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

Mr. Pierrat for today on motion of Mr. Collin.

Mr. Richardson for today on motion of Mr. Harding.

MESSAGE FROM THE SENATE

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Mr. Speaker:

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

H. B. No. 349, Appointing the governing board for Dawson County; naming the Counties composing each district. (with amendments)

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

In accordance with a previous motion, the House proceeded to the consideration of local and uncontested bills.

SENATE BILL NO. 161 ON SECOND READING

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

S. B. No. 161, Establishing a juvenile board in Dawson County; and declaring an emergency.

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

SENATE BILL NO. 213 ON SECOND READING

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

S. B. No. 213, Validating the annexation of territory by all cities of five hundred (500) inhabitants or less heretofore incorporated under the General Laws of Texas, and being located within two counties, one of which having a population of five hundred thirty-eight thousand four hundred ninety-five (538,495), and the other having a population of forty-seven thousand, four hundred thirty-two (47,432); validating the boundary lines thereof; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of any annexation; and declaring an emergency.

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

SENATE BILL NO. 296 ON SECOND READING

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

S. B. No. 296, Applying to Texas Southern University; authorizing the governing board thereof to discontinue the charging and collection of tuition fees for a certain time and to charge students certain building-use fees; and declaring an emergency.

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

SENATE BILL NO. 303 ON SECOND READING

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

S. B. No. 303, Creating Palo Pinto County Municipal Water District No. 1; and declaring an emergency.

The bill was read second time.

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

Amend Senate Bill No. 303 by inserting the words "within Palo Pinto County" in the following places: after the word "territory" and before the words "may be" in Section 6 on page 7; by inserting before the words "period at the end of" in Section 7 on page 6; after the word "District"
and before the words "a dam" in Section 9 on page 10; after the word "District" and before the word "necessary" in Section 11 on page 10; after the word "powers" and before the words "as are" in Section 11 on page 11; before the period at the end of Subsection (a) of Section 24 on Page 19; and after the word "land" and before the words "for such" in Section 25 on page 20.

The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

The amendment was adopted.

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

Committee Amendment No. 2

Amend Senate Bill No. 303 by striking out the word "of" following the words "easements" and before the words "rights-of-way" in subsection (a) of Section 11 on page 10, and in lieu thereof substituting the following: "or."

The amendment was adopted.

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

Committee Amendment No. 3

Amend Senate Bill No. 303 by inserting after the sentence ending with the word "Texas" and before the sentence beginning with the words "This District" in subsection (a) of Section 11 on page 11, the following:

"Such right of eminent domain shall be exercised only as to properties located in Palo Pinto County."

The amendment was adopted.

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

Committee Amendment No. 4

Amend Section 11 (a) of S. B. No. 303 by striking out the words "or convenient" in line 63 of said bill.

The amendment was adopted.

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

Committee Amendment No. 5

Amend S. B. No. 303 by adding the following to the end of Sec. 11 (b):

The amendment was adopted.

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

Committee Amendment No. 6

Amend S. B. No. 303 by striking out the word "of" following the word "and" in Section 4 on page 39; and after the word "District" in Section 11 on page 10; atter the word "powers" and before the words "as are" in Section 11 on page 11; before the period at the end of Subsection (a) of Section 24 on Page 19; and after the word "land" and before the words "for such" in Section 25 on page 20.

The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

The amendment was adopted.

S. B. No. 303 was passed to third reading.

SENATE BILL NO. 320 ON SECOND READING

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

S. B. No. 320, Making the joint board of Park Commissioners a body corporate; and declaring an emergency.

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

SENATE BILL NO. 388 ON SECOND READING

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

S. B. No. 388, Providing for compensation of reporters for 23rd and 130th Judicial Districts; and declaring an emergency.

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

SENATE BILL NO. 409 ON SECOND READING

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

S. B. No. 409, Validating additions of land and annexations to Dallas County Water Control and Improvement District No. 6; and declaring an emergency.

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

COMMITTEE MEETING

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

There was no objection offered.
SENATE BILL NO. 415 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 415, Pertaining to the Elm Creek Watershed Authority of Bell, Milam, Falls and McLennan Counties; and declaring an emergency.

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

SENATE BILL NO. 423 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 423, Creating Lomax Municipal District, and conservation and reclamation district, and declaring an emergency.

The bill was read second time.

Mr. Whitfield offered the following amendment to the bill:
Amend S. B. No. 423 by inserting the words "according to the most recent Federal Census" after the words "population" in the first section of said bill.

The amendment was adopted.

S. B. No. 433 was passed to third reading.

SENATE BILL NO. 433 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 433, Creating Lomax Municipal District, and conservation and reclamation district, and declaring an emergency.

The bill was read second time.

Amend S. B. No. 443 by inserting the words "according to the most recent Federal Census" after the words "population" in the first section of said bill.

The amendment was adopted.

S. B. No. 433 was passed to third reading.

SENATE BILL NO. 443 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 443, Authorizing any county having in excess of nine hundred thousand population to issue bonds for the purposes of erecting and equipping a courthouse and jail and county branch office building and acquiring sites therefor; and declaring an emergency.

The bill was read second time.

Mr. Johnson of Dallas offered the following amendment to the bill:
Amend S. B. No. 443 by inserting the words "according to the most recent Federal Census" after the words "population" in the first section of said bill.

The amendment was adopted.

S. B. No. 443 was passed to third reading.

SENATE BILL NO. 458 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 458, Relating to Tom Green County Water Control and Improvement District No. 1; and declaring an emergency.

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

SENATE BILL NO. 463 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 463, Creating El Paso County Water Control and Improvement District-Westway; and declaring an emergency.

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

SENATE BILL NO. 467 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 467, Relating to Bell County Water Control and Improvement District; and declaring an emergency.
The bill was read second time and was passed to third reading.

HOUSE BILL NO. 177 ON SECOND READING

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

H. B. No. 177, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as 'Rio Grande Palms Water District'; defining its powers; abolishing Cameron County Water Control and Improvement District No. 20; enacting other provisions relating to the subject; 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 the bill in Section 1 by striking out the field notes and inserting in lieu thereof the following:

Beginning at the northeast corner of what is commonly known as Nogales Tract out of Sama No. 1, Zapata, Zapata County, Texas, said corner being the intersection of the east line of Sama No. 1 with the center line of 100 ft. Iowa Gardens County Road for the northeast corner of this Tract;

Thence with the north line of this Tract and the center line of Iowa Gardens County Road, N 80 deg. 41' 30" W 4037.3 ft.,

Thence N 80 deg. 44' W 6546.4 ft.,

Thence N 80 deg. 38' W 5117.8 ft.,

Thence N 80 deg. 52' W 2343.8 ft. for the northwest corner of this Tract being also the northwest corner of Sama-Porter Tract in San Pedro de Carrillos Grant,

Thence with the west line of Sama-Porter Tract S 9 deg. 41' W 2711.5 ft. to an intersection with the center line of 100 ft. State Highway No. 77;

Thence running parallel to and 100 ft. perpendicularly distant from center line of S.G.R. & N.R. with the center line of 100 ft. State Highway, S 45 deg. 10' E 2043.8 ft. to P. C. of right of curve 8290.0 ft. radius;

Thence with said curve 1082.5 ft. to an intersection with the west line of Barrameda Gardens Subdivision, same being the division line between the San Pedro de Carrillos and Espiritu Santo Grandes;

Thence with the west line of Barrameda Gardens Subdivision, S 1 deg. 19' 30" W 991.8 ft. to the southwest corner of Lot 3 in Block 3;

Thence S 35 deg. 00' E 371.3 ft. to the southwest corner of Lot 3 in Block 3 and at 1491.1 ft. the Southwest corner of Lot 4 in Block 3;

Thence N 68 deg. 00' E 835.8 ft. to a point on the east line of said Lot 5 in Block 3; Thence S 35 deg. 00' E 600.0 ft. to a point on the east line of Lot 41 in Block 8; Thence S 74 deg. 02' 30" W 249.6 ft. to the southwest corner of Lot 43;

Thence S 35 deg. 00' E 1058.0 ft.;

Thence S 15 deg. 00' E 150.0 ft.;

Thence S 77 deg. 03' W 190.0 ft. to the northwest corner of Lot 90 in Block A;

Thence S 13 deg. 00' E 845.8 ft.;

Thence S 77 deg. 07' E 783.1 ft. to a point on the southeast corner of Lot 90 in Block A; Thence S 10 deg. 43' E 259.2 ft.;

Thence S 78 deg. 17' E 258.0 ft., Thence N 66 deg. 00' E 898.3 ft. to a point on the southeast corner of Lot 12 in Block A and in a point on the east right-of-way Line of Highway, Thence S 36 deg. 00' E 635.5 ft. to P. C. of a 1 deg. 01' 30" curve; Thence with said curve a distance of 216.0 ft. to P. T. Thence; Thence S 31 deg. 46' E 1843.1 ft. to the northeast corner of Lot 41 Block 9 Barrameda Gardens Subdivision, Thence crossing the railroad right-of-way and Highway right-of-way S 59 deg. 06' W 290.0 ft. to a point on the southeast line of Lot 52 in Block 10, Thence crossing Lots 53, 54, 55, 56, 57 and 58 of Block 16, 600.0 ft. to a point on the north line of Lot 9 of Block 10, Thence with the north line of said Lot 9 S 58 deg. 05' W 244.8 ft., Thence S 31 deg. 00' E 64.5 ft., Thence S 36 deg. 00' E 80.0 ft. to the southeast corner of Lot 1 in Block 10 and at 739.3 ft. a point on the south line of said Lot 1, Thence N 82 deg. 39' W 328.0 ft.
to a point on the southwest corner of Lot 15 of Block 11, Thence N 7 deg. 30' E along the east line of Lot 14 and the west line of Lot 15, Block 11, a distance of 615.0 ft. to a point which is N 7 deg. 30' E 45.0 ft. from the northeast corner of Lot 14 of said Block 11;
Thence running parallel to and 45 ft. perpendicularly distant from the south line of Lots 7, 8, 9, 10, and 11 of Block 11 a distance of 3105.0 ft. to the southwest corner of Lot 11;
Thence S 37 deg. 16' W 478.5 ft. to a point on the west line of the Barreda Gardens Subdivision, Thence with said west line of Barreda Gardens, S 8 deg. 16' 30' W 1377.4 ft., Thence S 7 deg. 24' 30' W 1466.7 ft., Thence S 82 deg. 30' E 10.6 ft., Thence S 08 deg. 10' 30' W 15,728.6 ft.;
Thence S 21 deg. 02' E 196.7 ft., Thence S 51 deg. 30' E 152.6 ft., Thence S 63 deg. 25' 30' E 339.0 ft., Thence S 08 deg. 30' W 22.0 ft., Thence S 08 deg. 10' 00' W 3318.5 ft.;
Thence S 10 deg. 46' 31' E 4285.4 ft. to the northeast corner of Lot 21 of Block 18. Thence with the north line of said Lot 21, S 79 deg. 15' 39' W 757.1 ft., Thence S 10 deg. 31' 07' E 2449.9 ft. to the south west corner of Lot 38 in Block 16,
Thence S 10 deg. 35' E 856.7 ft. to P. C. with a radius of 856.4 ft., Thence along said curve 497.6 ft. to P. T., Thence S 40 deg. 30' E 89.3 ft. to a point on the north side of said floodway, N 46 deg. 09' E 1041.4 ft., Thence N 33 deg. 14' E 2010.0 ft. to the south side of Cameron County Floodway, Thence S 30 deg. 10' E 5764.4 ft. to P. C. with a radius of 5764.4 ft., Thence along said curve 1117.3 ft. to P. T., Thence S 53 deg. 50' E 894.6 ft. and at 1078.0 ft. to a point on the west right-of-way line of the Military Highway,
Thence S 53 deg. 37' W 816.8 ft., Thence S 54 deg. 17' W 1046.8 ft., Thence S 31 deg. 23' E 1513.3 ft., Thence S 39 deg. 29' 30' E 727.5 ft., Thence S 7 deg. 36' W 1321.6 ft. to a point on the bank of the Rio Grande;
Thence along said bank of the Rio Grande N 70 deg. 43' E 602.4 ft., Thence N 85 deg. 22' E 400.4 ft., Thence N 17 deg. 28' E 741.3 ft., Thence N 57 deg. 34' E 588.0 ft., Thence N 10 deg. 70' W 518.0 ft., Thence N 32 deg. 06' W 563.0 ft., Thence N 37 deg. 05' W 557.0 ft., Thence N 31 deg. 25' W 850.0 ft., Thence N 31 deg. 25' W 614.5 ft., and at 654.7 ft. a point on the northeast corner of Lot 37 of Block 18, Thence N 58 deg. 06' E 40.0 ft. crowning the Military Highway, Thence N 59 deg. 06' E 1096.1 ft. to P. C. with a radius of 1096.1 ft., Thence along said curve 1421.6 ft. Thence N 39 deg. 10' W 5744.1 ft. to the south side of Cameron County Floodway and at 3342.1 ft. the north side of said floodway;
Thence N 23 deg. 14' W 1529.0 ft. to P. C. with a radius of 1625.5 ft., Thence along said curve 217.2 ft. Thence N 15 deg. 34' W 676.6 ft., Thence N 10 deg. 44' 31' W 7165.2 ft., Thence N 68 deg. 16' 06' W 2931.6 ft., Thence S 69 deg. 11' E 425.0 ft. Thence N 8 deg. 03' E 85.0 ft. to P. C. with a radius of 200.0 ft. Thence along said curve a distance of 242.2 ft. Thence N 63 deg. 21' W 320.0 ft. to P. C. with an angle of 69 deg. 30'. Thence along said curve a distance of 133.4 ft.;
Thence N 8 deg. 09' E 11618.8 ft.;
Thence N 7 deg. 24' 36' E 2108.0 ft. to a point on the south line of Lot 66 of Block 11 and at 4745.0 ft. a point on the north line of Lot 69 and the south line of Lot 70 of Block 11.
Thence along said line N 32 deg. 50' E 15.7 ft.;
Thence N 8 deg. 10' 30' W 203.2 ft. to a point in Lot 70 of Block 11;
Thence N 37 deg. 16' E 409.6 ft. to a point 45.0 ft. distant from the south line of Lot 77 of Block 11;
Thence running parallel to and 18.0 ft. distant from the north line of Lots 76, 77, 12, and 13 of Block 11 S 82 deg. 30' E a distance of 3785.6 ft. to a point 45.0 ft. perpendicularly distant from the east line of Lot 14;
Thence S 7 deg. 30' W 615.6 ft. to a point on the south line of Lot 14, Thence S 7 deg. 39' E 851.0 ft., Thence S 31 deg. 59' E 233.6 ft. to a point on the northeast corner of Lot 2 of Block 10, Thence N 58 deg. 08' E 779.0 ft. to the west line of Lot 66 of Block 10, Thence S 31 deg. 59' E 59.0 ft. to the southwest corner of said Lot 66, Thence N 58 deg. 08' E 545.5 ft. to the west right-of-way line of railroad, Thence along said right-of-way line N 31 deg. 55' W 700.0 ft. to the southeast corner of Lot 53
of Block 10. Thence crossing railroad and Highway 77, N 58 deg. 05' E 100.0 ft. to the southwest corner of Lot 42 in Block 9, Thence along the west line of Lots 42, 44, 46 and 48 of Block 9 S 31 deg. 54' E 449.0 ft. Thence from the southwest corner of Lot 46 Block 9, N 58 deg. 05' E 485.0 ft. to the southwest corner of Lot 32 Block 9, Thence along the west line of Lots 32 and 31 Block 9 S 31 deg. 55' E 1000.0 ft. to the southwest corner of Lot 33 Block 9, Thence along said curve, a distance of 1039.5 ft.; Thence N. 47 deg. 57' E 8170.4 ft. to the easterly line of Share No. 1, Thence along the easterly line of Share No. 1 N 7 deg. 23' E 12,739.6 ft. to the place of beginning and containing 4935.35 acres more or less."

