall be paid for out of general funds of the county legally available for such purpose and no free service shall be allowed.

(d) Prior to the construction of the proposed work or any future additional improvements, works or construction, the Commissioners Court must enter a resolution ordering an election on a day certain. Based on such order, notice of such election shall be given, returns made, results declared, orders entered, tax levied, certified, assessed, or collected and all other matters applicable shall be performed as required by the recitation of such order. The order shall set forth the proposed project, the amount of bonds to be issued to pay for the same, their rate of interest and maturity dates, and shall show whether or not a tax shall be levied to redeem such bonds and if so the amount of the tax.

(e) In the event a majority of the electors who own taxable property in the county and who have duly rendered the same for taxation approve the issuance of the bonds, then the Commissioners Court shall issue such bonds as hereinafter provided. To no event shall any single project proposed by the Commissioners Court require the issuance of bonds whose total par value is in excess of Two Hundred Fifty Thousand Dollars ($250,000).

(f) The Commissioners Court shall have full discretion in fixing the details of the bonds and in determining the manner of sale thereof provided the bonds shall bear interest at not exceeding six per cent (6%) per annum and mature in not more than forty (40) years from their date and such order may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the county in relation to the acquisition of properties and the construction, maintenance, operation, repair and insurance of the project, and the custody, safeguarding, and application of all moneys, and may set forth the rights and remedies of the bondholders and may contain such other provisions as the Commissioners Court may deem reasonable and proper for the security of the bondholders, including but without limitation covenants prescribing all happenings or occurrences which constitute events of default and the rights, liabilities, powers and duties arising upon breach by the county of any of its duties or obligations. The bonds may be made redeemable prior to maturity in such manner and at such prices as may be determined by the Commissioners Court in the order authorizing their issuance. All bonds issued hereunder shall and are hereby declared to have all the qualifications and incidents of negotiable instruments under the Negotiable Instruments Law of Texas. The proceeds of the bonds shall be used solely to pay the cost of
the project as above provided, and shall be disbursed under such restrictions as may be provided in the bond order, and there shall be and is hereby created and granted a lien upon such moneys until so applied in favor of the holders of the bonds. Pending use of the proceeds of the sale of such bonds for the construction of the project such proceeds may be invested in direct obligations of the United States Government having maturities not more than ninety-one (91) days from the date of investment. Unless otherwise provided in such order or indenture, if the proceeds of the bonds prove insufficient to pay the cost of the project, additional bonds may be issued under the methods herein prescribed to the amount of the deficit.

Sec. 5. If the bonds are not supported by a tax levy, they shall never constitute a debt of the county, but shall be solely a charge upon the pledged revenues, and shall never be reckoned in determining the power of the county to issue bonds or incur other debt; for any purpose authorized by law, and each bond shall contain this clause: "The holder thereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

Sec. 6. The bonds shall be signed by the county judge and attested by the county clerk, but the facsimile signature of such officials may be printed or lithographed on the bonds in accordance with the provisions of Chapter 293, Acts of the 54th Legislature, 1955. The county treasurer shall register the bonds, but he need not sign them. The seal of the Commissioners Court shall be impressed on the bonds or facsimile of the seal may be printed or lithographed thereon. The bonds and the record relating to their issuance shall be presented to the Attorney General of Texas, and if they have been issued in accordance with the Constitution and this law he shall approve them. Upon approval by the Attorney General the bonds shall be registered by the Comptroller of Public Accounts, and thereafter the bonds and the provisions made for their security and payment shall be incontestable.

Sec. 7. For the purpose of carrying out any power or authority conferred by this Act the county shall have the right to acquire land and easements, by condemnation in the manner provided by Title 32, Revised Civil Statutes, as amended, relating to eminent domain. The amount of and character of interest in land and easements thus to be acquired shall be determined by the Commissioners Court. In the event that the county, in the exercise of the power of eminent domain, or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line or pipeline or telephone or telegraph properties and facilities, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the county. The term "sole expense" shall mean the actual cost of relocation, raising, rerouting, 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.

Sec. 8. Additional bonds payable solely by a pledge of the net revenues of the project as well as additional bonds payable from the net revenues of the project and additional moneys so secured by levy of an ad valorem tax on the taxable property of the county may be issued for the purpose of improving, repairing or extending the project or for any or all such purposes if permitted by the order authorizing the original issue of bonds, and if authorized by proper election.

Sec. 9. Subject to any restrictions which may appear in the bond authorizing order, the Commissioners Court may provide for the issuance of bonds for the purpose of refunding any of the bonds issued under this Act and at the time of refunding the issuance of such refunding bonds, the maturities and other terms thereof, the rights of the holders thereof, and the duties of the county in respect to the same, shall be governed by the foregoing provisions of
Sec. 10. All bonds issued under this law shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their face value.

Sec. 11. The holder or holders of any of such bonds herein authorized to be issued shall have the right, in addition to all other rights, by mandamus or other proceedings in any court of competent jurisdiction to enforce his or their rights against the county and its employees and against the agents and the employees thereof, including but not limited to the right to require the county to impose and collect sufficient rates and charges to carry out the agreements contained in the bond order and to perform all agreements and covenants therein contained and duties arising therefrom.

Sec. 12. Obligations issued pursuant to the provisions of this Act which are secured wholly or partially by a pledge of taxes out of the Permanent Improvement Tax prescribed under Article 8, Section 9 of the Constitution shall be considered as payable wholly from such tax for the purpose of determining the availability of taxing power of the county to pay obligations which are payable from such tax.

Sec. 13. This Act is declared cumulative of all other Acts or laws and the powers, rights and privileges and functions hereby conferred shall not prevent the exercise by any county of any and all other powers, rights, privileges, or functions conferred upon such county by any other Act or law now existing or hereafter enacted. Specifically, nothing herein shall prevent any county from issuing warrants in connection with the project in the manner prescribed by Chapter 162, Acts of the 42nd Legislature, 1931, as amended.

Sec. 14. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State, and for the improvement of their commerce and property, the county in carrying out the purposes of this Act will be performing an essential governmental function and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and profits made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 15. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or ineffective, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Sec. 15a. No county may adopt the provisions of this Act after September 1, 1968.

Sec. 16. The fact that some counties of this state are being handicapped because no public water supply is available to such facilities cannot currently be financed without the creation of an additional political subdivision with unlimited taxing power, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills
to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Rosson moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 414.

The motion prevailed by unanimous consent.

LEAVE OF ABSENCE GRANTED

Miss Isacks was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Blaine.

MESSAGE FROM THE SENATE

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Bir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 414 by viva voce vote.

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

S. B. No. 473, Authorizing the transfer of monies collected pursuant to the provisions of Article 6060, Revised Civil Statutes of Texas, and declaring an emergency.

S. J. R. No. 25, Permitting the resale of lands of the Veterans Land Fund remaining unsold after having been first offered for sale to veterans.

S. C. R. No. 66, Authorizing A & M College to make permanent improvements for the Texas Forest Service.

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

REQUEST FOR COMMITTEE MEETING

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

There was objection offered.

SENATE BILL NO. 435 ON SECOND READING

Mr. Cowen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 435.

The motion prevailed by unanimous consent.

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

S. B. No. 435, To validate annexation proceedings of home rule cities where such annexation took place prior to 1st day of March 1961, and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. No. 435 by inserting a new section between Sections 1 and 2, reading as follows:

"Sec. 1 (a) Nothing herein shall validate any annexation proceeding where no bonds have been voted or issued by the annexing municipality prior to March 1, 1961 and after the commencement of such annexation proceeding."

The amendment was adopted.

