missioners or to such counties; pro-
viding the method or making such 
conveyance; enacting other 
provisions related to the subject; and 
declaring an emergency.”

Has carefully compared same and 
finds it correctly 
engr.ossed.

H. G. WELLS, Chairman.

SIXTY-NINTH DAY
(Tuesday, May 23, 1961)

The House met at 10:00 o'clock 
a.m., pursuant to adjournment, and 
was called to order by the 
Speaker.

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

Mr. Speaker Fletcher
Adams of Lubbock Floyd
Adams of Titus Forrest
Allan Garrison
Allen Glidden
Andrews Glass
Atwell Glusing
Bailey Green
Ballman "Green"
Banfield; Mrs. Grover
Barlow Guffey
Bartram Hale
Barron Harding
Bass Haring
Bell Haynes
Bennett Heatly
Benson Hinson
Bridges Hollowell
Buchanan Hasher
Burdick Hughes
Butler Hughes
Caldwell Hughes of Dallas
Cannon Engineers
Carroll James
Chambers Jarvis
Chapin Johnson
Colfitt Johnson of Dallas
Collins Johnson of East
Counsel Johnson of El Paso
Cory Jones
Cotten Jones of Sanderson
Cowels Kennefick
Craig Kilpatrick
Creeds Koliba
Curington Koliho
Daughart Korieth
Dewey Lack
Diedrich Larry
Dills Latimer
Duncan La Valle
Duckett Leaverton
Ehrle Lewis
Fairchild Longoria

McCoplin Rosson
McGregor Sandahl
McGregor Schram
McGregor Shannon
McGregor Shipley
McIntyre Slack
Markgraf Silder
Martin Smith of Bexar
Miller Smith of Jefferson
Moore Spears
Mullen Spelman
Mutchler Springer
Niemeier Stewart
Nagert Stewart
Oliver Stewart
Osborn of Wichita
Parsons Struve
Penny Thurman
Peeler Thurmond
Pettty Townsend
Pieratt Trenco
Preston Tunnell
Price Walker
Quillian Ward
Rapp Watson
Read Wells
Richards Wheatley
Richardson Wilson of Trinity
Roberts of Hill Wilson of Potter
Roberts of Dawson Woods
Roses Yearn

Cook Pikula
Cowen Bibb

A quorum of the House was an-
ounced present.

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

“Know ye that the Lord he is 
God: it is he that hath made us, 
and not we ourselves; we are his 
people, and the sheep 
of his 
pasture.
Enter into his gates with thanks­
giving, and into his courts with 
blessing; be thankful unto him, and 
bless his name. For the Lord is good;
his mercy is everlasting; and his 
truth endureth

to all generations.’’

Psalms 100:3-4-5.

Heavenly Father, we come before 
Thee in this moment of prayer ask­
ing Thee to help us keep self out of 
the way so that we might keep the 
first Commandment that Thou gave 
Moses. We ask that today You would 
have mercy on us. May the accom­
plishments of today be good is our 
prayer. In the Name of Jesus.­
Amen.”
LEAVES OF ABSENCE GRANTED

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

Mr. Cook for today on motion of Mr. Roberts of Dawson.

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

Mr. de la Garza for yesterday on motion of Mr. Missray.

Mr. Cowen was granted leave of absence for today on account of a death in his family on motion of Mr. Gladden.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

May 22, 1951

To Members of The 57th Legislature:

A great tragedy has befallen our State in which four thousand, seven hundred and seven (4,707) people have been killed and 267,826 people have been injured.

I refer to the death and injury toll on our streets and highways during the past two years.

If 4,707 lives had been lost and 267,826 had been injured in a single disaster, I am sure that the Legislature of Texas would take every possible emergency action to aid the stricken and prevent or lessen a recurrence of the tragedy.

Deaths and injuries on our highways have been so numerous and destructive during the past two years that it is inconceivable that the 57th Legislature would adjourn without enacting at least some of the measures which have been recommended to help reduce the death toll during the next two years.

During the few remaining days of this Session, I urge you to give emergency consideration to the following measures which are now pending:


2. House Bill No. 384 by de la Garza, providing for driver education courses in Texas High Schools.

3. Senate Bill No. 134 by Schwartz and House Bill No. 104 by de la Garza, providing for a chemical test in cases of driving while intoxicated.

4. Senate Bills 119 and 111 by Herring and House Bills 16 and 496 by Sandahl, providing for a system of traffic courts.

5. A substantial increase in personnel and salaries of the State Highway Patrol, now pending in the General Appropriation Bill.

Every person with any knowledge of this subject will agree that hundreds of lives can be saved during the next two years if these bills are enacted.

There are many important matters pending in the closing days of the Session, but none is more important than those which would help save the lives of our fellow men.

Therefore, I urge that this entire subject and the pending bills be given the same emergency consideration which you would give to the prevention or lessening of any other tragedy or disaster that threatens to kill 4,000 of our people and injure another 267,800 before the Legislature meets again in Regular Session.