The amendment was adopted.

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

Committee Amendment No. 2
Amend the bill by substituting for the second paragraph of Section 4, the following:

"Such bonds may be issued to mature serially or otherwise as may be determined by the board of directors, the maximum maturity date not to exceed forty (40) years, and may be sold at a price and under terms determined by the board of directors to be the most advantageous reasonably obtainable, provided that the interest cost to the District, calculated by use of standard bond interest tables currently in use by insurance companies and investment houses does not exceed six per cent (6%) per annum. The District may exchange bonds for property to be acquired for the use and benefit of the District, interest to accrue on the bonds for a period not to exceed three (3) years from their date, may be appropriated and paid from the proceeds of the sale of the bonds."
May 18, 1961 \n
HOUSE BILL NO. 706, A bill to be entitled "An Act to amend Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Act 1957, 55th Legislature, Regular Session, Chapter 228, page 477; this amendment relates to fees which county clerks and clerks of county courts shall receive for their services in counties having 1,200,000, or more population according to the latest Federal Census, subject to the adoption of this Act by the commissioners' court of a county otherwise qualified; containing a saving clause; and declaring an emergency."

The bill was read second time.

Mr. Cory offered the following amendment to the bill:

Amend House Bill 706 by striking out all of Section 2 of Art. 3930 (a).

The amendment was adopted.

H. B. No. 706 was passed to engrossment.

HOUSE BILL NO. 819 ON SECOND READING

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

H. B. No. 819, A bill to be entitled "An Act limiting the provisions of this Act to Harrison 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 rights, powers, privileges and duties of said district and incorporating the General Law pertaining to water control and improvement districts not in conflict or inconsistent with the provisions of this Act; providing a severance clause, and declaring an emergency."

The bill was read second time.

Mr. Glusing offered the following amendment to the bill:

Amend H. B. No. 819 by inserting the following sentence at the end of Section 9, to-wit:

"The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The amendment was adopted.

Mr. Barlow offered the following amendment to the bill:

Amend House Bill 923 by striking out all of Sec. 2 and substituting in lieu thereof a new Sec. 2, reading as follows:
"Sec. 2. Territory Comprising District. The area of the district is hereby established to comprise all territory contained within the boundaries described as follows, to-wit:

"Beginning at the point of intersection of the centerline of Steel Creek and the South right-of-way line of the Texas and New Orleans Railroad, said point being 150 feet plus or minus, from the centerline of the Texas and New Orleans Railroad's main line of track, for the Northeast corner of the Water Control and Improvement District and the point of beginning of this survey;

"Thence, with the South right-of-way line of the Railroad S. 82° 45' W. 1558.12 feet to a point for corner;

"Thence, north 100 feet to a point for corner;

"Thence, S. 82° 42' W. along the South right-of-way line of the Texas and New Orleans Railroad 1309 feet to a point being the Northwest corner of the Water Control and Improvement District;

"Thence, S. 62° 58' 45'' E. 1124 feet to a point on the side of the Old Kerrville Road;

"Thence, N. 87° 05' 45'' E. 554.59 feet to a point in the centerline of the Old Kerrville Road and the centerline of Brick Street;

"Thence, S. 03° 13' E. 1446.60 feet to a point 231.72 feet South of the centerline of Kansas Street;

"Thence, N. 54° 50' 30'' E. 1237.78 feet to a point for a corner;

"Thence, S. 68° 44' 30'' E. 519.81 feet to a point for a corner;

"Thence, N. 85° 00' E. 654.03 feet to a point for a corner;

"Thence, S. 84° 06' E. 2949.61 feet to the Southwest corner of the District;

"Thence, N. 85° 47' 45'' E. 1549.16 feet to the Southeast corner of the District;

"Thence, N. 04° 25' 45'' W. 383.17 feet to a corner;

"Thence, N. 06° 45' W. 609.21 feet to a point approximately 200 feet East of Marlyn Street;

"Thence, N. 04° 32' W. 1073.81 feet to a corner;

"Thence, N. 55° 54' 45'' E. 683.39 feet to a corner;

"Thence, S. 05° 54' 15'' W. 1968.15 feet to a corner;

"Thence, S. 85° 07' 30'' W. 1213.64 feet to a point in the centerline of Steel Creek on the North side of the Guadalupe River;

"Thence, with the centerline of Steel Creek to the point of beginning, containing 393.01 acres, more or less.

"It is determined and found by the Legislature that the boundaries and field notes of said District form a closure, and if any mistake is made in copying the field notes in the legislative process it shall in no way or manner affect the organization, existence and validity of said District or the right of the District to issue bonds or refunding bonds, and the right to assess, levy and collect taxes, or in any manner affect the legality or operation of the District."

The amendment was adopted.

Mr. Crews offered the following amendment to the bill:

Amend H. B. 923 by adding in Sec. 9 immediately following the words "determined by the Board of Directors" the following:

"as is necessary to the operation of the District and to the carrying out of the purposes of this Act."

The amendment was adopted.

Mrs. Banfield offered the following amendment to the bill:

Amend H. B. 923, Sec. 10, by striking the last sentence in such section and such sentence to be stricken out reading as follows:

"said order shall be final and no action shall be maintained in any court, upon the ground of fraud."

The amendment was adopted.

Mr. Glueing offered the following amendment to the bill:

Amend H. B. No. 933, by adding a new paragraph at the end of Section 9, which said paragraph shall read as follows:

"It is further provided that no debts or obligations shall be incurred by said District, and no ad valorem tax shall be levied by said District, until and unless there shall have been an election called and held, under the terms of this Bill, authorizing the levy of such ad
valorem tax, and/or the incurring of such indebtedness, at which election a majority of the resident qualified property tax paying voters shall approve the incurring of such ad valorem tax or the incurring of such indebtedness.”

The amendment was adopted.

Mr. Barnes offered the following amendment to the bill:

Amend H. B. No. 923, by changing the period at the end of Section 3, to a comma, and adding the following:

“Provided, however, the District shall never have the power or authority to levy an ad valorem tax greater than 50¢ per $100.00 valuation.”

The amendment was adopted.

H. B. No. 923 was passed to engrossment.

HOUSE BILL NO. 1071 ON SECOND READING

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

H. B. No. 1071, A bill to be entitled “An Act to authorize and empower Tarrant County Water Control & Improvement District Number One to provide for and administer a retirement, disability and death compensation fund for officers and employees of the District, providing for the investment, reinvestment and change of investment of such funds; authorizing the Directors of such District to adopt a plan or plans for effectuating the purpose of this Act, etc., and declaring an emergency.”

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

HOUSE BILL NO. 1080 ON SECOND READING

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

H. B. No. 1080, A bill to be entitled “An Act relating to Pension Systems for Policemen in certain cities, amending Section 9 of Chapter 76, Acts of the Fiftieth Legislature, as last amended (codified as Section 9 of Article 6243g-1 of Vernon’s Texas Civil Statutes) relating to eligible investments for surplus pension funds; and declaring an emergency.”

The bill was read second time.

Mr. Whitfield offered the following amendment to the bill:

Amend H. B. No. 1080 by adding a new section to read as follows:

Sec. 1 (a) Investment Review Committee:

The Mayor shall appoint an Investment Review Committee, consisting of three (3) qualified persons to be selected from the Trust Departments of the banks of the City of Houston, Texas. Such persons shall be experienced in securities and investment matters. The Investment Review Committee shall be appointed for a two (2) year term. Such committee shall (a) review the investments of the Fund to deter-
HOUSE BILL NO. 1092 ON SECOND READING

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

H. B. No. 1092, A bill to be entitled "An Act limiting the provisions of this Act to Webb 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 freshwater fish or other aquatic life in said county by any means or method; prescribing the legislative policy with respect to the wildlife resources of said county; requiring 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 investigations with respect to the depletion and waste of the wildlife resources of said county; etc., and declaring an emergency."

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

HOUSE BILL NO. 1095 ON SECOND READING

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

H. B. No. 1095, A bill to be entitled "An Act making lawful the taking and selling of catfish with certain nets in the Sabine River and its tributaries in Smith, Upshur and Wood Counties; creating a uniform commercial netting law to conform to the counties bordering Smith, Upshur, and Wood Counties; and declaring an emergency."

The bill was read second time. 

Mr. Hinson offered the following amendment to the bill:

Amend H. B. No. 1095 by striking out all the language contained in Section 1, and substituting in lieu thereof the following:

Section 1 (a). It shall be lawful to take catfish with nets or seiners...
for sale as in the case of rough fish in the Sabine River and the tributaries thereof in Smith, Upshur, and Wood Counties, provided however, that existing laws with respect to permits, commercial licenses, size, and quantity shall continue in full force and effect; also, provided that no change shall be made with respect to mesh size of seines and nets.

(b.) It is the intent of the provisions of this section that the rules and regulations governing commercial and non-commercial fishing in the Sabine River and the tributaries thereof in Smith, Upshur, and Wood Counties shall be made to conform to the rules and regulations in effect in Raines, Van Zandt, and Upshur Counties so far as the Sabine River and the tributaries thereof are concerned.

The amendment was adopted.

House Bill No. 1095 was then passed to engrossment.

HOUSE BILL NO. 1096 ON SECOND READING

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

H. B. No. 1096, A bill to be entitled "An Act amending Section 1 of Chapter 266, Acts of the 56th Legislature, Regular Session, 1959, relating to the open season for squirrels in Upshur and Wood Counties; and declaring an emergency."

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

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

HOUSE BILL NO. 1106 ON SECOND READING

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

H. B. No. 1106, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Brown County Water Control and Improvement District-Holiday Hills; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 5 of H. B. No. 1106 by inserting between the words "granted in this Act" and "within and without the boundaries" the following clause:

"including the right of eminent domain."

The amendment was adopted.

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

Committee Amendment No. 2

Amend H. B. No. 1106 by inserting the following sentence at the end of the paragraph in Section 11 of the bill, to-wit:

"The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The amendment was adopted.

House Bill No. 1106 was then passed to engrossment.

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

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

HOUSE BILL NO. 1107 ON SECOND READING

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

H. B. No. 1107, A bill to be entitled "An Act amending Section 1 of Chapter 267, Acts of the 56th Legislature, Regular Session, 1959, relating to the open season for deer in Upshur and Wood Counties; and declaring an emergency."

The amendment was adopted.
HOUSE BILL NO. 1108 ON SECOND READING

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

H. B. No. 1108, A bill to be entitled "An Act amending Section 1 of Chapter 19, Acts of the 66th Legislature, Regular Session, 1965, as amended, granting regulatory authority over wildlife resources in Menard County, Texas, to the Texas Game and Fish Commission; and declaring an emergency."

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

COMMITTEE MEETING

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

There was objection offered.

Mr. Chapman moved to suspend all necessary rules in order to permit the Committee on Judiciary to meet at this time.

The motion prevailed.

H. B. No. 1110 ON SECOND READING

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

H. B. No. 1110, A bill to be entitled "An Act creating 'Escudillo Watershed District' under the provisions of Section 58, Article XVI of the Texas Constitution; prospecting the area and powers of the District; providing that a confirmation election or hearing on exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; etc., and declaring an emergency."

The bill was read second time.

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

Amend H. B. No. 1110 by striking the words "or useful" and "or convenient" where they appear on lines 15 and 20 of Section 3 of said bill.

The amendment was adopted.

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

Amend H. B. No. 1110 by adding the following at the end of Section 4:

The term "sole expenses" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

The amendment was adopted.

House Bill No. 1110 was then passed to engrossment.

HOUSE BILL NO. 1115 ON SECOND READING

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

H. B. No. 1115, A bill to be entitled "An Act amending Sections 1, 3, 4, and paragraph (d) of Section 6 of Chapter 9, Acts of the 66th Legislature, First Called Session, 1965, as amended by Chapter 81, Acts of the 57th Legislature, 1961, relating to the creation, administration and financing of the Hospital District co-extensive with County Commissioners Precinct No. 4 of Comanche County; and declaring an emergency."

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

HOUSE BILL NO. 1120 ON SECOND READING

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

H. B. No. 1120, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and Boundaries of Panola County Water Control and Improvement District No. 3 (Lower Bola d'Are Water District), the organization, confirmation election and elec-
tion of directors for the District and all proceedings relating thereto; granting said District the powers enumerated by Article XVI, Section 9 of the Constitution of Texas and declaring an emergency."

The bill was read second time.

Mr. Cole of Hunt offered the following amendment to the bill:

Amend House Bill No. 1120 by renumbering Section IV to Section V and adding thereto a new Section IV to read as follows:

"Section IV. Said District shall have the power to make, construct, or otherwise acquire improvements within the boundaries thereof necessary to carry out the powers and authority created by this Act and said general laws; provided, however, that the exercise of the power of eminent domain shall not extend beyond the boundaries of the District, as defined herein. In the event that the District in the exercise of the power of eminent domain or power of relocation, or any other power created hereunder, makes necessary the relocation, raising, rerouting, or changing the grade of, altering the construction of any highway, railroad, electric transmission line, telephones or telegraph, properties or facilities, or pipelines, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term 'sole expense' shall mean the actual cost of such relocation, raising, rerouting, or change in grade or alteration or construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facilities."

The amendment was adopted.

House Bill No. 1120 was then passed to engrossment.

Improvevnt District No. 2; finding notice of intent to apply for passage of such Act to have been duly given; and declaring an emergency."

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

HOUSE BILL NO. 1128 ON SECOND READING

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

H. B. No. 1128, Relates to An Act constituting a local law for the maintenance of the public roads and highways in Orange County, etc., and declaring an emergency.

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

SENATE BILL NO. 43 ON SECOND READING

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

S. B. No. 43. Regulating the sale and manufacture of foods, drugs, devices and cosmetics for the protection of public health in the State of Texas; and declaring an emergency.

The bill was read second time.

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

Amend S. B. No. 43 by striking out that part of Section 20(d) starting with the first full sentence on line 6, thus the word "invalid" on line 13, and substituting in lieu thereof the following:

In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from Justices of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior theretofore shall be null and void of and of no force and effect, and the rights of the parties therefor shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the
Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

JOHNSON of Dallas.

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

The motion to table prevailed.

Mr. Sandahl offered the following amendment to the bill:

Amend S. B. No. 43 by deleting Section 9a.

The amendment was adopted.

Mr. Sandahl offered the following amendment to the bill:

Amend S. B. No. 43 by adding thereto a new section to be known as Section 20c (1), immediately following Section 20c such new Section 20c (1) to read as follows:

Section 20c (1). In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as to that term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional or inoperative in any way, then in that event such appeals shall be as provided in Sec. 20D of this Act. It is specifically provided here-by that Sec. 20D of this Act shall not be operative unless and until the appeal as provided by Sec. 20c (1) is held invalid, unconstitutional or inoperative.

The amendment was adopted by unanimous consent.

S. B. No. 43 was passed to third reading.

SENATE BILL NO. 54 ON SECOND READING

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

S. B. No. 54, Relative to fees for importers and manufacturers of food and drugs; and declaring an emergency.

The bill was read second time.

Mr. Pikulik offered the following amendment to the bill:

Amend S. B. No. 54 by deleting the last paragraph of Section 1 and adding the following in lieu therefor:

All registration fees received by the State Health Department shall be deposited in the State Treasury to the credit of the General Revenue Fund and shall be expended only upon appropriation by the Legislature.

The amendment was adopted by unanimous consent.

S. B. No. 54 was passed to third reading.
SENATE BILL NO. 61 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 61, Granting state employees, who withdraw funds from the Employees Retirement System of Texas and cancel their accounts, the privilege of reinstating all of their state service for retirement purposes, and setting forth the conditions and requirements to permit such service to be granted: etc., and declaring an emergency.