S. B. No. 435 was passed to third reading.

SENATE BILL NO. 435 ON THIRD READING

Mr. Cowen moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—119

Adams of Lubbock Bartram
Adams of Tinsa Bass
Allen Bell
Atwell Berry
Bailey Blaine
Banfield, Mrs. Boyson
Barlow Bridges
Barrow Buchanan
<table>
<thead>
<tr>
<th>Present / Voting</th>
<th>Absent / Excused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butler</td>
<td>McCoppin</td>
</tr>
<tr>
<td>Caldwell</td>
<td>McQuigg</td>
</tr>
<tr>
<td>Carrilee</td>
<td>McQuigg</td>
</tr>
<tr>
<td>Chapman</td>
<td>Cole of Harris</td>
</tr>
<tr>
<td>Cole of Hunt</td>
<td>Cole of El Paso</td>
</tr>
<tr>
<td>Collins</td>
<td>Collins</td>
</tr>
<tr>
<td>Connell</td>
<td>Connell</td>
</tr>
<tr>
<td>Cory</td>
<td>Cory</td>
</tr>
<tr>
<td>Cowen</td>
<td>Cowen</td>
</tr>
<tr>
<td>Cowles</td>
<td>Cowles</td>
</tr>
<tr>
<td>Craig</td>
<td>Craig</td>
</tr>
<tr>
<td>Crews</td>
<td>Crews</td>
</tr>
<tr>
<td>Curlington</td>
<td>Curlington</td>
</tr>
<tr>
<td>Dewey</td>
<td>Dewey</td>
</tr>
<tr>
<td>Dungan</td>
<td>Dungan</td>
</tr>
<tr>
<td>Eckhardt</td>
<td>Eckhardt</td>
</tr>
<tr>
<td>Fairchild</td>
<td>Fairchild</td>
</tr>
<tr>
<td>Fletcher</td>
<td>Fletcher</td>
</tr>
<tr>
<td>Floyd</td>
<td>Floyd</td>
</tr>
<tr>
<td>Foreman</td>
<td>Foreman</td>
</tr>
<tr>
<td>Garrison</td>
<td>Garrison</td>
</tr>
<tr>
<td>Gladden</td>
<td>Gladden</td>
</tr>
<tr>
<td>Glass</td>
<td>Glass</td>
</tr>
<tr>
<td>Glasing</td>
<td>Glasing</td>
</tr>
<tr>
<td>Green</td>
<td>Green</td>
</tr>
<tr>
<td>Greer</td>
<td>Greer</td>
</tr>
<tr>
<td>Guindy</td>
<td>Guindy</td>
</tr>
<tr>
<td>Hale</td>
<td>Hale</td>
</tr>
<tr>
<td>Harding</td>
<td>Harding</td>
</tr>
<tr>
<td>Haynes</td>
<td>Haynes</td>
</tr>
<tr>
<td>Hinoon</td>
<td>Hinoon</td>
</tr>
<tr>
<td>Hollowell</td>
<td>Hollowell</td>
</tr>
<tr>
<td>Hustler</td>
<td>Hustler</td>
</tr>
<tr>
<td>Hughes of Grayson</td>
<td>Hughes of Grayson</td>
</tr>
<tr>
<td>Hugham of Dallas</td>
<td>Hugham of Dallas</td>
</tr>
<tr>
<td>James</td>
<td>James</td>
</tr>
<tr>
<td>Johnson of Dallas</td>
<td>Johnson of Dallas</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
<td>Johnson of Bexar</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
<td>Johnson of Bexar</td>
</tr>
<tr>
<td>Jones of Dallas</td>
<td>Jones of Dallas</td>
</tr>
<tr>
<td>Jones of Travis</td>
<td>Jones of Travis</td>
</tr>
<tr>
<td>Kennard</td>
<td>Kennard</td>
</tr>
<tr>
<td>Kilpatrick</td>
<td>Kilpatrick</td>
</tr>
<tr>
<td>Kolbha</td>
<td>Kolbha</td>
</tr>
<tr>
<td>Korth</td>
<td>Korth</td>
</tr>
<tr>
<td>Lack</td>
<td>Lack</td>
</tr>
<tr>
<td>Larry</td>
<td>Larry</td>
</tr>
<tr>
<td>Lattner</td>
<td>Lattner</td>
</tr>
<tr>
<td>La Valle</td>
<td>La Valle</td>
</tr>
<tr>
<td>Leaverton</td>
<td>Leaverton</td>
</tr>
<tr>
<td>Longoria</td>
<td>Longoria</td>
</tr>
<tr>
<td>Nyas</td>
<td>Nyas</td>
</tr>
<tr>
<td>Burgess</td>
<td>Burgess</td>
</tr>
<tr>
<td>Jarvis</td>
<td>Jarvis</td>
</tr>
<tr>
<td>Lewis</td>
<td>Lewis</td>
</tr>
<tr>
<td>Mutchter</td>
<td>Mutchter</td>
</tr>
<tr>
<td>Present—not Voting</td>
<td>Present—not Voting</td>
</tr>
<tr>
<td>Haring</td>
<td>Haring</td>
</tr>
</tbody>
</table>

Mr. Cowen moved to reconsider the vote by which S. B. No. 436 was passed and to table the motion to reconsider. The motion to table prevailed. Senate Bill No. 107 on second reading was voted on by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Lubbock</td>
<td>Berry</td>
</tr>
<tr>
<td>Adams of Titus</td>
<td>Blais</td>
</tr>
<tr>
<td>Allen</td>
<td>Boyce</td>
</tr>
<tr>
<td>Baftfield, Mrs.</td>
<td>Buchanan</td>
</tr>
<tr>
<td>Barlow</td>
<td>Butler</td>
</tr>
<tr>
<td>Barnes</td>
<td>Coldwell</td>
</tr>
<tr>
<td>Bartim</td>
<td>Cannon</td>
</tr>
<tr>
<td>Bass</td>
<td>Chapman</td>
</tr>
<tr>
<td>Bell</td>
<td>Cole of Harris</td>
</tr>
</tbody>
</table>
The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 107, Relating to liens for laborers and materialmen; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill 107 by striking everything below the enacting clause and substituting in lieu thereof the following:

"Section 1. Article 5452 of Title 9 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5451. Lieu Precedent.

1. Any person or firm, dealer or corporation, artificer, laborer, mechanic or subcontractor who may labor, specially fabricate material, or furnish labor or material: (a) for the construction or repair of any house, building, or improvement whatever; (b) or for the construction or repair of levees or embankments to be erected for the reclamation of overflow lands along any river or creek; (c) or for the construction or repair of any railroad; within this State under or by virtue of a contract with the owner, owners, or his or their agent, trustee, receiver, contractor, contractors, or with any subcontractor; upon complying with the provisions of this chapter shall have a lien on such house, building, structure, improvements, land reclaimed from overflow, or railroad and all of its properties, and shall have a lien on the..."
May 17, 1961  

**HOUSE JOURNAL**  

lot or less of land necessarily connected therewith, or reclaimed there-  
by, to secure payment: (a) for the labor done or material furnished or  
both for such construction or repair; (b) for specially fabricated material  
even though such material has not been delivered or incor-  
porated into such construction or repair, less its fair salvage value.  
The word ‘improvement’ as used herein shall be construed so as to  
also include: abutting sidewalks and streets and utilities therein; clear-  
ing, grubbing, draining or fencing of land; wells, cisterns, tanks, reser-  
voirs or artificial lakes or pools made for supplying or storing water; all pumps, siphons, and  
windmills or other machinery or apparatus used for raising water for  
stock, domestic use or for irrigation purposes; and the plant-  
ing of orchard trees, grubbing out of orchards and replacing trees, and  
pruning said orchard trees. If the abutting sidewalks and streets and  
utilities therein are public prop-  
erty, such lien shall be applicable to the property of the owner and shall  
be exclusive of the public property.  

2. For the purpose of this Act, the following definitions shall apply:  
a. Labor is to be construed to mean labor used in the direct prose-  
cution of the work.  
b. The words ‘material,’ ‘furnish material’ or ‘material furnished’  
as used in this Act are to be con-  
trued to mean any part or all of the following:  

(1) Material, machinery, fixtures  
or tools incorporated in the work,  
or consumed in the direct prosecu-  
tion of the work, or ordered and de-  
ivered for such incorporation or  
such consumption.  

(2) Rent at a reasonable rate and  
actual running repairs at a reason-  
able cost for construction equipment,  
used in the direct prosecution of the  
work at the site of the construction  
or repair, or reasonably required and  
delivered for such use.  

(3) Power, water, fuel and lubric-  
cants, when such items have been  
consumed or ordered and delivered  
for consumption in the direct prose-  
cution of the work.  

e. Specially fabricated material is  
defined as material fabricated for  
use as a component part of the con-  
struction or repair so as to be rea-  
sonably unsuitable for use elsewhere,  
even though such material may not  
be delivered.  
d. The work shall be construed as  
any construction or repair referred  
to in Paragraph 1 of this Article.  
e. An original contractor is de-  
fined as one contracting with an  
owner, directly or through his agent;  
and an original contract is defined  
as an agreement to which an owner  
is a party, either directly or by im-  
plication of law. There may be one  
or more original contractors.  
f. A subcontractor is any person  
or persons, firm or corporation who  
has furnished labor or materials or  
both as defined above to fulfill an  
obligation to an original contractor  
or to a subcontractor to perform  
all or part of the work required by  
an original contract. A subcontractor  
shall have a right to claim a lien,  
together with the sum of the previ-  
ous payments received by claimant  
on such subcontract, shall not exceed  
that proportion of the total subcon-  
tract price which the sum of the  
labor performed, materials furnish-  
ed, specially fabricated materials,  
reasonable overhead costs incurred  
and proportionate profit margins  
bear to the total subcontract price.  
g. Retainage as referred to in this  
Act (other than the statutory re-  
tainage prescribed by Article 469)  
is defined as any amount represent-  
ing any part of the contract payment  
or payments which are not required  
to be paid to the claimant within  
the month next following each month  
in which the labor was performed,  
or material furnished, or both; or  
specially fabricated material was de-  
ivered. No lien for retainage as here  
defined shall be valid to an extent  
greater than the amounts specified  
to be retained in the contract or con-  
tracts between the claimant and the  
original contractor or between the  
claimant and a subcontractor.”