Respectfully submitted,
PRICE DANIEL
Governor.

MEMORIAL RESOLUTIONS

ADOPTED

H. S. R. No. 729, By Mr. Watson: In memory of Mrs. John A. (Rudol-lina) Popp.

CONGRATULATORY RESOLUTIONS

ADOPTED

H. S. R. No. 744, By Mr. Johnson of Bell: Congratulating Otto G. Smith.

H. S. R. No. 731, By Mr. Roberts of Hill: Congratulating the Seniors of Aquilla High School.

CONGRATULATING THE HONORABLE DON GARRISON

Mr. Miller offered the following resolution:

H. S. R. No. 742

Whereas, Don Garrison is celebrating his birthday on May 23 for
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he was resolved into the world on May 23, 1925; and
Whereas, He is the distinguished Representative of Houston, Harris County, District 23, Place 4; and
Whereas, The Members of the House recognize the value of this esteemed Member to this Fifty-seventh Legislature and do take this occasion to honor him with all due respect and appreciation; and
Whereas, He is a man of many turns and his ideas are flexible and his goals are many. He has something for all people and he is recognized for his adroit variance; and
Whereas, The Texas Legislature wishes to recognize his birthday; now therefore, be it
Resolved, That the House of Representatives congratulates Don Garris of Houston and wishes him many more birthdays as a Member of the House.

The resolution was read and was adopted.

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. McGregor of El Paso:
H. B. No. 1135, A bill to be entitled "An Act creating a conservation authority under Article XVI, Section 59 of the Constitution comprising certain territory contained within El Paso and Hudspeth Counties, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing, transporting, and distributing the same, providing drainage and sanitary sewers and facilities; providing for a Board of Directors for the government of said authority; authorizing the authority to do all things necessary to make available for municipal, domestic and industrial uses, the water from underground and other sources, and water it may obtain by purchase; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the authority Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain, and certain general laws relating to water control and improvement district; prescribing the other powers of the Authority; enacting other provisions relating to this subject; and declaring an emergency.

Referred to the Committee on Conservation and Reclamation.

RELATIVE TO CERTIFICATES OF MEMBERSHIP FOR MEMBERS OF THE HOUSE

Mr. Bartram offered the following resolution:
H. S. R. No. 727

Whereas, Many House Members of the Fifty-seventh and previous sessions of the Legislature, have served with honor and distinction; and
Whereas, Many Members and former Members are extremely anxious to have a certificate of membership denoting such service suitable for framing or other display; now therefore, be it
Resolved, That the Contingent Expense Committee be authorized and directed to prepare in suitable form and furnish each Member of this Session, a certificate, certifying, in effect, the names of the various individuals who have served and the particular sessions of their service. Such form should further provide for the signatures of the Governor, the Speaker of the House, and the Chief Clerk of the House; provided further, that Members serving in former sessions may receive a copy of such certificate on application and payment of the cost thereof to the Clerk of the Contingent Expense Committee.

The resolution was adopted.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 744

Mr. Carriker offered the following resolution:
H. C. R. No. 121

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 744 at any time.

The resolution was referred to the Committee on Rules.
SUSPENDING THE JOINT RULES
TO CONSIDER H. B. NO. 534

Mr. Grover offered the following resolution:

H. C. R. No. 119

Whereas, The Honorable Henry C. Grover of Harris County, Texas, has pending before the House of Representatives on favorable committee report H. B. No. 534, designed to relieve the acute shortage of qualified teachers in the elementary and high schools of this state; and

Whereas, Said bill will permit the youth of this state to more ably meet the challenges of the space age; and

Whereas, Said bill will permit our overburdened educational system to more effectively compete with totalitarian educational systems in the crucial struggle for the survival of free and independent thought; and

Whereas, H. B. No. 534 is co-authored by 23 of the Members of the House of Representatives and the repeated requests of its author for recognition to suspend the rules in order for it to be acted upon have gone unheeded; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the two Houses be respectively requested to allow the author or sponsor of H. B. No. 534 to take said bill up at any time; and be it further

Resolved That the Joint Rules be and they are hereby suspended so as to permit the House and Senate to consider H. B. No. 534 at any time.

The resolution was referred to the Committee on Rules.

RELATIVE TO THE APPOINTMENT OF A COMMITTEE ON SAVING TAXES

Mr. Roberts of Dawson offered the following resolution:

H. S. R. No. 725

Whereas, The cost of Government for the State of Texas has risen seven hundred and forty per cent in the last fifteen years; and

Whereas, All costs of Government in this State are paid by the people of this State through taxation; and

Whereas, It has become clearly apparent to the House of Representatives and to the citizenry of this State that there exist opportunities for reduction in cost of government by the elimination of duplicate services and extravagant expenditures; and

Whereas, Pursuant to House Simple Resolution No. 152 of the First Called Session of the Fifty-sixth Legislature an interim committee was appointed to make a study of the cost of government and ways and means of reducing costs and eliminating waste and extravagances; and