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

SENATE BILL NO. 73 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 73, Amending S. B. 10, Ch. 14, 56th Leg., 2nd Called Session extending to Aug. 31, 1963, prohibition against Board of Insurance leasing quarters from private owner connected with any insurance company; and declaring an emergency.

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

SENATE BILL NO. 128 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 128, Amending Section 10, Article 3.01 of the Insurance Code, to include electronic data processing systems in definition of "net assets," and declaring an emergency.

The bill was read second time.

Mr. Lewis moved that Senate Bill No. 128 be laid on the table subject to call.

There was no objection offered and it was so ordered.

SENATE BILL NO. 154 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 154, Amending Art. 21.47, Insurance Code, providing venue in Travis County for prosecutions for making false statements to Board of Insurance; etc., and declaring an emergency.

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

SENATE BILL NO. 164 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S. B. No. 164, Relates to regulating sale of eggs; etc., and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill 164 by striking out all below the enacting clause and inserting in lieu the following:

"Section 9. All containers in which eggs for human consumption are offered for sale to food purveyors or consumers must:

(a) be labeled according to size and grade in distinctly legible bold face type not less than one-fourth (1/4) inch in height;
(b) not be deceptively labeled, advertised, or invoiced;
(c) state the name of either the dealer-wholesaler, retailer, food purveyor, or agent by or for whom the eggs were graded and labeled;
(d) not be advertised in a manner which indicated price without also indicating the full, correct and unabbreviated designation of size and grade of eggs therein;
(e) not be labeled 'fresh' if the eggs offered for sale have been held under refrigeration for a period of sixty (60) days or more. These eggs
which are held sixty (60) days or more shall not be labeled 'AA' or 'A'.

In the case of eggs offered for sale uncartoned, a sign showing the proper designation of size and grade must be clearly displayed attached to the container. This sign must be distinctly legible in letters at least one (1) inch high.

Section 2. Section 15 of Senate Bill 32, Acts of the 66th Legislature, State of Texas, Regular Session, 1957, is hereby amended so as to read hereafter as follows:

"Section 15. In order to create a fund for the enforcement of the provisions of this Act each licensee shall pay an annual license fee; provided, however, that no retailer as that term is defined herein shall be required to pay any license fee. The term 'retailer' is defined to mean any person selling or offering for sale eggs to consumers only in this state. Licenses shall be classified under the following headings:

(a) Retailers. A retailer means a person selling or offering for sale eggs to consumers in this state.

(b) Dealer-Wholesalers. A dealer-wholesaler means a person engaged in the business of buying eggs from producers or other persons on his own account and selling or transferring eggs to other dealer-wholesalers, processors, retailers, or other persons and consumers. A dealer-wholesaler further means a person engaged in producing eggs from his own flock and disposing of this production on a fully graded basis.

(c) Processors. A processor means a person who operates a plant for the purpose of breaking eggs for freezing, drying, or commercial food manufacturing.

(d) Brokers. A broker means a person who never assumes ownership or possession of eggs, but is engaged in the business of acting as agent, for a fee or commission, in the sale or transfer of eggs between producers, or dealer-wholesalers, as sellers and dealer-wholesalers, processors, or retailers as buyers."

Section 3. Section 16 of Senate Bill 32, Acts of the 66th Legislature, State of Texas, Regular Session, 1957, is hereby amended so as to read hereafter as follows:

"Section 16. The annual license fee for dealer-wholesalers, and processors shall be determined according to the average weekly volume of the month in which the licensee handled the most eggs during the preceding twelve (12) months ending on May 31st except that for a new business the fee shall be determined according to the average weekly volume of the month in which the licensee handled the most eggs through May of the first license year. In the case of a new business, a fee based on an estimate of the volume of business to be done shall be paid at the time the license is obtained, and an adjustment in the payment shall be made when the year's records are available.

The license year shall be twelve (12) months or any fraction thereof beginning on September 1st and ending on August 31st, except that licenses issued for a new business during the month of August shall extend to August 31st of the following year. The license fee shall be paid prior to issuance of the initial license, and renewal fees shall be paid annually during the month of August.

The annual license fees shall be as follows:

(a) Dealer-Wholesalers at each plant:

- 1 case (30 dozen eggs) to and including 9     $ 7.50
- 10 cases to and including 49                    15.00
- 50 cases to and including 99                    22.50
- 100 cases to and including 199                  37.50
- 200 cases to and including 499                  75.00
- 500 cases to and including 999                 122.50
- 1,000 cases to and including 1,499              156.00
- 1,500 cases to and including 2,999              280.00
- 2,000 cases and up                             375.00

(b) Processors:

- Less than 250 cases                             $ 20.00
- 250 cases to and including 499                   45.00
- 500 cases to and including 999                  60.00
- 1,000 cases and up                              75.00

(c) Brokers                                      $ 7.50
The proceeds of such license fees shall be paid into the State Treasury by the Commissioner and placed by the State Treasurer in the Special Department of Agriculture Fund.”

Section 4. Section 17 of Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957, is hereby amended so as to read hereafter as follows:

“Section 17. (a) Every licensed dealer-wholesaler, and processor shall keep on file within this state for a period of two (2) years a true and complete record of all eggs purchased or sold. This record shall show the same and address of the person from whom eggs were purchased and to whom sold, and also the number of dozens or cases included in each transaction and the date thereof. Provided, that in situations where such person is also a retailer, and said eggs have been purchased by him from the producer thereof in less than case lots, no connection need be made between the record of such eggs purchased and the record of such eggs sold. The Commissioner may prescribe record forms and may require such additional information as may be necessary in the administration of this Act. The record shall be open to inspection by the Commissioner or his duly authorized representative at all reasonable times.

(b) Every licensed dealer-wholesaler, and processor shall deliver with each transaction, sale or delivery a signed invoice stating the date, quantity, grade and size of the eggs sold, and shall keep a copy of each invoice for the same period as stated in subdivision (a) of this section.

Section 5. Amend Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957, as last amended by Senate Bill 481, Acts of the 55th Legislature, State of Texas, Regular Session, 1959, by adding a new section to read hereafter as follows:

“Section 17a. The Commissioner shall publish annually, in such form as he may deem proper, information concerning the movement and sale of eggs, and a report of the results of the official inspections of eggs sold, offered for sale, or otherwise distributed within the State; provided, however, that information concerning movement and sale of eggs shall not disclose the scope of operations of any person.”

Section 6. Section 18 of Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957, is hereby amended so as to read hereafter as follows:

“Section 18. Nothing herein shall be construed as requiring an out-of-state seller of eggs to secure a license under this Act unless the sale is made to the retailer or consumer.”

Section 7. 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 provision or application, and to this end the provisions of this Act are declared to be severable.

Section 8. The urgent need for legislation regulating the handling, and sale of eggs in this state creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.”

The amendment was adopted.

Mr. McElhany offered the following amendment to the bill:

Committee Amendment No. 2

Amend S. B. 194 by striking out all above the enacting clause and inserting in lieu thereof the following:

“A BILL
To Be Entitled

An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957, as amended; providing for annual report of inspections of official records of the Commissioner and specified agricultural inspectors attached thereto; (c) Repealing all laws in conflict with this Act; (d) Enacting this Act as an emergency measure necessitated by the urgent need for legislation regulating the handling and sale of eggs in this state.”
The bill was read second time and was passed to third reading.

SENATE BILL NO. 238 ON SECOND READING

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

S. B. No. 238, To extend time for payment of purchase money obligations executed by purchasers of school land; and declaring an emergency.

The bill was read second time.

Mr. Slack offered the following amendment to the bill:

Amend Senate Bill No. 238 by striking all below the enacting clause and substituting in lieu thereof the following:

“Section 1. The time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon which are due or will become due prior to November 1, 1966, in hereby extended to November 1, 1971, subject to all the pains and penalties provided in the Acts under which the purchases were made; provided that the extension of time herein granted shall apply only to installments of principal, and shall not apply to any installments of interest, and provided further, that the unpaid balances of principal upon which an extension of time for payment is hereby granted shall bear interest during said period of extension at the rate of one percent (1%) per annum higher than originally provided for, and past due installments of interest shall bear interest at the rate provided for in Section 1, Chapter 271, General Laws, Regular Session, 42nd Legislature, in cases wherein fifty percent (50%) or more of the balance of principal remaining unpaid has been paid by November 1, 1971, then a further extension until November 1, 1981, shall be granted for the payment of the remainder, subject to the conditions herein made to the extension to November 1, 1971.

Sec. 2. The fact that a great number of school land purchase contracts will mature during the next few years, and the fact that it will be advantageous to both the owners of the land and to the Permanent School Fund to extend the time for payment
of the principal of the purchase contracts, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Slack offered the following amendment to the bill:

Amend Senate Bill No. 238 by striking all above the enacting clause, and substituting in lieu thereof the following:

"A BILL To Be Entitled An Act to extend the time for payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due thereon which are due or will become due prior to November 1, 1966, and providing for a further extension thereof under certain conditions, and declaring an emergency."

The amendment was adopted.

S. B. No. 238 was passed to third reading.

SENATE BILL NO. 253 ON SECOND READING

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

S. B. No. 253, Relating to payment of claims to certain beneficiaries; and declaring an emergency.

The bill was read second time.

Mr. Stewart of Galveston offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S. B. No. 253 by striking the word "dependent" prior to the word "widower," and the word "parent."

The amendment was adopted.

S. B. No. 253 was passed to third reading.

SENATE BILL NO. 256 ON SECOND READING

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

S. B. No. 256, To provide for an annual salary for the members of the State Board of Insurance; and declaring an emergency.

The bill was read second time.

Mr. Watson offered the following amendment to the bill:

Amend Senate Bill 256 by striking all of Section 1 and inserting in lieu thereof the following:

"Section 1. That Article 1.05, Section (b), of the Texas Insurance Code, as amended by Acts 1957, 55th Legislature, p. 1457, Chapter 569, Section 2, be amended to read as follows:

"(b) The members of the State Board of Insurance shall receive an annual salary of not to exceed Twenty Thousand Dollars ($20,000), payable in monthly installments as provided in the General Appropriation bill."

The amendment was adopted.

S. B. No. 256 was passed to third reading.

SENATE BILL NO. 256 ON SECOND READING

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

S. B. No. 261, Increasing penalties for misrepresentations in applications for unemployment insurance; and declaring an emergency.

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

SENATE BILL NO. 284 ON SECOND READING

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

S. B. No. 284, Amending Article 3.99, Insurance Code to add new article restricting certain activities of insurance companies; and declaring an emergency.

The bill was read second time and was passed to third reading.
SENATE BILL NO. 285 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S.B. No. 285. To redefine Texas Securities, and declaring an emergency.

The bill was read second time.

Mr. Whitfield offered the following amendment to the bill:

Amend Senate Bill 285 by inserting a new Section 2a immediately following Section 2 of said Senate Bill 285, which section shall be and read as follows:

"2a. Senate Bill 50, 57th Legislature, Regular Session, 1961, is hereby expressly repealed, and this act shall prevail over said Senate Bill 50."

The amendment was adopted.
S.B. No. 285 was passed to third reading.

SENATE BILL NO. 316 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S.B. No. 316, Providing for incorporation of Dental Health Service Corporations under Texas Non-Profit Corporation Act; and providing for severance, repealing, and emergency clauses.

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

SENATE BILL NO. 318 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,
S.B. No. 318. To provide for more effective merger and consolidation of insurance companies; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Strike out all below the enacting clause and substitute therefor the following:

Section 1. Article 21.25, Chapter 21, of the Texas Insurance Code (Acts of 1951, 57th Legislature, Chapter 491) is amended to read as follows:

"Article 21.25 Mergers and Consolidations of Stock Insurers"

"Section 1. Any two (2) or more insurance corporations doing a similar line of business, may merge or consolidate. The procedure for the effect of, and the rights and duties of creditors, shareholders, and the corporations involved in, such merger or consolidation shall be governed by applicable provisions of the 'Texas Business Corporation Act', as amended, insofar as the same are not inconsistent with the provisions of this Act, and the Insurance Code of the State of Texas. That whenever in said 'Texas Business Corporation Act' some duty, responsibility, power, authority, or act is vested in, required of, or to be performed by the Secretary of State such is to be vested in, required of, or performed by the Commissioner of Insurance insofar as such act is applicable to insurance corporations under the provisions hereof.

"Section 2. Before any such proposed plan of merger or consolidation is submitted to the shareholders for their approval, as provided under the 'Texas Business Corporation Act', it shall first be approved by the Board of Directors of the two or more corporations planning to merge or consolidate; and thereafter such plan shall be submitted to the shareholders of each of the corporations which are parties to the plan at separate regular or special meetings of the shareholders of the corporations, called in the manner provided by the By-Laws of the respective corporations and may be approved by the affirmative vote of the holders of two-thirds (2/3) of the shares of the capital stock of each of such corporations.

"Section 3. After such plan has been approved as provided in Section 2 hereof, it shall then be filed with the Commissioner of Insurance and approved by him in writing after a hearing thereon. The Commissioner shall hold such hearing with-
in fifteen (15) days of filing the plan and shall then give such approval to each insured involved with in such fifteen (15) days after the hearing unless he finds the plan contrary to law or that it would not be in the best interests of the policyholders affected by the plan and substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state or elsewhere. The Commissioner of Insurance may extend the fifteen (15) day period within which he may affirmatively approve or disapprove such plan when such action is concurred in by representatives of applicants to the merger or consolidation. In the event of disapproval of the plan, he shall specify in detail his reasons thereof. Such merger or consolidation shall not be effected in violation of the anti-trust and anti-monopoly laws of the state. The merger shall be effective upon the date specified in the proposed plan of merger; or where consolidation results, the new corporation shall be issued a charter and license upon submission of proper articles of incorporation to the Commissioner of Insurance, and proof that it has capital and surplus of not less than the capital and surplus of the corporation involved in such consolidation having the largest capital and surplus, and it shall be effective upon such date of issuance. A merger or consolidation involving a corporation organized under the laws of another state shall not be effective until the merger or consolidation has been approved by the proper official of the domiciliary state of the out-of-state corporation, when such approval is required under the laws of such domiciliary state.

Section 4. All policies of insurance outstanding against any corporation as merged or consolidated shall be assumed by the new or surviving corporation on the same terms and conditions as if such policies had continued in force in the original corporation, and such insurer shall carry out the terms of such policy and be entitled to all the rights and privileges thereof and the reserves accumulating on such policy prior to such merger or consolidation.

Section 5. In the event of the merger or consolidation of any two or more insurance corporations under the provisions of this Act, all investments of such corporations so absorbed, that were authorized when made by the laws of the state in which such insurance corporations were organized, as proper securities or assets, including real property, for investment of funds of an insurance corporation, and which are taken over by such new or surviving corporation by virtue of a merger or consolidation under the provisions of this Act, shall be, under the laws of this state, considered as valid securities or assets, including real property, of such new or surviving corporation, and which are taken over on terms satisfactory to said Commissioner; provided, however, that in the event the new or surviving corporation acquires by virtue of such merger or consolidation real estate or property beyond or in excess of that permitted by the applicable Articles pertaining to owning or holding real estate, such new or surviving corporation shall sell and dispose of all such excess real estate within the time specified in violation of the anti-trust provisions of this Act, all such applicable Articles; provided that the new or surviving corporation shall not hold such property for a longer period unless it shall procure a certificate from said Commissioner that its interests will materially suffer by its refusal thereof; in which event the time for the sale thereof may be extended to such time as the Commissioner shall direct in such certificate. Provided further, that this Section will not preclude the designation and use of such acquired excess real estate as branch offices in accordance with the applicable provisions of this Code.

Section 6. If, after any merger or consolidation is completed, the new or surviving corporation acquires its own shares as a result of distributions of shares to the shareholders of the other corporation or corporations which are being merged or consolidated, or acquires the stock of any other corporation or corporations as a result of purchase of stock of the dissenting shareholders, such stock may be held as treasury stock.