Section 2. Article 463 of Title 90  
of the Revised Civil Statutes of Tex-  
as. 1925, is amended to read as fol-  
lows:
"Article 5453. SECURING LIEN.
The lien provided for in Article 5458 may be fixed and secured in the following manner:

1. Every original contractor, not later than one hundred twenty (120) days, and every other person or firm, lumber dealer or corporation, artisan, laborer, mechanic or subcontractor who may be entitled to a lien under this Act, not later than ninety (90) days, after the indebtedness accrues, as defined hereinafter in Article 5457, shall file his affidavit claiming a lien, to be recorded in a book kept by the county clerk for that purpose in the office of the county clerk of the county in which such property is located or through or into which such railroad may extend, and he shall send to the owner by certified or registered mail, addressed to his last known business or residence address, two copies of such affidavit claiming a lien. The county clerk shall index and cross-index such affidavit in the names of the claimant, the original contractor and the owner. So long as a claim for a lien has been filed with county clerk, failure of the county clerk to comply with these instructions shall not invalidate the lien.

2. If the claimant for such lien is other than an original contractor, such claim shall not be valid or enforceable unless the claimant shall also have complied with the applicable notice requirements hereafter set forth which shall be conditions precedent to the validity of such claims:

a. If any agreement providing for a retainage between the claimant and the original contractor or between the claimant and any subcontractor, whereby the claimant is to labor, or furnish labor or material, or both, or to specially fabricate material, such claimant may give written notice to the owner not later than thirty-six (36) days after the tenth (10th) day of the month next following the making of such agreement, that there has been agreed upon between the claimant and such contractor, or such subcontractor, such retention of funds. A copy of such notice shall also be given in like manner to the original contractor in instances where the agreement is between claimant and a subcontractor. The notice shall be sent by certified or registered mail addressed to the owner, and when required by this paragraph, to the original contractor, at their last known business or residence address. The notice shall state the sum to be retained, the due date or dates, if known, and shall indicate generally the nature of such agreement. If a retainage agreement consists in whole or in part of an obligation to furnish specially fabricated materials and the notice or notices have been given in accordance with this subparagraph, it shall not be necessary for a claimant to give a notice or notices under subparagraph 2-e of this Article.

When claimant has complied with this subparagraph, no further notice or notices shall be required of him as to such retainages except the notice or notices specified in Paragraph 1 of this Article; provided however, the claimant may, at his option, elect to give the notice or notices specified in subparagraph 2-b of this Article at the time and in the manner therein required in lieu of or in addition to any notices under this subparagraph.

b. Excepting instances of retainages for which notices have been given in accordance with the preceding subparagraph, the claimant shall give the applicable notice or notices described, as follows:

(1) Where the claim consists of a lien claim arising from a debt incurred by a subcontractor, the claimant shall give written notice of the unpaid balance of such claim to the original contractor not later than thirty-six (36) days after the tenth (10th) day of the month in which claimant’s labor was done or performed in whole or in part, or his material delivered in whole or in part; and claimant shall give a like notice to owner not later than ninety (90) days after the tenth (10th) day of the month next following each month in which claimant’s labor was done or performed in whole or in part, or his material delivered in whole or in part.
(3) Where the claim consists of a lien claim arising from a debt incurred by the original contractor, no such notice need be given to the contractor but notice to the owner, as prescribed in Paragraph 2h(1) of this Article will be sufficient.

Such notices shall be sent by certified or registered mail, addressed to the owner, and where required by this Article to the original contractor, at their last known business or residence address. A copy of the statement or billing in the usual and customary form shall suffice as a notice under this subparagraph; provided however, if such statement or billing is to be effective to authorize an owner to retain funds for the payment of such claim as provided in Article 5463 of this Act, it shall contain or be accompanied by some form of statement to an owner to the effect that if the bill remains unpaid he may be personally liable and his property subjected to a lien unless he withholds payments from the contractor for the payment of such statement or unless the bill is otherwise paid or settled.

c. If the basis of the claim is to be for a specially fabricated item or items, as described in Article 5452 of this Article, the claimant may give written notice to the owner not later than thirty-six (36) days after the tenth (10th) day of the month next following the receipt and acceptance of an order for such specially fabricated material, that such an order has been received and accepted, together with the price thereof; provided however, that in instances where the indebtedness for such items were incurred by one other than an original contractor, a copy of such written notice shall also be given within the same time to the original contractor. Further notice or notices shall be given by a claimant under this subparagraph if and when a delivery or deliveries have been made or if and when the normal delivery time on the job has passed, such further notice or notices to be in accordance with the terms and provisions of subparagraph 2-b of this Article; provided nevertheless, if the claimant has failed to give notice or notices under this subparagraph but delivers specially fabricated material, under an order accepted by him, then as to such delivered items, his claim shall be valid, provided he gives the notice or notices required in subparagraph 2-b of this Article. A delivery of specially fabricated materials, for the purpose of such notices shall constitute a delivery of materials under subparagraph 2-b of this Article. Such notices shall be sent by certified or registered mail addressed to the owner, and where required by this Article to the original contractor, at their last known business or residence address.

3. A claimant desiring to demand payment of his claim by the owner may accompany his notice of such claim with the demand for payment as prescribed by Article 5454.

Section 3. Article 5454 of Title 96 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5454. OWNER TO PAY UNDISPUTED CLAIM. Whenever an owner has withheld a payment or payments from the original contractor or pursuant to the provisions of Article 5463 of this Act, and claimant shall have given written notice to the owner of such claim or any portion thereof, either has accrued under the terms of Article 5467 or is past due according to the agreement between the parties; claimant may make written demand of the owner, a copy of which shall be sent to the contractor for payment by owner of such claim and if the contractor shall not, within thirty-six (36) days after said demand is received by contractor, notify the owner in writing that the contractor intends to dispute such claim, the contractor shall be considered as having assented to the demand which shall thereupon be paid by the owner. The demand herein provided for may accompany the original notice of non-payment or of a past-due claim; may be stamped or written on the face of said notice in legible form and may be subsequently given by claimant, provided however, that no such demand shall be made after the time has expired within which the claimant may secure his lien under
this Act unless a lien for such demand has been secured."

Section 4. Article 4455 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 4455. FORM OF CLAIM. An affidavit claiming a lien filed for record by any one claiming the benefit of this Act shall be signed by the claimant or by some person on his behalf and shall contain in substance the following:

a. A sworn statement of his claim, including the amount thereof. A copy of the written agreement or contract, if any, may be attached at the option of the claimant.

b. The name of the owner or reputed owner, if known.

c. A general statement of the kind of work done or materials furnished by him, or both. It shall not be necessary to set forth the individual items of work done or material furnished or specially fabricated. Any abbreviations or symbols customary in the trade may be used.

d. The name of the person by whom claimant was employed, or to whom he furnished the materials or labor, and the name of the original contractor.

e. A description of the property sought to be charged with the lien legally sufficient for identification.

Section 5. Article 4456 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 4456. NOTICE AND MAILING REQUIREMENT.

1. Where any written notice or communication is required or permitted to be given by this Act, it may be delivered in person to the party or his agent and such delivery shall constitute compliance irrespective of other methods of notice or communications herein provided.

2. In instances where notice or mailing is sent by certified or registered mail, the deposit of such notice or mailing in the United States Mail, in the form required, shall, except where it is specified in this Act that the notice shall be received by the person to whom it is directed, constitute full compliance with such notice or mailing provisions. Whenever any written notice required or permitted by this Act has actually been received by the person entitled to receive the same, the method by which said notice was delivered shall be immaterial."