Whereas, The report of this committee to the Fifty-seventh Legislature clearly points out the effectiveness and necessity of a continuation of this interim committee; now, therefore, be it

Resolved by the House of Representatives of the Fifty-seventh Legislature, That a committee of five (5) Members of the House be and the same is hereby authorized to be appointed by the Speaker of the House to be known as the Committee on Saving Taxes, which Committee shall begin functioning upon its appointment and shall continue until the convening of the Fifty-eighth Legislature; and, be it further

Resolved, That this Committee shall have the duty of determining any and all ways and means of reducing cost and eliminating waste and extravagances in Texas State Government operations, and determining plans of operation for the various State Departments, agencies and institutions whereby State services may be most economically and efficiently rendered to the people of this State; and reporting on these and other matters relative to reducing expenses of State Government to the House of Representatives before the convening of the next Regular Session of the Legislature; and, be it further

Resolved, That said Committee shall have, and is hereby given the power to compel the attendance of witnesses, administer oaths, and compel the presentation before it of
any and all records of State departments, agencies and institutions under investigation which it may deem necessary, and, be it further Resolved, That said Committee shall have the power to employ stenographic, clerical and professional assistance and the assistance of the Texas Legislative Council, and the Legislative Budget Board, and to defray the cost of telephone, telegraph and supplies as needed in its work; and, be it further Resolved, That the Committee hereby created shall in all manner cooperate with the Senate Cost of Government Investigating Committee; and, be it further Resolved, That Members of the Committee shall be reimbursed only for their actual travel and other expenses incurred in attending meetings of the Committee, which may be held at such times and places as it may determine; and, be it further Resolved, That the sum of Seven Thousand Five Hundred Dollars ($7,500.00) is hereby set aside out of the Legislative Expense Fund of the Fifty-seventh Legislature, to defray the expenses of the Committee.

ROBERTS of Dawson, JOHNSON of Dallas, COTTEN, COOK, TUNNELL, BALLMAN, PRESTON.

The resolution was referred to the Committee on Rules.

AUTHORIZING CERTAIN CORRECTIONS IN S. C. R. NO. 42

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

S. C. R. No. 72

Whereas, S. C. R. No. 42 has been recalled from the Governor for further consideration; and

Whereas, Said resolution constituted permission for the Nueces Company to bring suit against the State of Texas, said resolution carrying the usual clause relating to no admission of liability and requiring proof of a claim in court; now therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and is hereby directed to correct said resolution so as to perfect same in the interest of the State, the correction being purely technical and non-substantive.

The resolution was read and was adopted.

TO NAME COLIN ARTHUR JONES AS HONORARY MASCOT OF THE HOUSE

Mr. Dewey offered the following resolution:

H. S. R. No. 728

Whereas, Colin Arthur Jones is the youngest and fourth grandchild of our esteemed Member of the House, the Honorable Obie Jones and his wife, Lois; and

Whereas, Colin Arthur Jones was born on August 28, 1959, and is a blonde-haired, blue-eyed wonder of the Carole and Obie Lynn Jones family; and

Whereas, The House of Representatives wishes to recognize and pay honor to the grandchildren of Members of the House; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature hereby names Colin Arthur Jones as Honorary Mascot of the Fifty-seventh Legislature.

The resolution was referred to the Committee on Rules.
Mr. Cole of Hunt offered the following resolution:

H. C. R. No. 122

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill No. 10 at any time.

The resolution was read and was referred to the Committee on Rules.

HOUSE BILL NO. 130 ON SECOND READING

Mr. Cory moved that all the necessary rules be suspended for the purpose of taking up and considering this bill at this time House Bill No. 130.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 130, A bill to be entitled "An Act to establish a State Water Pollution Control Board, and to provide for the control, preventing and abating of pollution of the surface and underground waters of the State; and declaring an emergency."

The bill was read second time.

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

Amend H. B. No. 130 by striking all below the Enacting Clause and substituting the following therefor:

Section 1: Statement of Policy and Purpose: It is the policy of the State of Texas and the purpose of this Act to safeguard, as provided herein, the waters of the State from pollution by preventing new pollution and abating existing pollution.

Section 2: Definitions: When used in this Act, the following words and phrases shall have the meanings ascribed to them in this section, unless the context clearly shows a different meaning:

(a) "Person" means any individual, public, or private corporation, political subdivision, governmental agency, municipality, co-partnership, association, firm, trust, estate or any other entity whatsoever.

(b) "Waters" shall be construed to be underground waters and lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other public bodies of surface water, natural or artificial, inland or coastal, fresh or salt, that are wholly or partially within or bordering the state or within its jurisdiction.

(c) "Waste" means sewage, industrial waste, and other wastes, or any of them, as hereinafter defined.

(d) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, cities, towns, or other places, together with such ground water infiltration and surface waters with which it may be commingled. The admixture with sewage, as above defined, of industrial waste, or other waste, as hereinafter defined, shall also be considered "sewage" within the meaning of this Act.