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stock for a period of one year, after which time such corporation shall retire and cancel such stock by proper charter amendment, if the same has not previously been reissued.

Section 2. Article 21.26, Chapter 21, of the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491) as amended, is hereby repealed.

Section 3. If any part, section, paragraph, sentence or clause contained in this Act or the application thereof to any person or circumstances shall be held by the courts to be unconstitutional, such holding shall not affect the validity of the remaining portion of this Act; and the Legislature hereby declares that it would have passed such remaining portion despite such invalidity, and same are declared to be severable.

Section 4. The fact that the present laws do not clearly define the procedure for the merger or consolidation of insurance companies creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

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

Committee Amendment No. 2

Strike out all above the enacting clause and substitute therefor the following:

"A BILL TO BE ENTITLED

An Act to provide for more effective merger and consolidation of two or more insurance companies engaged in the same line of business, by revising and amending Article 21.25, Chapter 21, of the Insurance Code (Acts of 1961, 62nd Legislature, Chapter 491), as amended; by repealing Article 21.26 of such chapter; by regulating the manner, procedure, and method of such merger or consolidation; and by providing for severability of clauses in the event that a portion of said Act is declared unconstitutional, and declaring an emergency."

The amendment was adopted.

S. B. No. 318 was passed to third reading.

SENATE BILL NO. 334 ON SECOND READING

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

S. B. No. 334, Relating to authority of directors and employees of conservation districts; and declaring an emergency.

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

SENATE BILL NO. 357 ON SECOND READING

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

S. B. No. 357, Amending Insurance Code relating to items in which insurance companies may invest capital and surplus, etc., and declaring an emergency.

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

SENATE BILL NO. 360 ON SECOND READING

Committee Amendment No. 2

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

S. B. No. 360, Continuing firemen and policemen pension funds established pursuant to Chapter 101, 1st Called Session, 43rd Legislature, as amended, notwithstanding future federal census shows change in population bracket; and declaring an emergency.

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

SENATE BILL NO. 366 ON SECOND READING

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

S. B. No. 366, Continuing firemen and policemen pension funds established pursuant to Chapter 101, 1st Called Session, 43rd Legislature, as amended, notwithstanding future federal census shows change in population bracket; and declaring an emergency.

The bill was read second time and was passed to third reading.
S. B. No. 386, Providing for division of certain water improvement districts into divisions for election of directors; and declaring an emergency.

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

SENATE BILL NO. 394 ON SECOND READING

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

S. B. No. 394, Relating to the definition of "specialized Motor Carrier;" and declaring an emergency.

The bill was read second time.

Mr. Trevino offered the following amendment to the bill:

Amend Senate Bill Number 394 by adding after the words "livestock feedstuff," and before the word "broomcorn" the following words: "agricultural products in their natural state."

The amendment was adopted.

S. B. No. 394 was passed to third reading.

SENATE BILL NO. 403 ON SECOND READING

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

S. B. No. 403, Establishing and providing for a state mentally retarded school; regulating and providing for the operation of same, and declaring an emergency.

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

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.

MESSAGE FROM THE SENATE

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

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

H. B. 334, Providing additional revenue for the support of the State Government; relating to the allocation of receipts to the Available School Fund out of the Motor Fuel Tax Fund, etc.; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate.

SENATE BILL NO. 406 ON SECOND READING

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

S. B. No. 406, Authorizing State Soil Conservation Board to contract for work plans for watershed protection and flood protection; and declaring an emergency.

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

SENATE BILL NO. 416 ON SECOND READING

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

S. B. No. 416, Making appropriation from Highway Department funds to pay judgment against the State; and declaring an emergency.

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

MOTION FOR RECESS

Mr. Koriath moved that the House recess until 1:30 o'clock p. m. today.

The motion was lost.

SENATE BILL NO. 419 ON SECOND READING

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

S. B. No. 419, Providing for the handling of unclaimed dividends, return assessments and other funds; and declaring an emergency.
The bill was read second time and was passed to third reading.

SENATE BILL NO. 420 ON SECOND READING

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

S. B. No. 420, Amending certain sections in Art. 6243g, V.A.C.S. relating to the Municipal Pension Systems in certain cities; and declaring an emergency.

The bill was read second time.

Mr. Eckhardt offered the following amendment to the bill:

Amend S. B. No. 420 by striking (b) thereof on lines 57 and 68 and inserting in lieu thereof the following:

(b) If a member upon reaching the age of seventy (70) years does not retire from the service of the City, he shall not accrue any additional benefits, nor shall he make any further contributions into the Fund nor shall the City make any further contributions in his behalf. When a member retires after age seventy (70), his pension benefits shall be computed from his years of service at the time he reached the age of seventy (70)."

The amendment was adopted.

S. B. No. 420 was passed to third reading.

SENATE BILL NO. 431 ON SECOND READING

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

S. B. No. 431, Regulating the possession, transportation, and sale of live coypu (nutria); and declaring an emergency.

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

REASON FOR VOTE AGAINST S. B. NO. 431

I don't want the game and fish commission even near my pool.

JOHN ALLEN.

SENATE BILL NO. 468 ON SECOND READING

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

S. B. No. 468, Regarding Sabine River Compact; amending S. B. No. 139 Acts 67th Leg., to correct date from June 30, 1968 to June 30, 1968; and declaring an emergency.

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

HOUSE BILL NO. 136 ON SECOND READING

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

H. B. No. 136, A bill to be entitled "An Act amending Chapter I of H. B. 11, Acts of the Fifty-Sixth Legislature, Third Called Session, revising the penalties for failure to pay the amounts due and failure to file reports when due under the provisions of Chapters 3, 4, 5, 6, 10, 11, 13, 19, 20, 21 and 22; providing a penalty for failure to file a report and pay the amount due under the provisions of Chapter 23; providing for the acceptance of postmark as being sufficient compliance with the due date, wherever required; providing an effective date; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 136 by striking all below the enacting clause and inserting in lieu thereof the following:
Section 1. That Chapter 1 of Acts, Fifty-sixth Legislature, Third Call of 1961, entitled as Title 192A, Taxation-General of the Revised Civil Statutes of Texas, Chapters 1 and 23 be amended by the addition of Articles 1.14, 1.15 and 22.01 and that Articles 1.02, 4.03, 4.06, 4.07, 9.04, 10.11, 11.09, 12.04, 12.14, 12.15, 12.19, 12.04, 18.03, 19.02, 20.18, 21.04, and 22.01 of Chapters 3, 4, 5, 9, 10, 11, 13, 17, 18, 19, 20, 21 and 22 be amended so as to read:

"Article 1.14 Acceptance of Postmark, etc.

"Any payment, report, annual report, return, declaration, statement, or other document required by any provision of this Title which requires such payment, report, annual report, return, declaration, statement, or other document to be filed or made on or before a specific date, shall be deemed sufficiently complied with if said payment, report, annual report, return, declaration, statement, or document shall bear a postmark which is dated on or before the date required for such payment, report, annual report, return, declaration, statement, or document to be filed or made.

"Article 1.15 Waiver of Penalties

The Comptroller shall have the authority, upon a showing for good cause and in the absence of willful negligence, to waive all penalties for failure to pay the taxes or file required reports or statements. Nothing herein shall be construed to waive interest due on unpaid taxes.

"(1) The tax hereby levied shall be a liability of the producer of gas and it shall be the duty of each such producer to keep accurate records in Texas of all gas produced, making monthly reports as hereinafter provided.

"(2) The purchaser of gas shall pay the tax on all gas purchased and deduct the tax so paid from the payment due the producer or other interest holders, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier’s check payable to the Comptroller at Austin on the last day of the calendar month, and on or before said date each such producer shall make and deliver to the Comptroller a report on forms prescribed by the Comptroller showing the gross amount of gas produced, less the exclusions and at the pressure base set out herein, upon which the tax herein levied accrues, together with details as to amounts of gas, from what leases said gas was produced, the correct name and address of the first purchaser of said gas, and such other information as the Comptroller may desire: such report to be accompanied by legal tender or cashier’s check payable to the State Treasurer for the proper amount of taxes herein levied shall be considered as a payment due the State Treasurer for the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make such payment and shall be entitled to reasonable attorney’s fees and court costs incurred by legal action.

"(3) The tax herein levied shall be due and payable at the office of the Comptroller at Austin on the last day of the calendar month, based on the amount of gas produced and saved during the preceding calendar month, and on or before said date each such producer shall make and deliver to the Comptroller a report on forms prescribed by the Comptroller showing the gross amount of gas produced, less the exclusions and at the pressure base set out herein, upon which the tax herein levied accrues, together with details as to amounts of gas, from what leases said gas was produced, the correct name and address of the first purchaser of said gas, and such other information as the Comptroller may desire; such report to be accompanied by legal tender or cashier’s check payable to the State Treasurer for the proper amount of taxes herein levied shall be considered as a payment due the State Treasurer for the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make such payment and shall be entitled to reasonable attorney’s fees and court costs incurred by legal action.

"(4) Provided, that unless such payment of tax on all gas produced during any month or fractional part thereof shall be made on or before the date due as hereinabove specified such payment shall become delinquent and a penalty of five percent (5%) of the amount of the tax shall be added, and after the first
thirty (30) days shall be forfeited an additional five percent (5%) said penalty shall never be less than One Dollar ($1). Delinquent taxes shall bear interest at the rate of six percent (6%) per annum begin­ning sixty (60) days from the date due.

"(4) The tax hereby levied shall be paid by the first purchaser pur­chasing the same from the producer, who shall deduct the same from the amount paid producer, as aforesaid, provided, however, that the failure of first purchaser to pay said tax shall not relieve the producer from the payment of same, nor shall it relieve any subsequent purchaser from the payment of same, where the first purchaser does not account for and pay said tax, and the State shall have a lien on all of the oil produced in Texas in the hands of the producer, the first purchaser and any subsequent purchaser to secure the payment of the tax, and it shall be the duty of every person purchasing oil produced in Texas to satisfy himself or itself that the tax on said oil has been or will be paid by the persons primarily liable therefor.

"(5) If the oil produced by said producer is not sold during the month in which it is produced, then said producer shall pay the tax at the same rate and in the same manner as if said oil were sold during said month, in case, however, the working interest operator may pay such tax and deduct it from the interest of the other interest holders.

"(6) The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any pay­ment due interested parties, the proportionate tax due and remit the same to the Comptroller.

Article 4.03 Primary Liability; Mode of Payment; Refunds; Penalties.

"(1) The tax herein imposed on the production of crude petroleum shall be the primary liability of the producer as hereinafter defined, and every person purchasing crude petroleum from the producer there­of and taking delivery thereof at the premises where produced shall collect said tax imposed by this Chap­ter from the producer. Every pur­chaser including the first purchaser and the subsequent purchaser, re­quired to collect any tax under this Chapter, shall make such collection by deducting and withholding the amount of such tax from any pay­ments made by such purchaser to the producer, and remit same as herein provided. This Section shall not affect any pending law suit in the State of Texas, or any lease agreement or contract now or that hereafter may be in effect between the State of Texas or any political subdivision thereof and/or The University of Texas and any oil pro­ducer.

"(2) When it shall appear that a taxpayer to whom the provisions of this Chapter shall apply has erroneously paid more taxes than were due during any taxing period either on the account of a mistake of fact or law, it shall be the duty of the State Comptroller to credit the total amount of taxes due by such taxpayer for the cur­rent period with the total amount of taxes so erroneously paid.

"(3) The tax hereby levied shall be a liability upon the producer, the first purchaser, and/or subse­quent purchaser or purchasers as herein provided.

"(4) The tax hereby levied shall be paid by the first purchaser pur­chasing the same from the producer, who shall deduct the same from the amount paid producer, as aforesaid, provided, however, that the failure of first purchaser to pay said tax shall not relieve the producer from the payment of same, nor shall it relieve any subsequent purchaser from the payment of same, where the first purchaser does not account for and pay said tax, and the State shall have a lien on all of the oil produced in Texas in the hands of the producer, the first purchaser and any subsequent purchaser to secure the payment of the tax, and it shall be the duty of every person purchasing oil produced in Texas to satisfy himself or itself that the tax on said oil has been or will be paid by the persons primarily liable therefor.

"(5) If the oil produced by said producer is not sold during the month in which it is produced, then said producer shall pay the tax at the same rate and in the same manner as if said oil were sold during said month. In case, however, the working interest operator may pay such tax and deduct it from the interest of the other interest holders.

"(6) The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any pay­ment due interested parties, the proportionate tax due.

"(7) The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports as hereinafter provided.

"(8) The purchaser of oil shall pay the tax on all oil purchased and deducted tax so paid from payment due producer or other interest hold­er, making such payments so deduct­ed to the Comptroller of Public Ac­counts by legal tender or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which
produced, then said producer shall pay the tax at the same rate and in the manner as if said oil were sold.

"(8) The tax levied herein shall be paid monthly on the twenty-fifth day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid, and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorneys fees and court costs incurred by such legal action.

"(10) Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the twenty-fifth of the month immediately following, such payment shall become delinquent and a penalty of five per cent (5%) of the amount of the tax shall be added, and after the first thirty (30) days shall be forfeited an additional five per cent (5%); said penalty shall never be less than One Dollar ($1). Delinquent taxes shall bear interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due.

"Article 5.03. Failure to Pay Tax, Penalties.

"(1) Any person subject to the payment of said tax on sulphur falling to pay the tax levied in this Chapter within thirty (30) days after the date the same is due and payable shall pay to the State a penalty an additional amount equal to five per cent (5%) of the taxes due, and after the first thirty (30) days shall be forfeited an additional five per cent (5%); said penalty shall never be less than One Dollar ($1). Delinquent taxes shall draw interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due. The Attorney General or any district or county attorney at the direction of the Attorney General shall bring suit in behalf of the State to recover the amount of taxes, penalties, and interest past due and payable by any person affected by this law. The word 'person' as used in this law shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, or other concern by whatever name or however organized, formed, or created.

"(2) The Comptroller may require such other information and such additional reports as he may deem advisable.

"Article 5.04. Reports to Comptroller; Payment of Tax.

"At the time of filing the reports here required, the first purchaser shall pay to the Comptroller by legal tender or cashier's check, payable to the State Treasurer, the tax herein required to be paid. Failure to pay said tax on the twenty-fifth day of the month immediately following when same said tax to become delinquent and a penalty of five per cent (5%) of the amount of said tax shall be added, and after the first thirty (30) days shall be forfeited an additional five per cent (5%); said penalty shall never be less than One Dollar ($1). Delinquent taxes...
of are produced, made, prepared, kept, or any derivative or condensate of are produced, made, prepared, stored, transported, sold, or offered for sale or exchange, or (b) shall refuse permission to said persons to examine, gauge, or measure the contents of any storage tanks, vehicle tanks, pumps, or other containers, or to take samples therefrom, or (i) shall refuse permission to said persons to examine and audit any books, records, and gauge reports kept in connection with or incidental to said equipment, or (j) shall refuse to stop and permit the inspection and examination of any motor vehicle transporting motor fuel upon demand of any person authorized to inspect the same, or (k) shall fail to make and deliver to the Comptroller any return or report required herein to be made and filed or (l) shall force or falsely any invoices of exemption herein provided, or (m) shall make any false statement in any claim for refund of motor fuel tax due to any material fact required to be given, or (n) if any such person shall fail or refuse to comply with any provision of this Chapter or shall violate the same, or (o) shall fail or refuse to comply with any rule and regulation promulgated hereunder by the Comptroller, or violate the same, he shall forfeit to the State of Texas as a penalty the sum of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500). Such penalty, if not paid, shall be recovered in a suit by the Attorney General in a Court of competent jurisdiction in Travis County, Texas, or any other court of competent jurisdiction having venue under existing venue Statutes. Provided that in addition to the penalties shown, if any distributor does not make remittance for any taxes collected, or pay any taxes due the State of Texas by said distributor within the time prescribed by law, said distributor shall forfeit five per cent (5%) of the amount due; and if said taxes are not remitted or paid within thirty (30) days from the date due an additional five per cent (5%) shall be forfeited. Provided, however, that the penalty shall never be less than One Dollar ($1). All past due taxes shall draw interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due.