Section 6. Article 4453 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 4453. OWNER AUTHORIZED TO RETAIN FUNDS. CONTRACTOR TO DEFEND SUIT. 1. When notices of claims sent under the provisions of Paragraph 2 of Article 4453 of this Act are received by the owner, he shall be authorized to retain in his hands the amount or amounts of money necessary to pay said claims from payments or part-payments to the original contractor for labor, or material or both, or for specially fabricated materials which has been performed or furnished by a claimant and to which such notices are applicable, at times and under circumstances, as follows:

a. Under notices of claims sent under subparagraph 2-a of Article 4453, immediately upon receipt of a copy of the claimant's affidavit claiming a lien prepared by claimant pursuant to said notices as required by Paragraph 1, of this Article 4453.

b. Under notices of claims sent under subparagraph 2-b of Article 4453, immediately upon receipt of such notices.

c. Under notices of claims sent under subparagraph 2-c of Article 4453, immediately upon receipt of the additional notices under subparagraph 2-b of said articles which are required to be sent upon delivery, or if and when the normal delivery time on the job has passed.

Such funds shall be retained, unless payment is made under Article 4454, or the claim otherwise settled or determined, until the time for securing a lien under this Act has passed; or if a lien affidavit has been filed, until the lien claim has been satisfied and released.
3. When an affidavit claiming a lien is filed by anyone other than the original contractor under the provisions of this Act, the original contractor shall defend the action brought thereupon at his own expense. In case of judgment against the owner or his property upon the lien, he shall be entitled to deduct from the amount due the contractor the amount of said judgment and costs; and, if he shall have settled with the contractor in full, he shall be entitled to recover from the contractor any amount so paid for which the contractor was originally liable. The owner shall in no case be required to pay, nor his property be liable for, any money, other than that required to be retained by him under the provisions of Article 5469 hereof, that he may have paid to the contractor before he is authorized under this Article to retain the money. If the notices prescribed in Article 5462 have been received by the owner and claimant’s lien has been secured in accordance with Article 5462 and the claim or any part thereof is reduced to final judgment, the owner shall be required to pay, and his property shall be liable for, any money that he may have paid to the contractor after he is authorized to retain such money by virtue of this Article, as well as any money he is required to retain by the provisions of Article 5469 hereof.

Section 7. Article 5467 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5467. ACCRUAL OF INDEBTEDNESS. 1. For the purpose of this Act, indebtedness, except for retainages, shall be deemed to have accrued as follows:

a. For an original contractor immediately upon any material breach or termination of the original contract by the owner, or on the tenth (10th) day of the month next following the month in which the original contract has been completed, finally settled, or abandoned.

b. For an artisan, laborer or mechanic who has labored at an hourly, daily or weekly rate of pay for an original contractor or subcontractor, at the end of the calendar week during which the labor was performed.

c. For a subcontractor, or anyone other than those specified in Paragraphs 1.a., 1.b. and 1.d. of this Article, who has furnished labor, material, or both, to an original contractor or to a subcontractor, the indebtedness shall be deemed to have accrued on the tenth (10th) day of the month next following the last month in which the labor was performed or the material furnished.

d. In the case of specially fabricated material, the indebtedness shall be deemed to have accrued on the tenth (10th) day of the month next following the last month in which delivery of such material was made; or the tenth (10th) day of the month next following the last month in which delivery of the last of such material would normally have been required at the job site; or immediately upon any material breach or termination of the original contract by the owner or contractor, or of the subcontract under which the specially fabricated material was to be furnished.

2. For the purposes of this Act, claims for lien for retainages, as defined in paragraph 2.g. of Article 5452 hereof, shall be deemed to have accrued on the tenth (10th) day of the month next following the last month in which all work called for by the contract between the owner and the original contractor has been completed, finally settled, or abandoned.

3. Accrual of indebtedness shall be referable, as to any given claim, to the contract concerning which the particular claim is made and under the terms of which labor was performed or material or both were furnished, or undelivered specially fabricated material is to be furnished."

Section 8. Article 5468 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5468. EQUALITY OF LIEN. Except as provided in Article 5469, the liens as perfected under this Act shall be upon an equal
fiding without reference to date of filing the account or affidavit claiming a lien in case of foreclosure, if the proceeds of the sale of any property described in any account or lien are insufficient to discharge all the liens against the same, such proceeds shall be paid prorata on the respective liens perfected under this Act and upon which suit is brought. Nothing in this Act shall in any manner affect the contract between the owner and original contractor as to the amount, manner or time of payment of said contract price."

Section 9. Article 5469 of Title 90 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5469. LIEN CLAIMANTS' FUND WITH PREFERENCE TO MECHANICS. Whenever work is done whereby a lien or liens may be claimed under Article 5462 hereof, it shall be the duty of the owner, his agent, trustee, or receiver to retain in his hands during the progress of such work and for thirty (30) days after the work is completed to secure the payment of artisans and mechanics who perform labor or service, and secure the payment of any other claimants furnishing material, or material and labor, or specially fabricated material for any contractor, subcontractor, agent, or receiver in the performance of such work ten per cent (10%) of the contract price to the owner, his agent, trustee, or receiver of such work, or ten per cent (10%) of the value of same, measured by the proportion that the work done bears to the work to be done, using the contract price or, if none, the reasonable value of the completed work as a basis of computing value. All persons who shall send notices in the time and manner required by this Act and shall file affidavits claiming a lien not later than thirty (30) days after the work is completed shall have a lien upon the fund so retained by the owner, his agent, trustee, or receiver; with preference to artisans and mechanics, who shall share prorata therein to the extent of their claims; with any remaining balance to be shared ratably among all other participating claimants. If the owner, his agent, trustee, or receiver fails to comply with the provisions of this Article, then all claimants complying with the provisions of this Act shall share ratably among themselves, with preference to artisans and mechanics as above specified, liens at least to the extent of the aforesaid fund of ten per cent (10%) which should have been retained, as against the house, building, structure, fixture, or improvement and all of its properties, and on the lot or lots of land necessarily connected therewith, to secure payment of such liens."

Section 10. Chapter 2, Title 90, of the Revised Civil Statutes of Texas, 1925, is hereby amended by adding a new Article to be designated as Article 5472d, which shall read as follows:

"Article 5472d. BOND TO PAY LIENS OR CLAIMS.
1. Whenever a written contract exists between the owner and an original contractor, and if such contractor shall have furnished a bond in favor of the owner in a penal sum not less than the total of the original contract amount, executed by the original contractor as principal and a corporate surety authorized to do business in the State of Texas, conditioned for the prompt payment of all labor, subcontractors, materials, and specially fabricated materials, as defined in Article 5462 hereof, and normal and usual extras not to exceed fifteen (15%) per cent of the contract price, and approved by the owner and filed in the office of the county clerk as herein provided, such payment bond shall insure solely to all claimants either giving and filing the applicable notices and claims under Article 5462, or making claims in the manner provided in Paragraph 4 of this Article. A claim or claim rights under the bond may be navigated.
2. Such bond shall have the written approval of the owner endorsed thereon, and shall be filed together with the written contract between the owner and original contractor, or a true copy thereof, with
the county clerk of the county where
in the owner's property or any part
thereof is situated on which the con-
struction or repair is being per-
formed, or is to be performed; pro-
vided however, it shall not be neces-
sary to file and record the plans,
specifications and general conditions
of such contract whether or not such
plans, specifications and general
conditions are referred to in said
contract.
2. The county clerk shall record
such bond and place the contract on
file in his office. He shall index and
cross-index both in the names of
the original contractor and the own-
er in a bound book to be designated
'Bond to Pay Liens or Claims'. The
county clerk shall furnish a copy of
said bond and contract to any per-
son requesting same upon payment of
a reasonable fee therefor, and a
copy of such bond and contract duly
acknowledged to by said county clerk
shall constitute prima facie evidence
of the contents, execution, delivery
and filing of the originals in all
courts of this State or in the United
States.
4. A claim to be enforceable
against the bond may be perfected
either in the manner prescribed for
fixing and securing a lien by Article
5453 hereof, or in the following
manner:
a. By giving to the original con-
tactor all applicable notices of claims
required by Article 5453; and,
in addition thereto, by giving to the
corporate surety, in lieu of to the
owner, all notices therein required
to be given to the owner; provided
however, the following notices need
not be given:
1) Notices to the Surety under
subparagraph 2-a of Article 5453
of acceptance of an order for specially
fabricated materials.
2) Notices to the Surety under
subparagraph 2-c of Article 5453,
unless the claimant has a direct con-
tractual relationship with the origi-
nal contractor and the retainage
agreed upon is in excess of ten per-
cent (10%) of the contract between
the claimant and the original con-
tractor.
It shall not be necessary, under
this Article, that a claim be filed
with the county clerk or that an
affidavit accompany any claim or
notice.
5. The time and manner of giving
notices for claims under subpara-
grah 4-a of this Article shall be
conditions of a valid claim there-
der; however, as to content of the
notices, all that is required in a
fair notice of the amount and
nature of the claim asserted.
6. If any notices are received by
the owner or a lien is fixed and
secured as provided in Article 5453
hereof, the owner shall mail to the
surety on the aforesaid bond a copy
of all notices received by him; pro-
vided however, failure of the owner
to send such surety copies of such
notices shall not relieve the surety
of any liability under the bond if
claimant has complied with the
provisions of this Act, nor shall such
failure impose any liability on the
owner.
7. Every claimant whose claim
remains unpaid sixty (60) days after
compliance with the provisions of
Paragraph 4 of this Article may file
suit in the county where the bond
and contract were filed and recorded
against the principal and surety on
such bond, jointly or severally, for
the amount of his claim and for
court costs. Claimant may also re-
cover reasonable attorneys fees if a
recovery is made under the bond.
No suit may be instituted on such
bond after the expiration of fourteen
(14) months from the date of his
compliance with Paragraph 4 of this
Article.
8. In all cases where bonds have
been filed in accordance with this
Article, no suit shall be filed again-
st the owner nor against his prop-
erty, and any purchaser, lender or
other person acquiring any interest
in said property shall be entitled
without notice to rely upon the record
of such and contract on file as constituting
payment of all claims and liens for
labor, or subcontractors, or materials
or specially fabricated materials, as
if he were the owner who ap-
proved, accepted and endorsed the
bond; and the owner shall be re-
lieved of all obligations under Ar-
ticles 5454, 5463, and 5469 hereof.
If the valid claims against a bond