(e) "Industrial waste" means any liquid, gaseous, or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business.

(f) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, salt water, and all other substances not sewage or industrial waste that may cause or tend to cause pollution of the waters of the State.

(g) "Pollution" means any discharge or deposit of waste into or adjacent to the waters of the state, or any act or omission in connection therewith, that by itself, or in conjunction with any other act or omission, causes or continues to cause or will cause such waters to be unclean, noxious, odorous, impure, contaminated, altered or otherwise affected to such an ex-
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Section 3. Creation and Organization of the Water Pollution Control Authority: Meetings: Employees.

(a) There is hereby created and established a State Water Pollution Control Board which shall be composed of nine (9) members. The Board is directed to carry out the functions and duties conferred on it by this Act. The Governor shall appoint, by and with the advice and consent of the Senate of Texas, five (5) members to the State Water Pollution Control Board. Two (2) shall be appointed for a two (2) year term, one (1) for a four (4) year term, and one (1) for a six (6) year term. Thereafter, appointments by the Governor to fill a vacancy at the end of a term shall be for a full six (6) year term. The appointments by the Governor shall be made as follows: One (1) individual representing the manufacturing industry; agriculture and soil conservation, one (1); fish and aquatic life and wildlife, one (1); municipalities, one (1); and, oil and gas producers, one (1). The Governor shall endeavor to distribute such appointments geographically so that all major regions of the State shall be represented on the Board.

(b) Vacancies occurring in any such office on the Board filled by appointment by the Governor during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

(c) The nine (9) members of the Board shall receive no fixed salary for duties performed as members of the Board, but each member, excepting those representing the specified State agencies, shall be allowed, for each and every day in attending meetings of the Board, the sum of twenty dollars ($20.00) including time spent in travel to and from such meetings, and all members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the Chairman of the Board, provided no member shall receive more than one thousand dollars ($1,000) annually, including expenses. The members of the Board appointed by the Governor and confirmed by the Senate shall qualify by taking the constitutional oath of office before an officer authorized to administer an oath within this State, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such. In addition to the five (5) members appointed by the Governor as provided herein, the Board shall also consist of the following state officers, each of whom shall be a member of said Board during the time that he is serving in such other official capacity, to-wit: the
Chairman of the State Board of Water Engineers, the State Commissioner of Health, the Executive Secretary of the State Game and Fish Commission and the Chairman of the Railroad Commission of Texas, each of whom shall perform the duties required of a member of the Board by this Act in addition to those duties required of him in said other official capacities.

Each member of the Board listed in paragraph (c) above is authorized to delegate to a personal representative from his office the authority and duty to represent him on the Board, but by such delegation a member shall not be relieved of responsibility for the acts and decisions of his representative.

Actual and necessary travel and other expenses incurred by the four ex-officio members in the discharge of their official duties as members of the Board shall be paid out of any funds which are or may become available for the purposes of this Act. Employees of the Board shall receive their necessary travel expenses while traveling on the business of the Board.

The Board shall elect a chairman and a vice-chairman from its members whose terms of office shall be for two years commencing on February 1 of each odd-numbered year hereafter. At the first meeting of the Board, the chairman and vice-chairman shall be elected to serve until February 1, 1963. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board and perform the other duties hereinafter prescribed.

The Board shall meet on the first Wednesday of each calendar month in the City of Austin, Texas, and as often thereafter as may be decided upon by a majority vote of the Board.

A majority of said Board shall constitute a quorum to transact business. The Board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

The Board shall be furnished with suitable offices at Austin, with necessary furniture, stationery and other supplies, at the expense of the State and to be paid for on the order of the Board.

The Board shall appoint an executive secretary, a salary to be provided by the Legislature in its general appropriations act, who shall be adequately trained and experienced in the field of environmental sanitation, pollution abatement and public health, and who shall hold his position until removed by said Board. The executive secretary shall execute a bond in the sum of Ten Thousand Dollars ($10,000) in accordance with the provisions of the State Employee Bonding Act. The premium on such bond shall be paid out of the funds of the Board. He shall keep full and accurate minutes of all transactions and proceedings of said Board and perform such duties as may be required by the Board, and he shall be the custodian of all files and records of the Board.

The executive secretary shall be the administrator of water pollution control activities for the Board.

Technical, scientific, legal or other services shall be performed by personnel of other state agencies when requested by the Board without additional compensation, but the Board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and perform their powers and duties. The Board may request and shall receive the assistance of any State educational institution, experimental station, or other State agency.

In addition to any funds appropriated by the Legislature, the Board is authorized to request, solicit, contract for, receive or accept money from any agency, political subdivision or other legal entity to carry out the duties required of it by this Act. The money thus obtained shall be deposited by the Board in the State Treasury as a special fund, and said money is hereby appropriated to the Board for any of its purposes, including wages, salaries and traveling expenses.

The Board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the
Board shall be the property of the State of Texas.

(k) Upon the application of any person and upon payment of the fees prescribed therein in the rules and regulations of the Board, the Board shall furnish certified copies of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the Board. Such certified copies under the hand of the chairman or the executive secretary and the seal of the Board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be.