"The venue of any suit, injunction, or other proceeding at law or in equity available for the establishment or collection of any claim for delinquent taxes, penalties, or interest accruing hereunder and the enforcement of the terms and provisions of this Article, shall be in a court of competent jurisdiction in Travis County, Texas, or in any other court having venue under existing venue Statutes.

"Provided, further, that before any restraining order or injunction shall be granted against the Comptroller, or his authorized representatives, to restrain or enjoin the collection of any taxes, penalties, and interest imposed by this Chapter, the applicant therefor shall pay into the suspense account of the State Treasurer all such taxes, penalties, and interest showing to be due and owing to the State of Texas, that has been made by the Comptroller, or his duly authorized representative, when said audit has been certified to by the Comptroller or his Chief Clerk, and has been signed under oath by said authorized representative as having been made from the books and records of said applicant, whether or not required to be kept under the provisions of this Article, or from the books and records of any person from whom such applicant has purchased, received, delivered, or sold motor fuel, or from the books and records of any transportation agency, which has transported such products to or from said applicant. Provided, however, that said applicant may, in lieu of paying said taxes, penalties, and interest into the suspense account of the State Treasurer, file with said Treasurer a good and sufficient surety bond in the amount and form and under the conditions provided in Section 1, Chapter 216, Acts of the Regular Session of the Forty-fifth Legislature, and the
provisions of said Section 1, Chapter 310, are hereby made applicable to any suit filed to restrain or enjoin the collection of any such taxes, penalties, and interest imposed by this Chapter. Any proceedings to enjoin the collection of such taxes, penalties, and interest, or the enforcement of any provision of this Chapter shall be in a court of competent jurisdiction in Travis County, Texas.

"Article 10.18 Civil and Statutory Penalties"

"(1) If any person affected by this Chapter shall fail or refuse to comply with any provision of this Chapter or shall violate the same, or shall fail or refuse to comply with any rule and regulation promulgated hereunder by the Comptroller or shall violate the same, he shall forfeit to the State of Texas as a penalty the sum of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500). Such penalty, if not paid, shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis County, Texas, or in any other court of competent jurisdiction having venue under existing venue statutes.

"Article 11.11 Penalty for Failure to Pay Tax"

"Any person, company, corporation or association, or any receiver or receivers, failing to pay any taxes on the date when said tax is required by this Chapter to be paid, shall forfeit and pay to the State of Texas a penalty of five per cent (5%) upon the amount of such tax, and after the first thirty (30) days he shall forfeit an additional five per cent (5%). Provided, however, that the penalty shall never be less than One Dollar ($1.00). Delinquent taxes shall draw interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due.

"Article 12.09 Initial Reports"

"Where a domestic corporation is chartered in this State or where a foreign corporation which has herebefore done business in this State is granted a permit to do business in Texas it shall file its first report within ninety (90) days from the expiration of one (1) year from the date such charter was filed or permit was granted, as the case may be, showing its condition as of the end of the month nearest the end of such first year."

"Article 12.14 Failure to Pay Tax and File Reports"

"Any corporation, either domestic or foreign, which shall fail to pay any franchise tax provided for in this Chapter when the same shall become due and payable under the provisions of this Chapter, or shall fail to file any report for the first year in this Chapter, when the same shall become due, shall therefore become liable to a penalty of five per cent (5%) of the amount of such franchise tax due by such corporation, and if said report has not been filed or said taxes have not been paid within thirty (30) days from the date said report or taxes shall become due, an additional five per cent (5%) shall be forfeited; said penalty shall never be less than One Dollar ($1.00). Delinquent taxes shall draw interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due. If the reports required by Articles 12.08, 12.09 and 12.10 be not filed in accordance with the provi-
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The Secretary of State shall notify each domestic and foreign corporation which may be or become subject to a franchise tax under the laws of this State, which has failed to file such report or pay franchise tax on or before the first day of May, that unless such overdue report is filed or such overdue tax together with said penalties thereon shall be paid within thirty (30) days of the mailing of such notice, the right of such corporation to do business in this State will be forfeited without judicial ascertainment. Such notice may be either written or printed and shall be verified by the seal of the office of the Secretary of State, and shall be addressed to such corporation and mailed to the post office named in its articles of incorporation as its principal place of business, or to any other known place of business of such corporation. A record of the date of mailing such notice shall be kept in the office of Secretary of State, and such notice and record thereof shall constitute legal and sufficient notice thereof for all purposes of this Chapter.

Any corporation whose right to do business may have been forfeited, as provided in this Chapter, shall be relieved from such forfeiture by paying to the Secretary of State at any time before the forfeiture of the charter or permit of such a corporation as hereinafter provided, the full amount of the franchise tax and penalties due by it. When such taxes and penalties shall be paid to the Secretary of State, he shall revive the right of the corporation to do business within the State by cancelling the words, "Right to do business forfeited," upon his record and endorsing thereon the word "revived," and the date of such revival. If any domestic corporation or foreign corporation, whose right to do business within this State shall thereafter be forfeited under the provisions of this Chapter, shall fail to pay the Board of Tax Commisioners within one hundred and twenty (120) days after such forfeiture, the amount necessary to revest it in its right to do business revolved under the provisions of this Chapter, such failure shall constitute sufficient ground of default, forfeiture, by judgment of any court of competent jurisdiction, of the charte of such domestic corporation, or of the permit of such foreign corporation. It shall be the duty of the Secretary of State, after such one hundred and twenty (120) days next following such forfeiture, to certify to the Attorney General the names of all corporations, domestic and foreign, whose right to do business within this State shall have been forfeited as hereinafter provided, and upon receiving such certificate from the Attorney General, the Attorney General shall forthwith institute suit against such corporations under the provisions of Article 12.16 of this Chapter.

"Article 12.19 Optional Use of Short Form Return
(1) In lieu of the franchise tax levied by Article 12.01 of this Chapter, any corporation which has previously paid a franchise tax in Texas under the provisions of this Chapter and whose total assets are less than One Hundred Fifty Thousand Dollars ($150,000) may elect to pay between January 1st and May 1st of each year a franchise tax for the year following in accordance with the following schedule:

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<th>If Total Assets Are At Least But Less Than</th>
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(2) "Total assets" as used in this Article shall mean the total of all items reported or reportable as assets on the corporation's federal income tax return for the corporation's reporting period for Federal income tax purposes. Said last day must fall within the twenty-first day of the month preceding February 1st of the year in which the annual franchise tax return is due under this Article is to be paid.

(3) The Secretary of State shall prescribe the form of reports to be made by any corporation electing to pay the franchise tax under the provisions of this Article. The Secretary of State may require such reports to contain any or all information required under Articles 12.08, 12.09, 12.10, or 12.12 of this Chapter.

There shall be submitted with the report a signed copy of the corporation's federal income tax return for the period described in Sub-section (2) of this Article. All franchise tax returns and income tax returns furnished to the Secretary of State under the provisions of this Article shall be confidential in nature and treated as such by the Secretary of State under the same conditions as provided in Article 12.08. The Secretary of State or the State auditor may in the execution of this Article cause the books of any corporation electing to pay franchise taxes under this Article to be examined, whether such books be located within this State or any other State within the United States. The Secretary of State may make any rules or regulations necessary for the administration of this Article.

"Article 17.04 License Period"

"All licenses shall be so issued as to expire on the thirty-first day of December of each year. On or before the thirty-first day of December of each year, every person, agent, receiver, trustee, firm, corporation, association, or copartnership having a license shall apply to the Comptroller of Public Accounts for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the Comptroller of Public Accounts. Each such application for a renewal license shall be accompanied by a filing fee of One Dollar ($1) for each store or mercantile establishment operated under the provisions of this Chapter. This application shall be mailed to the Comptroller and accompanying the application fee shall be the amount of license due under the provisions of this Chapter. Those applications not mailed and which are less than Five Dollars ($5) for each store. If the application is received by the Due date there shall be added to the amount of the license fee a penalty of five per cent (5%) thereof, and after the first thirty (30) days an additional five per cent (5%) shall be forfeited; said penalty shall never be less than One Dollar ($1). Delinquent fees shall bear interest at the rate of six per cent (6%) per annum, beginning sixty (60) days from the date due.

"Article 18.05 Penalties"

"If any person shall violate any of the provisions hereof, he shall be subject to a penalty of Five Dollars ($5) for each store.
forfeited to the State of Texas as a penalty not less than Twenty-Five Dollars ($25), and not more than One Thousand Dollars ($1,000) for each violation, and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly he shall forfeit five per cent (5%) thereof as a penalty, and after the first thirty (30) days he shall forfeit an additional five per cent (5%). Provided, however, that the penalty shall never be less than One Dollar ($1). Delinquent taxes shall draw interest at the rate of six per cent (6%) beginning sixty (60) days from date due. The State shall have a prior lien for all delinquent taxes, penalties and interest on all of the property used by the distributor in his business of distributing, selling and/or using cement.

"Article 19.02 Certain Services Connected with Oil Wells"

"(1) The term 'person' shall for the purpose of this Article mean and include individuals, partnerships, firms, joint stock companies, associations and corporations.

"(2) An occupation tax at the rate and in the manner hereinafter provided is hereby imposed upon every person in this State engaged in the business of furnishing any service or performing any duty for a consideration or compensation, with the use of any tools, instruments or equipment, whether employed by any owner of any chemical, electrical or mechanical processes when such service or duty is performed in or at any oil or gas well or in connection with the drilling and completion or reworking or reconditioning of any such well, in (1) cementing the casing and any oil or gas well, or (2) shooting, fracturing or acidizing the sands of oil or gas formation of the earth in any such well, or (3) surveying or testing such formations or the contents thereof. Such tax shall be collected by the use of instruments or equipment used in or connected with such wells or in the drilling or reconditioning of any such well.

"(3) The tax hereby imposed shall be at the rate of 2.41% of the gross amount received from the services or duly rendered from such gross amount the reasonable value at the well of any material used, consumed, expended in or incorporated into the well. The amount received from such taxable services during the calendar month next preceding shall be reported by the person subject to the tax imposed hereby on a form prescribed and furnished by the Comptroller and the tax thereon shall be paid to the Comptroller at his office in Austin, Texas, on or before the 20th day of each month.

"(4) A complete record of the business transacted, together with any other information the Comptroller may require shall be kept by each person furnishing any service or performing any duty subject to said tax, which said records shall be kept for a period of two (2) years, open to the inspection of the Comptroller of Public Accounts or the Attorney General of this State, or their authorized representatives. The Comptroller shall have the authority to adopt rules and regulations for the enforcement of this Article, and the collection of the tax levied herein.

"(5) If any person shall violate any provisions of this Article, he shall forfeit to the State of Texas as a penalty, the sum of any said tax less than Twenty-Five Dollars ($25), and not more than Five Hundred Dollars ($500) for each violation and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax when the same shall become due, he shall forfeit five per cent (5%) thereof as a penalty, and after the first thirty (30) days, he shall forfeit an additional five per cent (5%). Provided, however, that the penalty shall never be less than One Dollar ($1). Delinquent taxes shall draw interest at the rate of six per cent (6%) beginning sixty (60) days from the date due. The State shall be secured for all taxes, penalties, interests and costs due by any person under the provisions of this Article by a preferred lien, first and prior to any and all other existing
 enforcement of the terms and
promulgated hereunder he
shall fail or refuse to comply with association of persons,
or (4) shall refuse to permit the
Comptroller, the Attorney General,
or their authorized representative
to inspect any premises where
articles, to inspect any books or
records, incident to the conduct
of his business that may be kept; or
(5) shall make, deliver to, and file
with the Comptroller a false or in-
complete return or report; or (6)
shall refuse to permit the Com-
ptroller to inspect and examine any books or
records, incident to the conduct
of his business that may be kept; or
(2) shall mutilate, destroy, secrete, or remove from this
State, any such books or records;
or (4) shall refuse to permit the
Comptroller, the Attorney General,
or their authorized representative
to inspect and examine any books or
records, incident to the conduct
of his business that may be kept; or
(6) shall make, deliver to, and file
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ptroller to inspect and examine any books or
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of his business that may be kept; or
(6) shall mak...
days from the date due. Venue for the collection of such penalties by suit shall be in Travis County, Texas.

(2) The State of Texas shall have a prior lien for all delinquent taxes and penalties provided for in this Chapter on all property used by the owner or operator of any place of amusement as designated in this Chapter, and the Attorney General of the State of Texas may file suit for the collection of such tax and penalties in any court of competent jurisdiction in Travis County, Texas, and for the foreclosure of such lien, and may enjoin the operation of any such business until such taxes and penalties are paid.

(3) Any person managing or controlling any place of amusement required to file a report or keep records as provided in this Chapter, who shall fail or refuse to file such report on the date provided in this Chapter, or make and keep such records, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than One Hundred Dollars ($100) and such punishment shall be in addition to the civil penalties herein provided for. The venue for such prosecutions is hereby conferred upon the Court of Travis County, Texas.

Article 22.01 Severance Beneficiary Tax

(1) In addition to the occupation tax on producers of natural gas levied by Chapter 3 of this Act, there is hereby levied an occupation tax on the occupation or privilege of obtaining the production of Dedicated Gas within this State, and on the business or occupation of producing such gas, to be known as the 'Severance Beneficiary Tax,' and to be computed as follows:

The rate of said tax shall be one and one half per cent (1 1/2%) of the market value of gas as and when produced.

In calculating the tax herein levied there shall be excluded: (1) gas injected into the earth in this State unless sold for such purpose; (2) gas produced from oil wells with oil and lawfully vested or flared; (3) gas used for lifting oil unless sold for such purpose; (4) gas used in connection with the irrigation of lands in Texas.

(2) The market value of gas subject to the tax hereby levied shall be the value thereof at the mouth of the well except in cases where liquid hydrocarbons are extracted or recovered therefrom in this State, in which event the market value shall be the value of the residue gas remaining after such extraction or removal, and no additional tax on liquid hydrocarbons extracted or recovered from gas is levied by this Chapter.

(3) The tax hereby levied as an occupation tax on the occupation or privilege of obtaining the production of 'Dedicated Gas' and on the business or occupation of producing such gas as a 'Severance Beneficiary,' as these terms are defined herein.

(4) The tax hereby levied shall be a liability of the producer of the gas, but if produced for or sold to a severance beneficiary other than the producer, the tax shall be the liability of and paid by the severance beneficiary. It is the intention of this Article that the producer shall be required to pay the tax hereby levied only if the gas is produced for his own use or independent sale and not under any prior contract to produce for sale to another. The provisions in this paragraph shall not be severable and producers shall not be liable for any tax under the provisions of this Article unless severance beneficiaries other than producers are also liable as provided under the terms hereof. If the tax hereby levied is held invalid as to any class of severance beneficiaries, other than governmental entities or organizations held to be exempt from taxation, then it shall not be valid as to other severance beneficiaries and producers, and the non-severability provisions of this Article shall prevail over the general severability clause in Section 5 of this Act. It shall be the duty of each producer to keep accurate records in Texas of all gas produced and to make monthly reports as hereinafter provided.

(5) The first purchaser of gas shall pay the tax on gas purchased and if he is not the severance beneficiary, shall collect the tax so paid from the severance beneficiary, making such payments so collected to
the Comptroller of Public Accounts
by legal tender or cashier's check
payable to the State Treasurer. Such
moneys so collected for the payment
of this tax shall be held by the pur-
chaser in trust for the use and bene-
fit of the State of Texas and shall
not be commingled with any other
funds held by such said purchaser,
and shall be remitted to the State
Treasurer in accordance with the
terms and provisions of this Chap-
ter; and it shall be the duty of each
such purchaser to keep accurate rec-
cords in Texas of all such gas pur-
chased or obtained as hereinafter
provided and to make and deliver
to the Comptroller monthly reports
thereof. If there is no first purch­
asser or severance beneficiary other
than the producer, then the producer
shall pay to the Comptroller the tax
levied by this Chapter.