in excess of the penal sum of the bond, each claimant shall be entitled to share pro rata in such penal sum.

8. Any bond which is either furnished and filed in attempted compliance with this Article or which by its express terms evidences its intent to comply with this Article shall in either event be construed to effectuate such intention and all rights and remedies on such bond shall be enforceable in the same manner and under the same conditions and limitations as the bond provided for in this Article."

Section 11. Articles 5467, 5461, 5462, and 5463 of Title 90 of the Revised Civil Statutes of Texas, 1925, are hereby repealed; however, the rights, duties and obligations of parties arising under or incidental to contracts between owners and original contractors, subcontracts thereunder and labor done, or materials furnished pursuant thereto, when the contract between the owner and the original contractor shall have been made before the effective date of this Act shall continue to be governed by the law heretofore applicable.

Section 12. The provisions of this Act shall apply only to all contracts between owners and original contractors, subcontracts thereunder and labor done, materials furnished or materials specially fabricated pursuant thereto, when the contract between the owner and the original contractor shall have been made on or after the effective date of this Act.

Section 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Section 14. The fact that the existing statutes governing mechanics and materialmen's liens are antiquated, vague, and ambiguous, and have been the subject of numerous conflicting court decisions result-
No. 167 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE
Mr. Cory requested to be recorded as voting No on passage of S. B. No. 167.

RECORD OF VOTE
Mr. Parsons requested to be recorded as voting No on all Voice Votes on S. B. No. 167.

SENATE BILL NO. 10 ON SECOND READING
Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 16, Relating to Taxation. General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

The bill was read second time.

Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 22 ON SECOND READING
Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

Mr. McGregor of McLennan moved to reconsider the vote by which S. B. No. 107 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE
Mr. Cory requested to be recorded as voting No on passage of S. B. No. 167.

RECORD OF VOTE
Mr. Parsons requested to be recorded as voting No on all Voice Votes on S. B. No. 167.

SENATE BILL NO. 10 ON SECOND READING
Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 16, Relating to Taxation. General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

The bill was read second time.

Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 22 ON SECOND READING
Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

Mr. McGregor of McLennan moved to reconsider the vote by which S. B. No. 107 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE
Mr. Cory requested to be recorded as voting No on passage of S. B. No. 167.

RECORD OF VOTE
Mr. Parsons requested to be recorded as voting No on all Voice Votes on S. B. No. 167.

SENATE BILL NO. 10 ON SECOND READING
Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 16, Relating to Taxation. General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

The bill was read second time.

Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 22 ON SECOND READING
Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

Mr. McGregor of McLennan moved to reconsider the vote by which S. B. No. 107 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE
Mr. Cory requested to be recorded as voting No on passage of S. B. No. 167.

RECORD OF VOTE
Mr. Parsons requested to be recorded as voting No on all Voice Votes on S. B. No. 167.

SENATE BILL NO. 10 ON SECOND READING
Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 16, Relating to Taxation. General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

The bill was read second time.

Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 22 ON SECOND READING
Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.

Mr. McGregor of McLennan moved to reconsider the vote by which S. B. No. 107 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE
Mr. Cory requested to be recorded as voting No on passage of S. B. No. 167.

RECORD OF VOTE
Mr. Parsons requested to be recorded as voting No on all Voice Votes on S. B. No. 167.

SENATE BILL NO. 10 ON SECOND READING
Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 16, Relating to Taxation. General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

The bill was read second time.

Mr. Mullen moved that further consideration of Senate Bill No. 10 be postponed until next Wednesday morning, May 24, at 9:00 o'clock.

The motion prevailed.
The resolution was read second time.

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

Committee Amendment No. 1 To S. J. R. 22

Amend S. J. R. 22 by adding the words "Castro, Hopkins and Hansford Counties" after the word "Ochiltree" where same appears in said resolution.

OSBORN, McILHANY.

The amendment was adopted.

S. J. No. 22 was passed by the following vote:

Yeas—136

Adams of Lubbock
Adams of Titus
Allen
Andrews
Arwell
Bailiff
Bannister, Mrs.
Barlow
Barrow
Barwise
Barron
Baskin
Bell
Blake
Boyden
Brazos
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Coxwell
Cory
Cowan
Crow
Croix
Crews
Curtis
Deway
Duff, Miss
Dugas
Eekhardt
Elvis
Fairchild
Floyd

The motion to reconsider the vote by which S. J. R. No. 22 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 12 ON SECOND READING

Mr. Sandahl moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Joint Resolution No. 12.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to third reading.
S. J. R. No. 12, Relative to proposing an amendment to the Constitution so as to provide that state employees may be employed in an advisory capacity or as a consultant.

The resolution was read second time.

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

Committee Amendment No. 1

Amend S. J. R. No. 12 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 33 of Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 33. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution. Provided, that this restriction as to the drawing or paying of warrants upon the Treasury shall not apply to officers of the National Guard of Texas, the National Guard Reserve, the Officers Reserve Corps of the United States, nor to enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserve of the United States, nor to retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers and retired enlisted men of the United States Army, Navy, and Marine Corps. It is further provided that state employees may serve in an advisory capacity or appointed to serve as a consultant or on an advisory committee, or as a member of a Public School Board provided they are not members of the teaching profession, with a state agency, or any political subdivision thereof, or the Federal Government, if approved by administrative head or governing board of such employee and there is no conflict of interest.

"Against the constitutional amendment permitting state employees to serve as a consultant or on an advisory committee, or as a member of a Public School Board provided they are not members of the teaching profession, with a state agency, or any political subdivision thereof, or the Federal Government, if approved by administrative head or governing board of such employee and there is no conflict of interest."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors 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 permitting state employees to serve as a consultant or on an advisory committee, or as a member of a Public School Board provided they are not members of the teaching profession, with a state agency, or any political subdivision thereof, or the Federal Government, if approved by administrative head or governing board of such employee and there is no conflict of interest."

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

Amend Committee Amendment No. 1 to S. J. R. 12 by adding the words "Air Force and Coast Guard," in Section 33, right after the words, "Marine Corps," on line 39, and after the words, "Marine Corps," on line 41, delete the period and add, "Air Force and Coast Guard."

The amendment was adopted.

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

Committee Amendment No. 1, as amended, was adopted.
Committee Amendment No. 2

Amend S. J. R. 12 by striking out all above the resolving clause and inserting in lieu thereof the following:

Proposing an amendment to the Constitution so as to provide that state employees may be employed in an advisory capacity or appointed to serve as a consultant or on an advisory committee, or as a member of a Public School Board, provided they are not members of the teaching profession, and may receive reimbursement of expenses with other agencies of this State, or any political subdivision thereof, and of the Federal Government, with the approval of the administrative head of the state department or agency or the governing board of the institution in which such employee is employed and provided there is no conflict of interest.

The amendment was adopted.