Section 4. Authority, Powers and Duties of the Board:

(a) The Board shall administer this Act and shall have authority to abate and prevent pollution of the waters of the State as provided for herein.

(b) The Board, after public hearing as hereinafter provided, may issue permits for the discharge of waste into or adjacent to the waters of this state. Each such permit shall set forth the conditions upon which it is issued by the Board, including but without limiting such conditions, the duration of such permit, the maximum quantity of waste which may be discharged thereunder at any time and from time to time, and the quality, purity and character of waste which may be discharged thereunder. Any such permit may be revoked or amended for good cause in the event of its breach by the permittee but no such revocation or amendment shall be ordered until after a hearing to determine the existence of such cause, such hearing to be held not less than thirty (30) days after notice to the permittee of the time, place and purpose thereof. This subsection is subject to the provisions of Section 5 herein.

(c) The Board shall adopt, prescribe, promulgate and enforce rules and regulations reasonably required to effectuate the provisions of this Act.

(d) The Board is hereby authorized:

(1) To hold public hearings, receive pertinent and relevant proof from any party in interest who appears before the Board, compel the attendance of witnesses, make findings of fact and determinations, all with respect to violations of the provisions of this Act or of any orders, rules or regulations of the Board;

(2) To delegate to one or more of its members or to one or more of its employees the authority to take testimony by any hearing called by the Board with power to administer oaths, but all orders entered shall be made by and in the name of the Board after its official action and attested to by the Executive Secretary;

(3) To make, alter, or modify any orders, rules and regulations, and if any such order requires the discontinuance of the discharge of waste into any waters of the state, the order shall specify the conditions and time within which such discontinuance must be accomplished after public hearing as hereinafter provided;

(4) To institute, or cause to be instituted, in courts of competent jurisdiction legal proceedings to compel compliance with the provisions of this Act and the rules, regulations, decisions, determinations and orders of the Board;

(5) To conduct such investigations as it may deem advisable and necessary for the discharge of its duties under this Act;

(6) To perform such other and further functions as may be necessary to carry out effectively the duties and responsibilities of the Board prescribed in this Act.

(e) It shall be the duty of the Board to:

(1) To encourage voluntary cooperation by the people, municipalities, industries, associations, agriculture and representatives of other pursuits, in restoring and preserving the greatest possible utility of the waters of the state.

(2) To encourage the formation and organization of cooperative groups or associations or municipalities, industrial and other users of the waters who severally or jointly are or may be the source of pollution in the same waters, the purpose of which shall be to provide a medium to discuss and formulate plans for the prevention and abatement of pollution;
eral comprehensive plan for the cooperation in the work of the agencies of the State with respect to pollution control functions carried on by such agencies;

(4) cooperate with governments of the United States and other states, and any other agencies or groups of agencies and organizations, official or unofficial, with respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements;

(5) conduct or cause to be conducted studies and research with respect to pollution abatement or control problems, disposal systems, and treatment of sewage, industrial waste, and other wastes;

(6) prepare and develop a general comprehensive plan for the abatement and prevention of pollution:

(f) The Board and any authorized agents and employees shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to pollution, or the possible pollution of any waters of the state.

(7) The Board, and any employee or agent thereof, when authorized by it, may examine any records or memoranda pertaining to the operation of a disposal system or treatment works.

Section 5. Existing Discharges of Waste. Within twelve (12) months after the date upon which this law becomes effective, every person who, upon such effective date is discharging any waste into or adjacent to the waters of this state shall apply to the Board for a permit to continue such discharge if it is his desire to so continue. Such application therefor shall furnish such information as may be reasonably required by the Board. The Board shall then issue a permit to continue the existing discharge covered by such application. The Board shall have the authority to inspect the disposal system of any such permittee, to make recommendations for such improvements, if any, as may be necessary, and if recommendations for improvements are made, to require reports in regard to the progress being made in complying therewith. The Board shall allow such permittee a reasonable amount of time for compliance with any such recommendations. If the permittee refuses to make a reasonable effort to comply with any such recommendations, the Board may, for good cause shown at a public hearing initiated by the Board, amend the permit. Such amended permit may be thereafter amended as in other cases for good cause shown after a public hearing.

Section 6. Notices and Service of Process: (a) Notice of any public hearing for the issuance, renewal, amendment, or revocation of any permit for the discharge of waste into or adjacent to the waters of this state shall describe briefly and in summary form the contents of the application seeking the issuance, renewal, amendment, or revocation of such permit, the waters involved and the time, place and date of such hearing. Where any hearing is held pursuant to application by any person, that person shall pay the cost of publishing the notices thereof hereinafter provided. In all other instances, publication costs shall be borne by the Board. Copies of such notice shall: (1) be published at least twice in a newspaper regularly published or circulated in the county or counties in which the discharge of water is proposed to be or is being conducted under such permit, the first date of publication to be not more than thirty (30) days nor less than twenty (20) days before the date fixed for such hearing, and (2) be mailed at least twenty (20) days before the date fixed for such hearing to the applicant for such permit or to the permittee under any existing permit and to such other persons as the Board has reason to believe may be affected by action of the Board taken by it as a result of the hearing.