"(6) The tax herein levied shall
be due and payable at the office of
the Comptroller at Austin on the
last day of the calendar month, based
on the amount of gas produced and
saved during the preceding calendar
month, and on or before said date
each producer and severance ben­
eficiary and first purchaser shall make
and deliver to the Comptroller a rep­
ort showing the gross amount of gas produced and purch­
as ed, less the exclusions and at the
pressure base set out herein, upon
which the tax herein levied accrued,
together with details as to amounts
of gas, from what leases said gas was
produced, and the correct name and
address of the severance benefici­
ary, the first purchaser and such other
information as the Comptroller may
demand; and report to be accompanied
by legal tender or cashier's check
payable to the State Treasurer for
the proper amount of taxes herein
levied.

"(7) Provided, that unless such
payment of tax on all gas produced
during any month or fractional part
thereof shall be made on or before the
date due as hereinabove speci­
died, such payment shall become de­
linquent and a penalty of five per
cent (5%) of the amount of the
tax shall be added, and after the
first thirty (30) days an additional
five per cent (5%) shall be added;
said penalty shall never be less than
One Dollar ($1). Delinquent taxes
shall bear interest at the rate of
six per cent (6%) per annum be­
ginning sixty (60) days from the
date due.

"Article 23.87
"If any person shall fail to file
a report as required herein or shall
fail to pay to the Comptroller the tax
as imposed herein when said report
or payment is due, he shall forfeit
five per cent (5%) of the amount
due as a penalty, and after the first
thirty (30) days he shall forfeit
an additional five per cent (5%).
provided, however, that the penalty
shall never be less than One Dollar
($1). Delinquent taxes shall draw
interest at the rate of six per cent
(6%) per annum, beginning sixty
(60) days from the date due."

Section 2. This Act shall become
effective September 1, 1961.

Section 3. The pressing need to
relieve the burden of unequal treat­
ment of taxpayers making late pay­
ment and/or reports and the need
for clarifying the due dates of payments
and reports create an emergency and
a public necessity that the Constitu­
tional 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 September 1, 1961, and it is
so enacted.

The amendment was adopted.

Mr. Atwell offered the following
amendment to the bill:

Amend House Bill 136 by deleting
Article 1.15 and substituting there­
for the following:

"Article 1.15. Notwithstanding any
provision in Title 122A, 'Taxation-
General' to the contrary, no person
remitting taxes or making returns
under any provisions of this Title
shall be assessed a civil penalty for
any one offense in excess of One
Thousand Dollars ($1,000) for fail­
ture to remit taxes or file returns
when due. No interest on delinquent
taxes due under the provisions of
this Title shall be charged against
any taxpayer after the expiration of
five (5) years from the date due.
It is the intention of the Legislature that, in instances of conflict between the provisions of this Article and any other provisions of this Title, the provisions of this Article shall prevail.

The amendment was adopted by unanimous consent.

H. B. No. 156 was passed to engrossment.

HOUSE BILL NO. 167 ON SECOND READING

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

H. B. No. 167, A bill to be entitled "An Act to amend Chapter 411 (page 830) of the Acts, 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 3731a, by amending Section 1, Section 2, inserting a new section 2a, and amending Sections 4 and 5 so as to provide for admissibility of a greater number of domestic and foreign records admissible as evidence of the matters contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 167 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Any written instrument, certificate, record, part of record, return, report, or part of report, made by an officer of this state or of any governmental subdivision thereof, or by his deputy, or person or employee under his supervision, in the performance of the functions of his office and employment shall be so far as relevant, admitted in the courts of this state as evidence of the matter stated therein, subject to the provisions in Section 2."

"Section 2. Any written instrument which is permitted or required by law to be made, filed, kept or recorded (including but not limited to certificate, written statement, contract, deed, conveyance, lease, concession, covenant, grant, record, lease, report or recorded event) by an officer or clerk of the United States or of another state or nation or of any governmental subdivision of any of the foregoing, or by his deputy or employee, or by any Notary Public of a foreign country in a protocol or similar book in the performance of the functions of his office, shall, so far as relevant, be admitted in the courts of this state as evidence of the matter stated therein, subject to the provisions in Section 3."

"Section 3a. Any constitutional, statutory, written law, proclamation, decree, statutory or administrative rule or regulation, or rule of law of any foreign country as of a particular date or dates, shall, so far as relevant, be admitted in the courts of this state as evidence of the matters contained therein, subject to the provisions of Section 3. It is hereby declared that the word 'writing' in Section 3 shall be interpreted to include the items contained in this section."

"Section 4. Such writings may be evidenced by an official publication thereof or by a copy issued by the officer having the legal custody of the record, or by his deputy. Except in the case of a copy of an official writing from a public office of this state or a subdivision thereof, the attestation shall be accompanied with a certificate that the attesting officer has the legal custody of such writing. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consul agent or by any officer in the foreign service of the United States, or by any officer of a United States military government, stationed in the foreign state or country in which the record is kept, and authenticated
by the seal of his office. In the case of the matters in Section 2a, the substance contents, and/or wording of any of such matters may also be evidenced by certification, as to existence on a particular date or dates by the governmental head of such country or his secretary, or such country's attorney (such as attorney general) or assistant attorney or chief legal head, or the president, leader or head of its or one of its law-making bodies or the secretary thereof; or judge or any justice of any appellate court of such country and if none, judge or any justice of one or any one of its highest judicial tribunals. All such attested and certified instruments and the contents of the certificate and the title of the person making same, shall be evidence of the matters, statements, representations and title contained therein.

"Section 5. A written statement signed by an officer having the custody of an official record, or by his deputy, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry."

"Section 7. The fact that the present laws in regard to the introduction of public records of governmental departments of the State of Texas and other states and nations are inadequate and the further fact that it is very difficult under the present laws to keep or record any memorandum, document, entry or report would be admitted under the provisions of Chapter 3 of this Act to amend Chapter 418, Acts of the 65th Legislature, Regular Session, 1967, are hereby amended to read as follows:"

"Section 1. Where any public officer of this State, the United States or another state or nation or any political subdivision of any of the foregoing or his deputy or employee in the performance of the function of his office or any notary public of a foreign nation, has made, filed, kept or recorded any memorandum, document, entry or report, (including certificate, written statement, contract, deed, conveyance, lease, concession, covenant, grant, record, return, report, or recorded event), and has caused the same to be copied or reproduced by any photographic, photostatic, microfilm or other processes which accurately reproduces or forms a durable medium for so reproducing the original, such reproduction shall be admissible in evidence (under the same conditions as original) under the provisions of Section 3 of this Article."

"Section 3. Such photograph, photostatic, microfilm or other reproduction shall be, so far as relevant, admitted in any judicial or administrative proceeding in this state as evidence of the matters stated therein, in any instance in which the original memorandum, record, document, entry or report would be admitted under the provisions of Chapter 321 (as amended) or Chapter
471 of the General Laws of Texas, 1951, as amended. In the case of public records the reproduction may be proved to be correct by following the procedure set forth in Chapter 471 of the General Laws of Texas, 1951, as amended, and Chapter 504 of the General Laws of Texas, 1951, as amended. In the case of business records, the reproduction may be proved to be correct by the testimony of the entrant, custodian or other qualified witness.

Section 2. The fact that the present laws are not adequate to provide for the proof of official records by the use of reproduced copies and the need for adequate laws creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House of the Legislature be suspended, and said rule is hereby suspended, and that this act shall take effect and shall be in full force, from and after its passage, and it is so enacted.

The amendment was adopted.

H. B. No. 158 was passed to engrossment.

HOUSE BILL NO. 159 ON SECOND READING

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

H. B. No. 159, A bill to be entitled "An Act to amend Chapter 321 (page 345) Acts of the 52nd Legislature, Regular Session, 1951, compiled as Vernon's Civil Statutes, Article 2737e, by amending Section 1 so as to provide for the introduction of business records and the manner of proof thereof, and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 159 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Section 1 of Chapter 321 (page 346) of the 52nd Legislature, Regular Session, 1951, is hereby amended to read as follows:

"Section 1. A memorandum or record of an act, event or condition shall, insofar as relevant, be competent evidence of the occurrence of the act or event, or the existence of the condition if the Judge finds that:

(a) It was made in the regular course of business;

(b) It was the regular course of business for an employee or representative of such business, or other authorised persons, with personal knowledge of such act, event or condition, to make such memorandum or record, or to transmit information thereof to an employee, representative, or other authorised person, to be included in such memorandum or record; provided, however, that a medical doctor who utilizes the facilities of a hospital or clinic for the examination or treatment of patients in the normal course of his business shall be considered an employee of such hospital or clinic for the purposes of this section; and provided further, that in the case of records of a hospital or clinic containing diagnoses, opinions, or conclusions, the competence of the person making same or causing same to be made must be shown by some information contained in the record, or by the testimony of some person acquainted with the qualification or competency of such person.

(c) It was made at or near the time of the act, event or condition, or reasonably soon thereafter.

Section 3. The fact that the present laws are calculated to permit the introduction of official records without showing that the person making same is an employee or his qualifications, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House of the Legislature be suspended, and said rule be hereby suspended, and that this act shall take effect and shall be in full force, from and after its passage, and it is so amended.

The amendment was adopted.

H. B. No. 159 was passed to engrossment.
The bill was read second time.

Mr. Miller offered the following amendment to the bill:

Amend House Bill No. 162 by striking out below the enabling clause and substituting in lieu thereof the following:

"Section 1. That Section 4 of the Texas Mental Health Code, Chapter 243, Acts of the Fifty-fifth Legislature, Regular Session, 1955, compiled as Article 5547-27 and Article 5547-28, Vernon's Texas Civil Statutes, by providing that the 24-hour time limit for obtaining a court order in emergency hospitalization proceedings be deleted from Section 27 and reinstated in a new subsection (c) to Section 28, with the proviso that should the person be admitted to the hospital on a Saturday or Sunday, or a legal holiday, then the 24-hour time limit shall begin at 9:00 a.m. of the first succeeding business day; and providing a definition in subsection (c) of the type of court order required under the emergency admission procedure; and declaring an emergency,"

The bill was read second time.

Mr. Miller offered the following amendment to the bill:

Amend House Bill No. 162 by striking out below the enabling clause and substituting in lieu thereof the following:

"Section 1. That Section 4 of the Texas Mental Health Code, Chapter 243, Acts of the Fifty-fifth Legislature, Regular Session, 1955, compiled as Vernon's Revised Civil Statutes of Texas, Article 5547-2, be and the same is hereby amended to read as follows:

Sec. 4. Definitions.

As used in this Code, unless the context otherwise requires:

(a) "Board" means the Board for Texas State Hospitals and Special Schools.

(b) "person" includes firm, partnership, joint stock company, joint venture, association and corporation.

(c) "political subdivision" includes a county, city, town, village or hospital district in this State but does not include the Board or any other department, board or agency of the State having state-wide authority and responsibility.

(d) "physician" means a person licensed to practice medicine in the State of Texas or a person employed by a State mental hospital or by an agency of the United States, having a license to practice medicine in any State or the United States.

(e) "head of hospital" means the individual in charge of a hospital.

(f) "general hospital" means a hospital operated primarily for the diagnosis, care and treatment of the physically ill.

(g) "mental hospital" means a hospital operated for the primary purpose of providing in-patient care and treatment for the mentally ill. A hospital operated by an agency of the United States and equipped to provide in-patient care and treatment for the mentally ill shall be considered a mental hospital.

(h) "State mental hospital" means a mental hospital operated by the Board.

(i) "private mental hospital" means a mental hospital operated by any person or political subdivision.

(j) "patient" means any person admitted or committed to any mental hospital or any person under observation, care or treatment in a mental hospital.

(k) "mentally ill person" means a person whose mental health is substantially impaired. For purposes of this Code the term "mentally ill person" includes a person who is suffering from the mental conditions referred to in Article 1, Section 15a of the Constitution of the State of Texas.

(l) "mentally incompetent person" means a mentally ill person whose mental illness renders him incapable of caring for himself and managing his property and financial affairs.

(m) "next of kin" means spouse or nearest known relative who is legally of age.

(a) "resident of this State" means a person who has lived continuously in this State for a period of one (1) year or more and who has not acquired a residence in another state by living continuously therein for at least one (1) year subsequent to his
residence in this State. Time spent in a public institution or on furlough therefrom is not included in determining residence in this or another state.

(6) 'Department' means the Texas Department of Health.

(7) 'Warrant' means an order of a magistrate, ordering the apprehension and taking into custody of a person.

Sec. 2. That Section 27 of the Texas Mental Health Code, Chapter 243, Page 506, Acts of the Fifty-Fifth Legislature, Regular Session, 1957, compiled as Vernon's Revised Civil Statutes of Texas, Article 6847-30, be and the same is hereby amended to read as follows:

'Sec. 27. Authority of Health Officer.

Any health or peace officer, who has reason to believe and does believe upon the representation of a credible person, in writing, or upon the basis of the conduct of a person or the circumstances under which he is found that the person is mentally ill and because of his mental illness is likely to cause injury to himself or others if not immediately restrained, may upon obtaining a warrant from any magistrate, take such person into custody, and immediately transport him to the nearest hospital and make application for his admission, pursuant to the warrant of the magistrate. Such person admitted upon such warrant may be detained in custody for a period not to exceed twenty-four (24) hours, unless a further written order is obtained from the County Court or Probate Court of such county, ordering further detention. Provided, however, that should the person be taken into custody on a Saturday or Sunday, or legal holiday, then the 24-hour period allowed for obtaining the court order permitting further detention shall begin at 9:00 o'clock a.m. on the first succeeding business day.

Sec. 3. That Section 28 of the Texas Mental Health Code, Chapter 243, Page 506, Acts of the Fifty-Fifth Legislature, Regular Session, 1957, compiled as Vernon's Revised Civil Statutes of Texas, Article 6847-30, be and the same is hereby amended to read as follows:

'Sec. 28. Emergency Admission.

The head of a mental hospital or a general hospital shall not admit nor detain any person for emergency observation and treatment unless:

(a) A warrant has been obtained from a magistrate ordering the apprehension and taking into custody of such person to be admitted, or an order of protective custody has been issued pursuant to Section 66 of this Code;

(b) A written application is made by a health or peace officer who has such person in his custody stating the circumstances under which the person was taken into custody and the officer's belief and the reasons therefor that the person is mentally ill and that because of his mental illness is likely to cause injury to himself or others if not immediately restrained; and

(c) A written and certified opinion is made by the medical officer on duty at the hospital, that after a preliminary examination, the person has symptoms of mental illness and is likely to cause injury to himself or others if not immediately restrained.

Sec. 4. That Section 29 of the Texas Mental Health Code, Chapter 243, Page 506, Acts of the Fifty-Fifth Legislature, Regular Session, 1957, compiled as Vernon's Revised Civil Statutes of Texas, Article 6847-30, be and the same is hereby amended to read as follows:

'Sec. 29. Examination and Certification.

The head of the hospital shall have a physician examine every person within twenty-four (24) hours after his admission to a hospital for emergency observation and treatment and prepare a Certificate of Medical Examination for Mental Illness. A copy of the Certificate shall be sent forthwith to the person's guardian or responsible relative.'
to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Act and the application of such word, phrase, clause, sentence, paragraph, section, or other part of said Act to other situations, circumstances, or persons shall not be affected thereby.

Sec. 6. The fact that the provisions of this Act are urgently needed for the welfare of all the inhabitants of this State, and the protection of their rights and liberty, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 162 was passed to engrossment.

RECORD OF VOTE

Mr. Collins requested to be recorded as voting nay on the passage of H. B. No. 897 passed on April 27.