S. J. R. No. 12 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Lubbock Grain</td>
<td>Adams of Titus</td>
</tr>
<tr>
<td>Adams of Lubbock Grain</td>
<td>Adams of Titus</td>
</tr>
<tr>
<td>Albritton</td>
<td>Andrews</td>
</tr>
<tr>
<td>Andrews</td>
<td>Atwell</td>
</tr>
<tr>
<td>Bailey</td>
<td>Ballman</td>
</tr>
<tr>
<td>Bankhead, Mrs.</td>
<td>Barlow</td>
</tr>
<tr>
<td>Barrows</td>
<td>Bartlett</td>
</tr>
<tr>
<td>Beal</td>
<td>Berry</td>
</tr>
<tr>
<td>Baines</td>
<td>Boydman</td>
</tr>
<tr>
<td>Bridges</td>
<td>Buchanan</td>
</tr>
<tr>
<td>Burgess</td>
<td>Butler</td>
</tr>
<tr>
<td>Caldwell</td>
<td>Cannon</td>
</tr>
<tr>
<td>Cannon</td>
<td>Carrillo</td>
</tr>
<tr>
<td>Chapman</td>
<td>Cole of Austin</td>
</tr>
<tr>
<td>Cole of Harris</td>
<td>Cole of Hunt</td>
</tr>
<tr>
<td>Collins</td>
<td>Connell</td>
</tr>
<tr>
<td>Cory</td>
<td>Cotson</td>
</tr>
<tr>
<td>Cowart</td>
<td>Cowden</td>
</tr>
<tr>
<td>Cowles</td>
<td>Jones of Travis</td>
</tr>
<tr>
<td>Jones of Travis</td>
<td>Kennard</td>
</tr>
<tr>
<td>Kilpatrick</td>
<td>Koliba</td>
</tr>
<tr>
<td>Kotch</td>
<td>Lack</td>
</tr>
<tr>
<td>Lary</td>
<td>LeVelle</td>
</tr>
<tr>
<td>Lewis</td>
<td>Leongoria</td>
</tr>
<tr>
<td>McGovern</td>
<td>McGregor</td>
</tr>
<tr>
<td>McGregor</td>
<td>El Paso</td>
</tr>
<tr>
<td>McIlhany</td>
<td>Markgraf</td>
</tr>
<tr>
<td>Martin</td>
<td>Miller</td>
</tr>
<tr>
<td>Moore</td>
<td>Mullen</td>
</tr>
<tr>
<td>Murray</td>
<td>Muscar</td>
</tr>
</tbody>
</table>
the purpose of taking up and considering at this time Senate Bill No. 96.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 96, Amending Article 2321, Insurance Code, to include Statewide mutual assessment companies subject to penalties for delay in payment of losses on policies, and declaring an emergency.

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

SENATE BILL NO. 96 ON THIRD READING

Mr. Straus moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—187

Absents—Excused

de la Garza

The Speaker then laid Senate Bill No. 96 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:
<table>
<thead>
<tr>
<th>Yeas--110</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaniz</td>
</tr>
<tr>
<td>Bailey</td>
</tr>
<tr>
<td>Rainfield, Mrs.</td>
</tr>
<tr>
<td>Barlow</td>
</tr>
<tr>
<td>Barnes</td>
</tr>
<tr>
<td>Bass</td>
</tr>
<tr>
<td>Beal</td>
</tr>
<tr>
<td>Blaine</td>
</tr>
<tr>
<td>Boyem</td>
</tr>
<tr>
<td>Bridges</td>
</tr>
<tr>
<td>Butler</td>
</tr>
<tr>
<td>Caldwell</td>
</tr>
<tr>
<td>Cannon</td>
</tr>
<tr>
<td>Carricker</td>
</tr>
<tr>
<td>Connell</td>
</tr>
<tr>
<td>Cory</td>
</tr>
<tr>
<td>Cowen</td>
</tr>
<tr>
<td>Craig</td>
</tr>
<tr>
<td>Crews</td>
</tr>
<tr>
<td>Curlington</td>
</tr>
<tr>
<td>Dewey</td>
</tr>
<tr>
<td>Duff, Miss</td>
</tr>
<tr>
<td>Dunnigan</td>
</tr>
<tr>
<td>Eckhardt</td>
</tr>
<tr>
<td>Fletcher</td>
</tr>
<tr>
<td>Ford</td>
</tr>
<tr>
<td>Foreman</td>
</tr>
<tr>
<td>Gibbons</td>
</tr>
<tr>
<td>Gladden</td>
</tr>
<tr>
<td>Glass</td>
</tr>
<tr>
<td>Glaze</td>
</tr>
<tr>
<td>Gooding</td>
</tr>
<tr>
<td>Green</td>
</tr>
<tr>
<td>Groover</td>
</tr>
<tr>
<td>Guffey</td>
</tr>
<tr>
<td>Hall</td>
</tr>
<tr>
<td>Harding</td>
</tr>
<tr>
<td>Haring</td>
</tr>
<tr>
<td>Harney</td>
</tr>
<tr>
<td>Hisston</td>
</tr>
<tr>
<td>Hollowell</td>
</tr>
<tr>
<td>Huebner</td>
</tr>
<tr>
<td>Hughes</td>
</tr>
<tr>
<td>of Grayson</td>
</tr>
<tr>
<td>James</td>
</tr>
<tr>
<td>Jameson</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
</tr>
<tr>
<td>Johnson of Bell</td>
</tr>
<tr>
<td>Jones of Travis</td>
</tr>
<tr>
<td>Kannard</td>
</tr>
<tr>
<td>Kilpatrick</td>
</tr>
<tr>
<td>Koibia</td>
</tr>
<tr>
<td>Kortch</td>
</tr>
<tr>
<td>Lack</td>
</tr>
<tr>
<td>Larry</td>
</tr>
<tr>
<td>Latimer</td>
</tr>
<tr>
<td>La Valle</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays--31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Lubbock Allen</td>
</tr>
<tr>
<td>Adams of Titus Atwell</td>
</tr>
</tbody>
</table>

House Journal

Yeas--110

Alaniz    Leaverton    Lewis
Alley     Longoria    McCoppin
Blackstone, Mrs.  McGregor    of McAllen
Barnes    of McAllen    Bass
Beal      of El Paso    Berry
Blaine    McElderry    Blake
Boyem     Martin       Bridges
Bridges   Miller       Butler
Caldwell  Moore       Caldwell
Cannon    Mullian      Carryer
Connell   Mutchner     Cory
Cowen     Nugent       Cowen
Craig     Parsons      Crews
Curlington Peet        Dewey
Duff, Miss Pipkin      Dunnigan
Eckhardt  Rapp         Fletcher
Ford      Ratcliff     Ford
Foreman   Richardson   Gibbons
Gibbons   Roberts of Dawson
Gladden   Ross         Glass
Glaze     Roscomay    Glazer
Gooding   Sandahl     Green
Groover   Sheck        Guiffey
Hall      Smith of Bexar
Harding   Smith of Jefferson
Haring    Speirs       Harney
Hisston   Spilman      Holmes
Hollowell School of Galveston
Huebner   Stewart      Hughes
of Wichita  Stewart  James
Johnson of Bexar Stewart
Johnson of Bell  Thurman    Townsend
Jones of Travis  Tidwell    Tunnell
Kannard   Walker       Kilpatrick
Kilpatrick Ward       Koliba
Koroch    Wells        Lack
Lary      Wheelwright  Larry
Latimer   Wilson of Trinity
La Valle   Yesak

Nays--31

Adams of Lubbock Allen  Adams of Titus Atwell

Burgess    Oliver
Chapman    Pieratt
Collins    Preston
Cowles     Read
Fairchild  Roberts of Hill
Garrard    Silder
Jarvis     Spaulding
Johnson of Dallas Watson
Jones of Dallas

Present—Not Voting

Cotten

Absent

Andrews    Harrington
Ballman    Hughes of Dallas
Buchanan   Peary
Cole of Harris  Schram
Cole of Hunt    Shipton
Cook       Wilson of Potter
Ehrie      Woods

Absent—Excused

de la Garza  Iseacks, Miss

Nestly

Mr. Strube moved to reconsider the vote by which S. B. No. 96 was passed and to table the motion to reconsider.

The motion to table prevailed.

BILLS SIGNED BY THE SPEAKER

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

eighty thousand (80,000) and being in a county of over eight hundred thousand (800,000) population, according to the last preceding United States Census, to provide for the establishment of corporation courts of a number not to exceed one (1) for each eighty thousand (80,000) inhabitants; and declaring an emergency."