(b) Service of all other processes of the Board, including notices, determinations and orders shall be served personally or by certified mail upon any natural person to whom it is addressed; upon a municipality by serving the mayor or any member of the council or the city secretary of the municipality; or upon a sewer district, water district, river or water authority, commission, private corporation or company, as the case
may be, by serving an officer thereof, and upon a county by serving the county judge thereof.

Section 7. Court Review of Board Decision: Any person affected by any ruling, order, decision, or other act of the Board, may, within thirty (30) days after the date on which such act is performed, or in case of a ruling, order, or decision, within thirty (30) days after the effective date thereof, file a petition in an action to review, set aside, or suspend such ruling, order, decision, or other act upon the ground or grounds that the same is invalid, arbitrary, or unreasonable. The venue in any or all such actions is hereby fixed exclusively in the District Court of Travis County, Texas. In a suit brought to review, suspend or set aside rules and regulations, orders, decisions, or other acts of the Board, the trial shall be de novo, as that term is used and understood in an appeal from a Justice of the Peace Court to the County Court, and no presumption of validity, reasonableness or presumption of any character shall be indulged in favor of the order, decision or other act that is involved, but evidence as to the validity or reasonableness thereof shall be heard and the determination in respect thereto shall be made upon facts found by the Court, as in other civil cases, and the procedure for such trial and the determination of the issues and the character of the judgment to be entered therein shall be governed solely by the rules of law, evidence and procedure prescribed by the District Courts of this State by its constitution, statutes and rules of procedure applicable to the trial of civil action. It is the intent of the Legislature that such trial shall be conducted de novo and that the decision in each case shall be made independently of any finding, express or implied, by the Board, and upon a preponderance of the evidence adduced at such trial and entirely free of the so-called "substantial evidence" rule enunciated in some cases by some appellate courts in this State in respect to orders of other administrative or quasi-judicial agencies. Appeals from decisions of the District Court shall be as in other civil cases.

Section 8. Filing of Disposal System Plans: For the purpose of aiding the Board in effectuating the provisions of this Act and make available to the Board and the public information on methods of efficient disposal of sewage, industrial wastes and other wastes, into or adjacent to the waters of the state, every person constructing or proposing to construct or materially alter the efficiency of any sewer system or sewage system, treatment works or disposal system, shall file with the Board, at least thirty (30) days prior to beginning of construction, the plans and specifications for the construction or material alteration of the same.

Section 9. General Prohibition against Pollution: It shall hereafter be unlawful for any person to throw, drain, run or otherwise discharge into the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise enter such waters, any organic or inorganic matter, unless pursuant to and in accordance with a then-existing permit, that shall cause a condition of pollution as defined by Subsection (g) of Section 2 of this Act.

Section 10. Enforcement: (a) Any person who violates any provision of Section 9 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000) and each day such a violation is committed or continued shall constitute a separate offense. Venue shall be in the county where the waters are first polluted by the person charged with the offense.

(b) Whenever it appears that any person is violating or threatening to violate any provision of Section 9 of this Act, the Board may bring suit against such person in the District Courts of the county in which the violation or threat of violation first occurs, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to grant to the Board, without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary or
final orders. It shall be the duty of the Attorney General to represent the Board when requested to do so. The action shall have precedence over all other causes on the docket of a different nature, and either the Board or the defendant or defendants may appeal as in civil cases. The appeal shall be at once returnable to the appellate court and shall have precedence in said appellate court over all causes of a different nature thereto pending.

(c) The State Board of Water Engineers, the Texas Game and Fish Commission, the Texas State Department of Health, and the Railroad Commission of Texas are charged with the following specific duties in addition to any other duties imposed on any agencies elsewhere in this Act:

(1) It shall be the duty of the Texas Game and Fish Commission and the employees thereof duly authorized by such Commission to enforce the provisions of this Act so far as any violation thereof occurs which affects aquatic life, birds and animals.

The Texas State Department of Health shall continue to perform the research, training, planning and other functions presently being conducted by it in matters concerning pollution in cooperation with, or as a State agency contributing its services to, the Board.

(4) The Railroad Commission of Texas shall continue to investigate and ascertain those situations in which the drilling of exploratory wells and wells for oil or gas or any purposes in connection therewith; the production of oil and gas; and the operation, abandonment and proper plugging of such wells will pollute or tend to pollute the public waters of the State and shall report all findings to the Board together with its recommendations in regard thereto.

Section 11. Exceptions: Any pollution which is caused by an Act of God, war, strike, riot or other catastrophe, shall not be held to be a violation of this Act.

Section 12. Private Rights to Abate Pollution Unaffected: This Act shall not in any way affect the right of any person to pursue all legal and equitable remedies available to abate pollution and other nuisances or recover damages therefor, or both.