RECESS

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

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

The motion to recess until 2:00 o'clock p.m. today prevailed.

In accordance with the motion to recess, the House at 12:27 o'clock p.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the Honorable L. DeWitt Hale.

CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

The House resumed consideration of pending business, same being the consideration of local and uncontested bills.
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The amendment was adopted.

H. B. No. 185 was passed to engrossment.

HOUSE BILL NO. 166 ON SECOND READING

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

H. B. No. 166, A bill to be entitled "An Act providing a penalty for the operation of certain aircraft while intoxicated or under the influence of intoxicating liquor, and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 166 by striking out all after the enacting clause and inserting the following:

Section 1. Any person who drives, operates or pilots an airplane, aircraft, heavier-than-aircraft, or lighter-than-aircraft within the airspace or the State of Texas or drives, operates or pilots such craft upon a public airstrip within the State of Texas, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, and upon conviction, shall be punished by confinement in the State Penitentiary for not less than fifteen (15) days nor more than two (2) years, or by a fine of not less than Two Hundred Dollars ($200) nor more than Five Thousand Dollars ($5,000), or by both such fine and imprisonment.

Sec. 2. The fact that there is presently no law making it illegal to operate an aircraft while intoxicated creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each house be suspended, and such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 166 was then passed to engrossment.

HOUSE BILL NO. 321 ON SECOND READING

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

H. B. No. 321, A bill to be entitled "An Act to revise and arrange certain statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; providing a severability clause; providing a savings clause; repealing certain statutes relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts; and declaring an emergency."

The bill was read second time.

Mr. Bartram offered Committee Amendment No. 1 to the bill.

Mr. James asked unanimous consent of the House that Committee Amendment No. 1 to H. B. No. 321 be not printed in the Journal.

There was no objection and it was so ordered.

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

AMENDMENT NO. 1 TO H. B. 321

Amend Committee Amendment to H. B. 321, Sec. 1 by striking therefrom subsection (b) of Art. 2.031 and substituting in lieu thereof the following: "(b) If it is determined by the Court that the child is either feeble-minded or mentally ill, the Judge shall transmit the Court's findings and the results of any examinations to the County Judge of the County in which the child resides."

The amendment was adopted.
Mr. Spears offered the following amendment to Committee Amendment No. 1:

AMENDMENT NO. 2 TO H. B. 231

Amend Committee Amendment to H. B. 231, Sec. 1, by striking therefrom Art. 1.027 and substituting in lieu thereof the following:

"Article 1.027. Termination of Control.

(a) Every child committed to the Council as a delinquent, if not already discharged, shall be discharged from custody of the Council when he reaches his 21st birthday.

(b) Upon the discharge of any child from custody of the Council other than the automatic discharge upon the reaching of the child's 21st birthday, a notice of such discharge must be given to the Judge of the committing court or the successor of such court.

(c) For the purposes of granting consent to go into military service of the United States of America, the Texas Youth Council shall have the power to grant such consent of any child who has been committed to the custody of the Council."

The amendment was adopted.

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

AMENDMENT NO. 3 TO H. B. 231

Amend Committee Amendment to H. B. 231, Sec. 1, by striking therefrom Sections (d) and (e) of Art. 2.035 and substituting in lieu thereof the following:

"(d) Should the terms of the child's probation, as set by the Court, be violated, the cash bond shall be subject to being forfeited by the Court in accordance with the general laws of this State pertaining to bond forfeiture.

(e) When the cash bond has been forfeited by the Court, the proceeds shall first be used to pay for any damages in such sum as determined by the Court caused by any acts or conduct of said child that were in violation of the child's probation and for which said bond was forfeited after a hearing on such issue. Any amount of the cash bond remaining shall be paid on the direction of the Court to the Texas Youth Council for its use and in furtherance of said Council's purpose as provided in Art. 1.61 of this Title."

The amendment was adopted.

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

H. B. No. 231 was then passed to engrossment.

H. B. No. 374, A bill to be entitled "An Act relating to the authorized investments of life insurance companies, and in particular repealing inconsistent provisions of Article 3.39 and Article 3.34 of the Insurance Code of the State of Texas, and declaring an emergency."

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

H. B. No. 436, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the 44th Legislature, 1935, as last amended, codified as Article 4639a, Vernon's Texas Civil Statutes, by providing that jury determination of child custody may not be contravened by judgment of the court upon granting a divorce; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1 of House Bill No. 436 by adding a new sentence to the section quoted therein, to begin after the third sentence thereof, and to read as follows:

"In any hearing held in this State concerning the custody of a child, whether pursuant to a divorce cause or not, any party to the hearing..."
may, upon assumption of jury costs, demand a jury to determine custody of the child, and the judgment of the court must conform to that determination.”

The amendment was adopted.

House Bill No. 437 was then passed to engrossment.

HOUSE BILL NO. 437 ON SECOND READING

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

H. B. No. 437, A bill to be entitled “An Act amending Sections 2, 3, 4, 5, 6, 7, 10, 11 and 13 of Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission; to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught; to make exceptions thereto; to regulate the selling and disposition of certain shrimp; to provide for venue in certain cases; to repeal all laws or parts of law in conflict to the extent shall be unlawful for any person to take or catch, or attempt to take or catch, bait shrimp for his own personal use by the use of any mechanical means or devices; and it shall be lawful for any person to take or catch, or attempt to take or catch, bait shrimp for his own personal use by the use of a “Sports Bait-Shrimp Trawl” as defined herein. Provided, however, it shall be unlawful for any “Sports Bait-Shrimp Trawl” to be in the possession of any person within the coastal waters of this State, without the owner thereof having first procured a license, to be known as a Sports Bait-Shrimp Trawl License, from the Commission privileging such trawl to be used within the coastal waters of this State; provided also that the fee for said license shall be Three Dollars ($3), also the license provided for herein shall expire on August 31st following the date of issuance. Provided further, that it shall be unlawful for any person to use or have within his possession within the coastal waters of this State, any “Sports Bait-Shrimp Trawl” having a mesh smaller than one and one-half (1½) inch stretch between the knots, providing further that it shall be unlawful to use more than one (1) such trawl per boat and the distance between the doors or boards or spreading device shall not exceed twenty-two (22) feet. Provided further, that it shall be unlawful for any person taking or catching, or attempting to take or catch, shrimp for his own use, under the provisions of this act, to have within his possession more than two (2) quarts of shrimp per person, either fresh shrimp with heads on, or frozen shrimp, or both, to be used for bait purposes only, but not otherwise; provided further that any person may...
take or catch shrimp during the open season for his own personal use.

Committee Amendment No. 1

Amend House Bill 464 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 29 of Chapter 269 of the Acts of the 55th Legislature, Regular Session, 1957, is hereby amended to read as follows:

"Section 29. Penal Provisions. Any person who shall:

A. Sell, offer for sale or delivery, solicit subscriptions or orders for, dispose of, invite orders for, or who shall deal in any other manner in any security or securities without being a registered dealer or salesman or agent as in this Act provided shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment in the penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

B. Sell, offer for sale or delivery, solicit subscriptions to and orders for, dispose of, invite orders for, or who shall deal in any other manner in any security or securities issued after September 6, 1955, unless said security or securities have been registered or granted a permit as provided in Section 7 of this Act, shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment in the penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

C. Engage in any fraud or fraudulent practice in the sale, offering for sale or delivery of, invitation of offers, or dealing in any other manner in any security or securities shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment in the penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

D. Sell or offer for sale any security or securities named or listed in a notice in writing given him by the Commissioner under the author.
E. Knowingly make any false statement of fact in any: a) Statement or representation containing an offer to sell or to dispose of, or in or by verbal or written solicitation to purchase, or in any commendatory matter concerning any securities, with intent to aid in the disposal or purchase of the same shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment in the penitentiary for not more than two (2) years, or by both such fine and imprisonment.

F. Knowingly make any false statement or representation concerning any registration made under the provisions of this Act shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment in the penitentiary for not more than two (2) years, or by both such fine and imprisonment.

G. Knowingly participate in declaring, issuing or paying cash dividends by or for any person or company out of any fund other than the actual earnings of such person or company or from the lawful liquidation of the business thereof, shall be deemed guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment in the penitentiary for not more than two (2) years, or by both such fine and imprisonment.

H. Issue, distribute, or publish, within this state, any circular, advertisement, pamphlet, prospectus, program or other matter, as to any security, unless such advertising complies with the requirements hereinafter set forth in this Section 22; in addition, the state and purchasers shall have all other remedies provided for where the unlawful sales are made under this Act.

Section 3. Provided that no offense committed, no case or proceeding pending and no fine or penalty incurred before the effective date of this Act shall be affected by this Act, or by reason of a conflict between this Act and any other statute or statutes in force at the effective date of this Act, but the punishment and prosecution for such act or offense shall take place as if the law or laws in conflict herewith remained in full force and effect.

Section 4. 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 provision or application, and to this end the provisions of this Act are declared to be severable.

Section 5. The fact that the present penal provisions of the Texas Securities Act are unclear and difficult to prosecute because of confusion in the offenses 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 sus-
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pended, and that this Act shall be-

come effective and in force from and

after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 464 was then pass-
ed to engrossment.

HOUSE BILL NO. 563 ON
SECOND READING

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

H. B. No. 563, A bill to be entitled
"An Act authorizing the State Parks
Board to enter into agreements for
participation of local units of gov-
ernment in operation and mainten-
ance of State Parks; providing that
the State Parks Board may enter
into interagency contracts for main-
tenance of State Parks with the
State Highway Department; provid-
ing a severability clause; provid-
ing a savings clause; and declaring
an emergency."

The amendment was adopted.

House Bill No. 563 was then pass-
ed to engrossment.

HOUSE BILL NO. 551 ON
SECOND READING

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

H. B. No. 551, A bill to be entitled
"An Act amending Section 89 of the
Texas Probate Code so as to express-
ly provide for the probate of wills as
Muniments of Title; and declaring
an emergency."

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

HOUSE BILL NO. 553 ON
SECOND READING

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

COMMITTEE AMENDMENT NO. 1

Amend HB 553 by striking out
Section 1 and substituting the fol-
lowing:

Section 1. The State Parks
Board may lease for park purposes
any land and improvements it holds
to any city, county, special district
or other political subdivision for use
for park purposes by that political
subdivision. Under such lease agree-
ments the area subject to the lease
shall not be referred to as a state
park, and no state funds may be
used to operate or maintain any park
leased under the provisions of this
Section 1.

The amendment was adopted.

Mr. Markgraf offered the follow-
ing committee amendment to the
bill:

COMMITTEE AMENDMENT NO. 2

Amend HB 553 by striking out
Section 3 and substituting the fol-
lowing:

Section 3. Any area, under
the control of the State Parks Board,
which is more suitable for use as
a roadside park than any other park
use may be transferred to the State
Highway Department for roadside
park purposes if it meets with the
specifications of the State Highway
Department.

The amendment was adopted.

House Bill No. 553 was then pass-
ed to engrossment.

HOUSE BILL NO. 576 ON
SECOND READING

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

H. B. No. 576, A bill to be entitled
"An Act amending Article 1176, Revised
Civil Statutes of Texas, 1925, so as to
describe the mode of notice to munici-
palities of claims for damages and
providing certain exceptions; and decla-
ring an emergency."

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

HOUSE BILL NO. 576 ON
SECOND READING

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

H. B. No. 576, A bill to be entitled
"An Act amending Article 279, Re-
vised Civil Statutes of Texas, 1925,
so as to provide that the clerk or
judge of the court shall determine
the amount of bond upon issuance of
attachments against realty and that
bond amounts on personalty attach-
ments shall not exceed double the
value of property attached or the
plaintiff's debt, whichever is less;
and declaring an emergency."
The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 639 ON SECOND READING

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

H. B. No. 639, A bill to be entitled "An Act amending subdivision 7 of Article 2158, Revised Civil Statutes of Texas, 1925, so as to exempt the personal property of institutions of public charity from ad valorem taxation; and declaring an emergency."

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. B. No. 96, An Act amending Section 1 of Chapter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.03-1, Insurance Code, Vernon's Texas Civil Statutes, so as to include State-wide mutual assessment companies as being subject to penalties for delay in payment of losses on policies; and declaring an emergency.

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 project; providing that such bonds shall be secured by a pledge of the net revenues 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; etc., providing a severance clause; and declaring an emergency.

S. C. R. No. 35, Requesting survey and study on higher education.

S. C. R. No. 65, Inviting the Secretary of the Navy, the Honorable John B. Connally, to address a Joint Session.

HOUSE BILL NO. 691 ON SECOND READING

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

H. B. No. 691, A bill to be entitled "An Act amending Section 3 of House Bill 361, Acts of the Forty-fifth Legislature, Regular Session, 1957, Chapter 456, Page 523, as amended, (codified as Article 5231c of Vernon's Revised Texas Statutes) relating to the inspection of boilers; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

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

HOUSE BILL NO. 711 ON SECOND READING

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

H. B. No. 711, A bill to be entitled "An Act amending Chapter 4, Title 75, of the Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article after Article 4639a, to be known as Article 4639b, Vernon's Texas Civil Statutes, pertaining to the support of children who require custodial care; providing a severance clause; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

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

COMMITTEE AMENDMENT NO. 1

Strike all below the enacting clause and insert in lieu thereof the following:

Section 1. Amend Chapter 4, Title 75, of the Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article after Article 4639a, Vernon's Texas Civil Statutes, to be known as 4639b.1 to read as follows:
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"Article 4639a-l. Children requiring Custodial Care.

"In addition to all other requirements, each petition for divorce shall further set out, if such is a fact, that (1) an unmarried child, born of the marriage sought to be dissolved, is physically or mentally unsound and requires custodial care, and (2) that such child cannot adequately take care of or provide for himself, and (3) that such child has no personal estate or income sufficient to provide for his reasonable and necessary care. If the Court shall find all of such has been proven by full and satisfactory evidence the Court may require and enforce support payments for such child, whether a minor or not, subject to the power and authority of the Court to alter, change, suspend, or otherwise revise its judgments as the facts and circumstances may require and in the manner required by law."

Section 2. If any Section, clause, phrase, word or words of this Act are held to be unconstitutional, such decision shall not affect the remaining portions of this Act.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. The fact that at the present time there is no provision for the continued support of children needing custodial care, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 711 was then passed to engrossment.

HOUSE BILL NO. 768 ON SECOND READING

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

H. R. No. 768. A bill to be entitled "An Act relating to annual independent audit of books, records and accounts in counties having assessed valuation of $245,000,000 or more; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. R. No. 768 by deleting sections 5 and 6 and substituting in lieu thereof the following:

Sec. 5. The audits provided for in this Act shall be in addition to any special audits that may be prepared pursuant to the provisions of Vernon's Articles 1638, 1641, and 1641r, or any regular or special audit report that may be prepared by the regular county auditor.

Sec. 6. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and 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. Caldwell offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment by adding at the end of Sec. 5 the following sentence:

"Provided, however, if any County has had an independent audit as described herein within the last ten years, said County shall not be required to conform under this act for a period of ten years from the effective date of this Act."

The amendment was adopted.

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

House Bill No. 768 was then passed to engrossment.

HOUSE BILL NO. 800 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,
H B. No. 800, A bill to be entitled "An Act amending Ch. 279 of the Acts of the 56th Leg. (being the Act creating the Red River Authority of Texas) by adding Sec. 32 repealing Sections 16, 19 and 25 of said Chapter; adding Sec. 33 enabling the authority to contract and enter into such agreements as may be necessary to accomplish the purposes for which it was created; and Sec. 34 providing for certain general powers; Sec. 35 enabling the authority to acquire and operate certain water improvement and distribution systems; and Sec. 36 declaring an emergency."

The bill was read second time.