H. B. No. 384, "An Act validating all proceedings in connection with city tax bonds heretofore favorably voted for the purpose of constructing, improving and extending the waterworks and sewage system of such city including the acquisition of property necessary therefor; authorizing the issuance and delivery of such bonds; enacting other provisions relating to the subject; and declaring an emergency."
H. B. No. 616, "An Act providing that no changes in boundaries of independent school districts having sixteen thousand, five hundred (16,500) scholars or more and being located in counties having a population of one hundred and forty-nine thousand (149,000) or more, according to the last preceding Federal Census shall be made unless previously approved by the board of trustees or board of education thereof; enacting other provisions relating thereto; and declaring an emergency."

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

H. B. No. 654, "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 991, Chapter 654, Page 878, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 14 of said Article; exempting from consideration in determining the earned income of recipients of aid to the blind within limitations and restrictions as herein provided; providing a repaying clause; providing a saving clause; and declaring an emergency."

H. B. No. 673, "An Act amending Chapter 628, Acts of the Fifty-fourth Legislature, Regular Session, 1935, relating to civil service within the City of Galveston, to enlarge the City Hall building, and declaring an emergency."

H. B. No. 714, "An Act amending Article 7307, Revised Civil Statutes of Texas, 1911, to provide alternate days to hold the election of certain water district officials in the event of certain holidays; and declaring an emergency."

H. B. No. 756, "An Act amending Article 819f, Revised Civil Statutes of Texas, 1911, as amended, by providing increased compensation for Commissioners of Drainage Districts in all counties having a population of more than seventy-five thousand (75,000) and less than ninety thousand (90,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation for county tax purposes of Two..."
May 17, 1961

HOUSE JOURNAL

2183

Hundred Forty-five Million Dollars ($245,000,000) or more, providing such districts lie wholly within one (1) county; and declaring an emergency.”

H. B. No. 992, “An Act making it unlawful to hunt, take, or kill or attempt to hunt, take, or kill deer in Howard County until the general open season in 1965; providing penalties; and declaring an emergency.”

H. B. No. 865, “An Act to require any person, association of persons, corporate or other, who customarily engage in the business of obtaining motor vehicles for purposes of scrap, resale of parts therefrom or salvage, to surrender to the State Highway Department all unexpired vehicle license plates and Certificates of Title; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; amending the legislative policy with respect to the wildlife resources in said County; amending the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; providing a saving clause; and declaring an emergency.”

H. B. No. 871, “An Act abolishing the office of county superintendent in counties of more than sixty-four thousand, eight hundred (64,800) persons and less than sixty-two thousand (62,000) persons according to the last preceding Federal Census; repealing Chapter 62, Acts of the Fifty-first Legislature, Regular Session, 1949 (compiled as Article 2484c Vernon’s Annotated Civil Statutes), as last amended; delegating duties of county superintendent to county judge; providing for severability; and declaring an emergency.”

H. B. No. 986, “An Act relating to the taking, possessing and transporting of minnows in certain counties; amending Chapter 121, Acts of the Forty-eighth Legislature, 1941, to permit the taking, possessing, and transporting of not more than two thousand (2,000) minnows in any one day in Trinity County; and declaring an emergency.”

H. B. No. 981, “An Act relating to commercial fishing in certain counties; amending Section 2 of Chapter 257, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by removing Angelina, Nacogdoches, and San Augustine Counties from the list of counties in which commercial fishing is illegal; and declaring an emergency.”

H. B. No. 978, “An Act limiting the provisions of this Act to Trinity County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said county at any time; to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; providing a saving clause; and declaring an emergency.”

H. B. No. 119, “An Act relating to the appointment of the probate judge; providing for severality; and declaring an emergency.”

H. B. No. 1061, “An Act amending Section 102 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the 12th District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency.”

H. B. No. 1052, “An Act amending Section 5 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the 5th District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency.”

H. B. No. 1061, “An Act enacting and extending Fort Bend County Water Control and Improvement District No. 2 and defining the boundaries thereof as enlarged; finding a benefit and public use; providing for calling and holding an assumption of indebtedness election; validating governmental proceedings and acts; authorizing the board to add or annex additional land as provided by law; providing a severability clause; and declaring an emergency.”

H. B. No. 1083, “An Act granting to the Game and Fish Commission...
regulatory authority over the wildlife resources of Kendall County subject to certain procedures and limitations; defining 'wildlife resources', 'depletion', 'waste', and 'state of emergency' in relation to such wildlife resources; regulating issuance of antlerless deer permits and prohibiting the sale of such permits under certain conditions, providing for public hearing in Kendall County on each proposed rule, regulation, or order of the Commission, and granting the Commissioners Court of Kendall County veto power; providing for the publication of regulations and for the filing of copies with certain county and state officials; establishing venue of suits to test validity; providing penalties and forfeiture of licenses for violations; providing that general or special laws now in effect in Kendall County over wildlife resources shall not be repealed but may be superseded by an order, rule or regulation of the Commission, upon approval by the Commissioners Court, until such order, rule or registration may expire or be dissolved, when such general or special laws shall obtain and remain in full force and effect; establishing date for termination of Act; providing severability; and declaring an emergency."

Referred to the Committee on County.
May 17, 1961  HOUSE JOURNAL  2185

Mr. Lewis was granted permission to be recorded as voting Yea on the motions to suspend the Constitutional Rule on H. B. No. 1068, H. B. No. 771, and H. B. No. 797, the votes having been taken on May 16.

Mr. Lewis was granted permission to be recorded as voting Yea on the Committee Amendment No. 1 to H. B. No. 797, the vote having been taken on May 16.

RECESS

Mr. Oliver moved that the House recess until 9:30 o'clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to recess the House at 4:45 o'clock p.m., took recess until 9:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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


Conservation and Reclamation: S. S. No. 424.

Examination of Comptroller's and Treasurer's Accounts: H. B. No. 1123.

Highways and Roads: S. B. No. 96.


REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 86, A bill to be entitled "An Act amending Article 7.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new paragraph to be known as paragraph (3), providing that the incidence of the cigarette tax shall be on the vendee, user, consumer or possessor of cigarettes; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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, Fifty-sixth Legislature, Chapter 162; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B No. 238, A bill to be entitled "An Act to provide that a tax collector may issue to certain people under certain circumstances a certificate showing that neither their land nor themselves are liable for delinquent taxes and that the liability for such taxes is thereafter a personal liability of the person under whom the taxes became delinquent and thereby making a court action to accomplish the same thing unnecessary; requiring the tax collector to issue an affidavit certifying that there has been no fraud or collusion; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
2186

AUSTIN, TEXAS, MAY 16, 1981
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 833, A bill to be entitled “An Act repealing paragraph (q), Section 19, Chapter 418, Acts of the Second Called Session, Forty-fourth Legislature, 1936, as amended, repealing Article 3111 of Vernon’s Civil Statutes and further repealing Article 3125 of the Revised Civil Statutes of Texas, as amended, providing for a repealing clause; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

AUSTIN, TEXAS, MAY 16, 1981
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 834, A bill to be entitled “An Act amending Subsection (b) of Section 13, Article 3112a, Revised Civil Statutes of 1921, as enacted by Senate Bill No. 5, Chapter 416, Second Called Session, Forty-fourth Legislature, 1936, as amended by Senate Bill No. 8, Chapter 44, Fifty-first Legislature, 1949, providing that salaries of criminal district attorneys or county attorneys

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
May 17, 1961

H. B. No. 485, 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 Article 3911e, Vernon's Civil Statutes), 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 from Assessor 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 and providing that where such counties had a population of less than sixty thousand (60,000) inhabitants in 1950 according to the 1950 Federal Census and now have a larger population, according to the last approved tax roll of such county or counties, that have increased as to such valuations at least fifty per centum (50%) over the valuations of 1950, the amount of said reimbursement to be paid to such counties for account of Officers' Salary Fund, and likewise withheld from State tax collections by Tax Assessors and Collectors of Taxes of each county, authorizing the amount due to be deducted and withheld from any current, delinquent or other State taxes collected by him for the account of the State; and further providing that each county entitled to payments, shall make claim to the State Comptroller showing all such salaries paid during the preceding four-month period; that such Assessor and Collector shall remit amounts so withheld from State tax collections in the valuations of his county and also endorse same as provided; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 525, A bill to be entitled "An Act authorizing the Board of Regents of the State Teachers Colleges to convene 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 convey
<table>
<thead>
<tr>
<th>HOUSE JOURNAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sir: Your Committee on Engrossed Bills to whom was referred H. J. R. No. 68, proposing an Amendment to Section 49-b, Article X of the Constitution of Texas permitting the resale of lands of the Veterans’ Land Fund remaining unsold after having been first offered for sale to Veterans to be sold 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, providing for an election and the issuance of a proclamation therefor.</td>
</tr>
<tr>
<td>Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 21, granting permission to Tom D. Taylor, Dr. Wm. M. Crawford, C. L. Mercer, and Robert C. Green to use the State of Texas and the Highway Department as are now provided by law or as may hereafter be provided by law, for use by the City in widening and maintaining a street; and declaring an emergency.”</td>
</tr>
<tr>
<td>Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 66, granting Mrs. Carmen Gutierrez permission to use the State of Texas and the Highway Department for sale of a tract received by the State of Texas in the exchange of these tracts, for use by the City in widening and maintaining a street; and declaring an emergency.”</td>
</tr>
<tr>
<td>Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 78, congratulating Captain Joe R. Jordan, for making world history when he established a new world’s altitude record.</td>
</tr>
</tbody>
</table>

**REPORTS OF THE COMMITTEE ON ENROLLED BILLS**

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. J. R. No. 68, proposing an Amendment to Section 49-b, Article X of the Constitution of Texas permitting the resale of lands of the Veterans’ Land Fund remaining unsold after having been first offered for sale to Veterans to be sold 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, providing for an election and the issuance of a proclamation therefor.