Section 13. Repeal of Certain Existing Laws: Articles 4444, 7621a and 7617 of the Revised Civil Statutes of Texas and Article 98b of the Penal Code of the State of Texas are hereby repealed, effective January 1, 1955. With the exception of Article 4444, 7617 and 7621a of the Civil Statutes and Article 98b of the Penal Code, all other laws and parts of laws relating to the abatement of pollution are continued in full force and effect, and this Act is intended to supplement and not repeal such other existing laws.

Section 14. Effective Date: Except as otherwise specifically provided herein, the provisions of this Act shall become effective as of September 1, 1961, and it is so enacted.

Section 15. Severance Clause: If any article, section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Section 16. Emergency Clause: The need for a state agency that can give a prospective new industry a definite answer in regard to what it can do in disposing of its effluent 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.

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

Amend Committee Amendment No. 1 to H. B. 186 (Printed Substitute—
Line 7, Page 4) by inserting the following after the words “by the permittee” and preceding the words “by no such revolution, etc.”: “or when it appears to be in the best public interest by the Board.”.

The amendment was adopted.

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

Amend Committee Amendment No. 1 to H. B. 130 (Printed Substitute—Page 5, Line 15) by striking “The Board shall then issue” and the balance of said Section 5 and substituting in lieu thereof, the following:

“The Board shall then issue a permit to continue the existing discharge covered by such application until further order of the Board, but the permittee may be required by public hearing initiated by the Board to conform to new or additional conditions imposed by the Board under the terms of said permit as amended following such hearing. Such permit may be thereafter revoked or further amended as in other cases for good cause shown, after public hearing. In the event of failure to comply with, or violation of, any condition or conditions of such permit as issued or amended.”

(The amendment was adopted.)

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

Amend Committee Amendment No. 1 to H. B. 130 (Printed Substitute—Line 47, Page 6), by striking the words “of Section 9.”

The amendment was adopted.

Mr. Glusing offered the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 1 to H. B. 130 (Printed Substitute, Line 56, Page 2) by inserting the words “and” between the words “Commissioner of Health” and “the Executive” and by striking from Lines 51 and 52 the words “and the Chairman of the Railroad Commission of Texas.”

The amendment was adopted.

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

Amend Committee Amendment No. 1 to H. B. 130 (Printed Substitute—Page 2, Lines 18 and 46) by striking the words “five (5)” and substituting in lieu thereof the words “six (6)” and

Line 20 of said Page 2 by striking the words “one (1)” and inserting “two (2)” and

Line 24 of said Page 2 by inserting after “manufacturing industries,” the words “counties, one (1).”

The amendment was adopted.

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

Amend amendment to H. B. No. 130 by striking the word “Board” wherever it shall appear in this Act and substituting in lieu therefor the words “State Department of Health.”

Mr. Cory moved to table the amendment by Mr. La Valle.

The motion to table prevailed.

Mr. Adams of Lubbock moved the previous question on the adoption of Committee Amendment No. 1, as amended, and the passage of H. B. No. 130 to engrossment and the main question was ordered.

(Speaker in the Chair)

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

H. B. No. 130 was passed to engrossment.

HOUSE BILL NO. 130 ON THIRD READING

Mr. Cory moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—139

Adams of Lubbock Adams of Titus
The Speaker then laid House Bill No. 130 before the House on third reading and final passage. The bill was read third time. Mr. James offered the following amendment to the bill:

Amend H. B. No. 130 by striking the word "Board" wherever it shall appear in this Act and substituting in lieu thereof the words: "State Board of Water Engineers."

Mr. Cory moved to table the amendment by Mr. James. The motion to table prevailed.

A record vote was requested on the passage of H. B. No. 130. House Bill No. 130 was then passed by the following vote:

<table>
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<tr>
<th>Yeas</th>
<th>141</th>
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Adams of Labroke Burgess
Adams of Titus Butler
Allen Caldwell
Andrews Cannon
Atwell Carriker
Bailey Chapman
Ballman Hallman
Banfield, Mrs. Kilpatrick
Barlow Koliba
Barrett Korioth
Bass Latimer
Berry La Valle
Blaine Leaverton
Boyce Lewis
Briggs Longoria
Buchanan McGropp
Burgess McGregor
Butler McLenan
Caldwell McGropp
Cannon of El Paso
Carriker McShan
Chapman Markgraf
Cole of Harris Miller
Cole of Hunt Moore
Connell Muline
Cory Murray
Cotson Mushower
Cowles Oliver
Craig Parsons
Curington Peeler
de la Garza Petty
Dewey Pieratt
Duff, Miss Preston
Dungan Ricles
Eckhardt Prius
Elrte Pfree
Fairchild Guilliam
Fletcher Hopp
Floyd Racliff
Foreman Read
Garino Richards
Gibbens Richardson
Gladden Roberts of Hill
Glass Roberts of Dawson
Glossing Roos
Green Rossen
Grover Sandahl
Graves Schram
Hale Shannon
Harding Shipley
Harting Black
Harrington Blifer
Haynes Smith of Bexar
Healy Smith of Jefferson
Himes Nelson
Hollowell Spears
Hoeber Spillman
Hughes Springer
Hughes of Grayson Stewart
Hughes of Dallas of Galveston
Isacka, Miss Stewart
Jamison of Wichita
Jimerson
Struve Ward
Thurman Wells
Thurmond Wheatley
Townsend Whitfield
Trevino Wilson of Trinity
Tunnell Wilson of Potter
Walker Woods