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

House Committee Amendment No. 1 to H. B. 800

Amend House Bill No. 800 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 19 of Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, codified as Sec. 19 of Article 2280-228, Vernon's Texas Civil Statutes, is amended so herein defined. The right of eminent domain shall not be exercised or extend beyond the boundaries of this District."

"Section 19, Said Authority shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within or without said Authority of lands, right-of-ways, water rights and all other properties, tenements, easements and all other rights incident, helpful to, or in aid of carrying out the purposes of said Authority as herein defined. The right of eminent domain shall not be exercised or extend beyond the boundaries of this District."

"Section 2. Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, codified as Article 2280-228, Vernon's Texas Civil Statutes is amended by adding thereto a new section, to be designated Section 19a, reading as follows:

"Sec. 19a. The Authority is expressly authorized to contract with cities, towns, or villages located within its boundaries for the purchase, lease, use, management, control or operation of water distribution plants or systems owned by said cities, towns or villages, in accordance with such terms and conditions as may be mutually agreed upon by and between the governing bodies of the Authority and each city, town or village. In this connection the Authority is empowered to acquire by any contract or contract surface or underground water rights belonging to any such city, town or village; provided, however, that the Authority shall devote any such water rights so acquired to only such use as the city, town or village from which they were acquired would be authorized to make of them; and, provided further, that the Authority shall use any such water rights so acquired only for the purposes of the water distribution plant or system of the city, town or village from which such water rights were acquired, and not otherwise."

"Section 3. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such omission shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Section 4. The provisions of this Act are matters of great public concern, create an emergency and an imperative public necessity requiring the constitutional rule that bills be read on the three several days be suspended, and the said rule is hereby suspended; and this Act shall take effect from and after its passage, and it is so enacted."

Mr. Connell offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1, Section 19, by inserting after...
the phrase "as herein defined" as it appears on line 23 of page 1, the words "provided, however, that said Authority shall not engage in the generation or distribution of electric power."

The amendment was adopted.

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

House Bill No. 800 was then passed to engrossment.

HOUSE BILL NO. 818 ON SECOND READING

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

H. B. No. 818, A bill to be entitled "An Act validating sales and conveyances or attempted sales and conveyances by counties of county owned lands, etc., and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 818 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. In all cases where the County Court or Commissioners Court in any county of this State acting as such court has sold or attempted to sell land or interest therein belonging to said county to any person, firm or corporation and where the County Court or Commissioners Court has made, executed, acknowledged, and delivered to any such person, firm or corporation an instrument of conveyance purporting to convey to a purchaser title to such property, and where such purchaser or his successors have held peaceable and adverse possession, using, enjoying and cultivating such property for a period of ten (10) years or more, then such sales, attempted sales and conveyances are hereby validated.

Sec. 2. The fact that questions have arisen as to the validity of sales of land and conveyances thereof issued by the County or Commissioners Court of counties of this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

House Bill No. 818 was then passed to engrossment.

HOUSE BILL NO. 832 ON SECOND READING

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

H. B. No. 832, A bill to be entitled "An Act to prohibit the dismissal of civil law suits under certain circumstances; providing circumstances under which such law suits may be dismissed; providing procedures for such dismissals; providing exceptions; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 832 by striking all below the enacting clause and substituting in lieu thereof the following:
“Section 1. Article 133 of the Penal Code of Texas, 1925, is amended to read as follows:

“Art. 133. If any person shall intentionally break, cut, pull or tear down or in any manner injure any telegraph, telephone, or electrical transmission wire, post, machinery, or other necessary appurtenances to any such line knowingly or in any way willfully obstruct or interfere with the transmission of messages or electricity along such telegraph, telephone or electrical transmission line, he shall be confined in the penitentiary not less than two (2) nor more than five (5) years or be fined not less than One Hundred Dollars ($100) nor more than Two Thousand Dollars ($2,000).”

“Sec. 2. This Act shall not apply to litigation pending as of the effective date of this Act.

“Sec. 3. The fact that electrical transmission wires are now being stolen and sold on a large scale basis without any effective remedy under our Penal Code creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The bill was read second time.

Mr. Barlow offered the following amendment to the bill:

Amend H. B. No. 1066 by striking Sections 2, 3, 4, 5, 6, and 7 from the bill and renumbering Section 8 as section 2 of the Act.

The amendment was adopted.

House Bill No. 1066 was then passed to engrossment.

HOUSE BILL NO. 943 ON SECOND READING

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

H. B. No. 943, a bill to be entitled “An Act amending Section 1 of Chapter 42, Acts of the 56th Legislature, Second Called Session, 1949, to provide that proof of ownership or lease of certain lands may be made by parol evidence; and declaring an emergency.”

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

HOUSE BILL NO. 1006 ON SECOND READING

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

H. B. No. 1006, A bill to be entitled “An Act changing the name of the Commission of Control for the Battleship Texas, known as the Battleship Texas Commission, to the Texas Navy Commission, and adding to its duties and responsibilities in connection with the Texas Navy as a voluntary arm of civil defense and disaster relief; providing for the keeping of a roster of personnel and the receipt of funds by the Commission from admission receipts, donations and the purchase and sale of appropriate articles incident to the Texas Navy; repealing conflicting laws and parts thereof; providing a severability clause; and declaring an emergency.”

The bill was read second time.

Mr. Barlow offered the following amendment to the bill:

Amend H. B. No. 1006 by striking Sections 2, 3, 4, 5, 6, and 7 from the bill and renumbering Section 8 as section 2 of the Act.

The amendment was adopted.

House Bill No. 1006 was then passed to engrossment.

HOUSE BILL ON FIRST READING

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

By Mr. Butler:

H. B. No. 1133, A bill to be entitled “An Act prescribing the lawful period for hunting quail in Bee County, Texas, and declaring an emergency.”

Referred to the Committee on Game and Fisheries.

HOUSE BILL NO. 1037 ON SECOND READING

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

H. B. No. 1037, A bill to be entitled “An Act amending Section 3 of Chapter 177, General Laws of the State of Texas, Acts of the 42nd Legislature, Regular Session, 1931, compiled as Article 46a of Vernon’s Revised Civil Statutes of Texas, as last amended by Chapter 249, Acts
The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 1037 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 6 of Chapter 177, General Laws of the State of Texas, Acts of the 42nd Legislature, Regular Session, 1951, compiled as Article 46a, Vernon's Revised Civil Statutes of Texas, as last amended by Chapter 249, Acts of the 52nd Legislature, 1951, is hereby amended so as to read as follows:

"Sec. 6. Except as otherwise provided in this Section, no adoption shall be permitted except with the written consent of the living parents of the child; provided, however, that if a living parent or parents shall voluntarily abandon and desert a child sought to be adopted, for a period of two (2) years, and shall have left such child to the care, custody, control and management of other persons, or if such parent or parents shall have not contributed substantially to the support of such child during such period of two (2) years commensurate with his financial ability, then, in either event, it shall not be necessary to obtain the written consent of the Judge of the Juvenile Court of the county of such child's residence; or if there be no Juvenile Court, then on the written consent of the Judge of the County Court of the county of such child's residence.

"In a case of a child fourteen (14) years of age or over, the consent of such child also shall be required and must be given in writing in the presence of the court.

"Consent shall not be required of parents whose parental rights have been terminated by order of the Juvenile Court or other court of competent jurisdiction; provided, however, that in such cases adoption shall be permitted only upon the written order of the court terminating such parental rights.

"In case of a child not born in lawful wedlock, the consent of the father shall not be necessary, and the consent of the natural mother, regardless of her age, shall suffice.

"In case of a child placed by its parents in a child-placing agency or institution licensed by the State Department of Public Welfare to place children for adoption, it shall be sufficient for the living parents to consent in writing that such agency or institution place such child for adoption, and no further consent shall be required of such living parent.

"In case of any consent by the natural parents as herein required to the adoption of a minor child, regardless of whether or not said child was born in lawful wedlock, such consent shall be sufficient if given in writing after the birth of said child and duly acknowledged, giving the name, date and place of birth of said child, and shall agree to permanently surrender the care, custody, and parental authority of and over such child, and consent to its adoption upon judgment of any court of competent jurisdiction without the necessity of reciting therein the names of the parents by adoption."

Section 2. The fact that a high percentage of adoptions in this State involves children who have been declared dependent and neglected, and the present law does not clearly designate dependent and neglected, and the present law does not clearly specify who shall act as necessary party in such adoption cases, and it is the intention of the Legislature to more clearly define or spell out the procedure which it considers the law already contemplated, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is here­by suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.
The amendment was adopted.

House Bill No. 1037 was then passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, May 18, 1961

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on H. B. No. 482 by the following vote: 28 yeas, 1 nay.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 100 by the following vote: 25 yeas, 6 nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 214, by viva voce vote.

Senate concurred in House amendments to S. B. 418 by the following vote: 29 yeas, 0 nays.

Senate concurred in House amendments to S. B. 235 by the following vote: 27 yeas, 2 nays.

Senate concurred in House amendments to S. B. 455 by viva voce vote.

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

S. C. R. No. 68, Recalling Senate Bill 394 from the Governor's Office.

S. C. R. No. 63, Directing the Engrossing and Engrossing Clerk of the House to make certain corrections in H. B. No. 761.

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

HOUSE BILL NO. 1088 ON SECOND READING

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

H. B. No. 1088, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to convey to the adjoining landowner, a small segment of the Prairie View Agricultural and Mechanical College of Texas campus, excluding therefrom and reserving all mineral rights thereunder, the segment consisting of 2.452 acres of land, separated from the main campus by a Farm Road: providing for the appraisal of the land and disposition of the proceeds; and declaring an emergency."

The bill was read second time.

Mr. Whitfield offered the following amendment to the bill:

Amend House Bill 1088 by striking out Section 3 and inserting in lieu thereof the following:

"Section 3. The price to be obtained for the land will be its value as appraised by the Commissioner of the General Land Office of the State of Texas, the Chancellor of the Agricultural and Mechanical College of Texas System, and the President of the Prairie View Agricultural and Mechanical College of Texas. The proceeds of the sale will inure to the benefit of the Prairie View Agricultural and Mechanical College of Texas and may be deposited and withdrawn as other local funds of the College."

The amendment was adopted.

House Bill No. 1088 was then passed to engrossment.

HOUSE BILL NO. 1091 ON SECOND READING

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

H. B. No. 1091, A bill to be entitled "An Act authorizing and empowering Counties having less than 20,000 population according to the last or any succeeding Federal Census and any City or Cities therein located to finance, construct, maintain and operate jail, jails or jail facilities for the joint and mutual use of such Counties and City or Cities; authorizing the issuance of bonds and expenditures of funds therefor; authorizing the Commissioners Court of said County and the governing body of said city or cities to enter into contracts for the financing, con-
struction, maintenance, and opera-
tion of such jails; providing a re-
pealing clause; providing a severa-
bility clause; and declaring an emer-
gency."

The bill was read second time.

Mr. Niemeyer asked unanimous
consent of the House that
Senate
Bill No. 462 be considered in lieu
of House Bill No. 1091.

There was no objection offered
and it was so ordered.

Mr. Niemeyer moved that House
Bill No. 1091 be laid on the table
subject to call.

There was no objection offered
and it was so ordered.

SENATE BILL NO. 462 ON
SECOND READING

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

HOUSE BILL NO. 1109 ON
SECOND READING

Mr. La Valle offered the following
amendment to the bill:

Amend House Bill No. 1109 by
inserting before the period at the
end of Section 4 (a) of Section 1
the following:

"and further providing this sub-
section shall be cumulative of all
other laws pertaining to the com-
ensation of county officials."

The amendment was adopted.

House Bill No. 1098 was then
passed to engrossment.

HOUSE BILL NO. 1114 ON
SECOND READING

The bill was read second time.

Mr. La Valle offered the following
amendment to the bill:

Amend House Bill No. 1114 by
inserting before the period at the
end of Section 4 (a) of Section 1
the following:

"and further providing this sub-
section shall be cumulative of all
other laws pertaining to the com-
ensation of county officials."

The amendment was adopted.

The bill was read second time.
Mr. Peeler offered the following amendment to the bill:

Amend House Bill No. 1114 by re-numbering Section 6 to Section 7 and renumbering subsequent sections accordingly and adding a new section to be designated as Section 6 which shall read as follows:

"If any laws or parts of laws are in conflict with the provisions of this Act, then the provisions of this Act shall control."

The amendment was adopted.

Mr. Peeler offered the following amendment to the bill:

Amend House Bill No. 1114 by striking Section 3 and substituting in lieu thereof the following:

"Sec. 2. The rights and appurtenances vesting in a Lessee of the City of Corpus Christi in and to those submerged lands shall be limited only by such limitations as might be imposed in the lease which the City of Corpus Christi deemed proper and in the best interest of the City of Corpus Christi; provided that any leases shall contain a provision prohibiting the Lessee, or assignees thereof, from erecting or maintaining thereof, from erecting or maintaining thereon a structure or structures, such as buildings, with the exceptions of yacht basins, boat slips, piers, dry-docks, breakwaters, jetties or the like; and provided further that the right to use the waters embraced by the lease shall be reserved to the public, though the boat slips, piers, dry-docks, and the like may be limited to the private use of the Lessee."

The amendment was adopted.

House Bill No. 1114 was then passed to engrossment.

COMMITTEE MEETING

Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF H. B. NO. 197

The House was considering on the Local and Uncontested Bill Calendar, and objections having been offered to considering same.

H. B. No. 197, A bill to be entitled "An Act providing for payment of property taxes at prior assessed value, before a contest of present valuation can be appealed to the courts from a board of equalization; providing a saving clause; defining persons; repealing all laws in conflict; and declaring an emergency."

Mr. Roberts of Dawson raised a point of order on further consideration of House Bill No. 197 on the ground that a House Bill cannot be considered on Senate Bill Day without suspending the Joint Rules.

The Chair sustained the point of order.

HOUSE BILL NO. 650 ON SECOND READING

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

H. B. No. 650, A bill to be entitled "An act amending Section 3 of Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, to provide that owners of certain types of commercial motor vehicles used exclusively by incorporated non-profit disaster relief organizations and are used solely for emergencies shall be required to register such vehicles but shall not be required to pay registration fees; providing procedures to be followed by the owners of such vehicles; and declaring an emergency."

The bill was read second time.

Mr. Crain offered the following amendment to the bill:

Amend H. B. 650 by deleting Sub-section (d) under Sec. 1 and substituting the following therefor:

Owners of commercial motor vehicles, truck tractors, trailers and semi-trailers which are the property of and used exclusively by non-profit disaster relief organizations and are used solely for emergencies shall apply to the Department as provided in Section 3 of this Act (compiled as 66/a-3aa) to register all such vehicles, but shall not be required to pay the registration fees herein, but shall pay a fee of Five Dollars
provided that affidavit shall be made at the time of registration by the owner of said vehicle that said vehicle is used exclusively for emergencies; provided further that such owner shall supply the Department with a reasonable description of the vehicle and the emergency equipment contained therein; provided further that each commercial motor vehicle and truck tractor displays the name of the organization on each front door; provided further that if said vehicle is used for any purpose other than emergency usage, then such vehicle shall not be exempted under this section at any future time. Affidavit of the sheriff of the county in which said vehicle is registered that said vehicle has not been used for any purpose except emergency usage shall be required before said vehicle shall be so licensed.

The amendment was adopted.

House Bill No. 650 was then passed to engrossment.

**ADJOURNMENT**

Mr. Dewey moved that the House adjourn until 4:00 o'clock p.m. today.

The motion prevailed.

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

In accordance with the motion to adjourn the House at 3:56 o'clock p.m., adjourned until 4:00 o'clock p.m. today.

SIXTY-SIXTH DAY

(Thursday, May 18, 1961)

The House met at 4:00 o'clock p.m., pursuant to adjournment, and was called to order by the Honorable L. DeWitt Hale.

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

Mr. Speaker Andrews
Adams of Lubbock Atwell
Adams of Titus Bailey
Alanis Ballman
Allen Bankhead, Mrs.