Has carefully compared same and finds it correctly enrolled.

H. G. WELLS, Chairman.

Austin, Texas, May 16, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 21, granting permission to Tom D. Taylor, Dr. Wm. M. Crawford, C. L. Mercer, and Robert C. Green to use the State of Texas and the Highway Department as are now provided by law or as may hereafter be provided by law, for use by the City in widening and maintaining a street; and declaring an emergency.”

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 66, granting Mrs. Carmen Gutierrez permission to use the State of Texas and the Highway Department for sale of a tract received by the State of Texas in the exchange of these tracts, for use by the City in widening and maintaining a street; and declaring an emergency.”

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 78, congratulating Captain Joe R. Jordan, for making world history when he established a new world’s altitude record.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. J. R. No. 68, proposing an Amendment to Section 49-b, Article X of the Constitution of Texas permitting the resale of lands of the Veterans’ Land Fund remaining unsold after having been first offered for sale to Veterans to be sold 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, providing for an election and the issuance of a proclamation therefor.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 21, granting permission to Tom D. Taylor, Dr. Wm. M. Crawford, C. L. Mercer, and Robert C. Green to use the State of Texas and the Highway Department as are now provided by law or as may hereafter be provided by law, for use by the City in widening and maintaining a street; and declaring an emergency.”

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 66, granting Mrs. Carmen Gutierrez permission to use the State of Texas and the Highway Department for sale of a tract received by the State of Texas in the exchange of these tracts, for use by the City in widening and maintaining a street; and declaring an emergency.”

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 78, congratulating Captain Joe R. Jordan, for making world history when he established a new world’s altitude record.

Has carefully compared same and finds it correctly enrolled.
H. C. R. No. 107, directing the Enrolling Clerk to correct the date in House Bill No. 817.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 140, An Act to amend the Texas Business Corporation Act, Acts, 1955, Fifty-fourth Legislature, Chapter 64; said Act being amended by amending Section C of Article 2.29; by amending Article 2.30 by adding a new Section B; by amending said Act by adding a new Article 4.14; and by amending Section A of Article 8.03; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

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

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 163, An Act amending Section 1 of Chapter 355, Acts of the Fifty-second Legislature, 1951 (Section 1 of Article 1969a-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 700,000 inhabitants, according to the last preceding or any future Federal Census; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

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.

Has carefully compared same and
finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

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.

Has carefully compared same and
finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 495, An Act to amend
Articles 8.60 of the Insurance Code
(Acts of 1951, Fifty-second Legis­
lature, as amended by the Acts of
1955, Fifty-fourth Legislature, page
916, Chapter 243, Section 13, as
further amended by Acts of 1959,
Fifty-sixth Legislature, page 960,
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 com­
panies to acquire, secure, retain,
hold and convey production pay­
ments subject to restrictions and
limitations; repealing conflicting
laws and parts of laws to the extent
of such conflict; and declaring an
emergency.

Has carefully compared same and
finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 655, An Act to amend
Acts 1961, Fifty-second Legislature,
Chapter 273, by adding a new Sec­
tion 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.

Has carefully compared same and
finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 659, An Act amending
Section 12 of Chapter 426, Acts of
the Forty-fifth Legislature, Regular
Session, 1937, as amended, and Sec­
tion 17 of Chapter 428, Acts of the
Forty-fifth Legislature, Regular
Session, 1937, and repealing section
18 of Chapter 428, Acts of the
Forty-fifth Legislature, Regular
Session, 1937, to provide that cer­
tain fees collected by the Commis­
sioner of the Bureau of Labor Sta­
tistics be deposited in the General
Revenue Fund of the State; abolish­ing
the Boiler Inspection Fund; prov­
iding for the transfer of the un­
expended balance in that fund to the
General Revenue Fund; provid­ing
an effective date; and declaring an
emergency.

Has carefully compared same and
finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. B. No. 610, An Act amending
Section 15 of Chapter 276, Acts of
the Forty-fifth Legislature, Regular
Session, 1937, as amended, and re­
pealing Section 16 of Chapter 276,
Acts of the Forty-fifth Legislature,
Regular Session, 1937, to provide
that certain fees collected by the
Railroad Commission be deposited to
the General Revenue Fund of the
State; abolishing the Motor Trans­
portation Fund; transferring the
balance in that fund to the General
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 624, An Act abolishing the Radio and Television Administration Fund; transferring the balance in that Fund to the General Revenue Fund; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 638, An Act to amend Subsection (2) Brokers and Factors, of Article 19.01 of Title 122A, Taxation—General, of the Revised Civil Statutes of Texas, enacted by Chapter 1, Acts 1959, Fifty-sixth Legislature, Third Called Session, by deleting therefrom real estate as an object or subject matter with reference to which said Article 19.01 levies an occupation tax; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 729, An Act amending Section 3, D. of Chapter 382, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to provide that none of the provisions of the Liquefied Petroleum Gas Code shall apply to any pipeline company; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 739, An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess, or attempt to take, kill, or trap any game bird or game animal in Burleson County at any time; to take, kill, trap, or possess, or attempt to take, kill, or trap any fur-bearing animal in said County; prescribing the legislative policies with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said County; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said county; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of the proclamations, orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the powers of the Commission are not limited; providing venue for suit to test the validity of the proclamations, rules, regulations, or orders of the Commission; providing a penalty for the violation of any of the provisions of this Act as well as any order, rule, or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to provide a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 742, An Act to provide that certain independent school districts may, by petition and vote, establish a board of trustees to be composed of seven (7) members, and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 748, An Act amending Article 872 of the Penal Code of Texas, 1925, relating to the definition of game birds; amending Section 1 of Article 881b of the Penal Code of Texas, 1925, relating to the definition of migratory game birds; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 794, An Act creating a Conservation District under Article XVI, Section 59, of the Texas Constitution comprising certain territory in Fisher County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and treating and transporting the same; providing for a Board of Directors for the government of said District; authorizing the District to do all things necessary to make water available for municipal and industrial uses; authorizing the District to make contracts for the purchase of water, contracts for the sale of water, and contracts for the use of its water supply lines; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing the other powers of the District; enacting other provisions relating to this subject; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 796, An Act limiting the provisions of this Act to Mitchell County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess, or attempt to take or kill any game bird or game animal in said County at any time; to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life or marine animals in public waters of said County by any means or method; prescribing the legislative policy with respect to the wild life resources of said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said County; authorizing the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulation; providing venue for suits to test the validity
May 17, 1961  HOUSE JOURNAL  2193

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 916, An Act providing maximum compensation for assessor-collectors of taxes for all counties having a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 817, An Act to provide that the judges of the County Courts at Law Nos. 1, 2, and 3, of Bexar 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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 881, An Act to alter and reduce the territorial boundaries of Donna Irrigation District Hidalgo County No. 1, a governmental agency and a conservation and reclamation district, by removing and excluding therefrom certain described land; providing such excluded land shall continue to pay proportionate share of presently incurred indebtedness; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 1060, An Act to create the Farmers Creek Watershed Authority as a conservation and reclamation district in Montague County under the provision of Article XVI, Section 59 of the Constitution of Texas; describing its metes and bounds; prescribing its 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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 1062, An Act to amend Section 1 of Chapter 611, Acts 1958, Fifty-fourth Legislature, Regular Session, as heretofore amended by Chapter 46, Acts 1957, Fifty-fifth Legislature, Regular Session, and by Chapter 6, Acts 1959, Fifty-sixth Legislature, Regular Session; finding a benefit; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 881, 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 Attorney of the 31st Judicial District and the 8th Judicial District; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.