Nays—4
James Nagent
Martin Yesak
Crews Watson
Jarvis

Absent—Excused
Cook Pipkin
Cowen

The motion to table prevailed.

A record vote was requested on the passage of H. B. No. 130.
Mr. Cory moved to reconsider the vote by which H. B. No. 139 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 2 ON SECOND READING

Mr. Cole of Harris moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 2.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 2, A bill to be entitled "An Act creating the University of Houston as a state supported institution of higher education; providing for its management and administration; providing that general laws affecting other state institutions of higher learning and not in conflict with this Act shall apply to the University of Houston, repealing laws in conflict; providing for severability; providing an effective date; and declaring an emergency."

The bill was read second time.

Mr. Lewis offered the following amendment to the bill:

Amend S. B. No. 2 by striking out all above the enacting clause and inserting the following:

A bill to be entitled "An Act creating the University of Houston at Houston, Texas, and providing for work at said University suitable to a University of the first class providing such courses of study to be appropriate therefore; providing that General Laws affecting other state institutions of higher learning and not in conflict with this Act shall apply to the University of Houston; repealing laws in conflict;
providing for severability; providing an effective date; and declaring an emergency.''

Mr. Cole of Harris moved to table the amendment by Mr. Lewis.

The motion to table prevailed.

Mr. Lewis raised a point of order on further consideration of S. B. No. 2 on the ground that it is a local bill and was not published in a local newspaper thirty days prior to its introduction.

The Speaker overruled the point of order.

S. B. No. 2 was passed to third reading by the following vote:

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A verification of the vote was requested and was granted.
The roll of those voting yea was again called and the verified vote resulted, as follows:

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>Adams of Lubbock Kilpatrick</td>
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<td>Adams of Titus</td>
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<td>Bankhead, Mrs.</td>
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Yeas-118
Nays-23

The Speaker stated that the motion that the constitutional rule requiring bills to be read on three several days be suspended and that S.B. No. 2 be placed on its third reading and final passage prevailed by the above vote.

The Speaker then laid Senate Bill No. 2 before the House on third reading and final passage.

Senate Bill No. 2 was read third time.

A record vote was requested on the passage of S.B. No. 2.

S.B. No. 2 was passed by the following vote:

<table>
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<th>Yeas</th>
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<td>Adams of Titus</td>
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<td>Diff, Miss</td>
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<td>Glass</td>
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</table>

Yeas-107
Nays-23

Cook
Pipkin
Mr. Cole of Harris moved to reconsider the vote by which S. B. No. 8 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTING

I voted against passage of S. B. 8, making a State supported institution out of the University of Houston, due to the following facts:

1. I do not believe in passing a huge financial obligation on to a future Legislature.

2. We are not now adequately supporting the nineteen institutions of higher education, now under the State System.

GEORGE T. HINSON

BILLS AND RESOLUTIONS

S. B. No. 14, An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency.

S. B. No. 100, An Act to amend certain sections of Chapter 316, page 517, being Senate Bill No. 174, Acts of 1945, 49th Legislature, as amended by Chapter 385, page 581, being Senate Bill No. 274, Acts of 1961, 52nd Legislature, known as the Public Accountancy Act of 1943, and codified as Article 41a, Vernon's Annotated Civil Statutes of 1921, as amended which Act and Sections thereof hereby amended relate to the regulation and licensure of persons to practice public accountancy in this State; repealing all laws in conflict therewith and declaring an emergency.

S. B. No. 415, An Act amending Paragraph (8) of Section 1 of Article 3.50, Subchapter E of Senate Bill No. 236, Chapter 491, Acts of
May 23, 1961

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the Fifty-second Legislature, Regular Session, 1951, as amended by House Bill No. 284, Chapter 248, Acts of the Fifty-third Legislature, Regular Session, 1953, and as amended by House Bill No. 24, Chapter 18, Acts, First Called Session of the Fifty-third Legislature, 1954, and as amended by House Bill No. 482, Chapter 336, Acts of the Fifty-fifth Legislature, Regular Session, 1957, pertaining to the description and requirements of certain group life insurance policies; etc.; and providing a severability clause; repealing all laws or parts of laws in conflict; and declaring an emergency.

S. C. R. No. 43, Requesting the Governor to establish within the Executive Department the position of State Coordinator of Aging Services.

S. C. R. No. 56, Relating to Public School Week.

S. C. R. No. 60, Granting the Texas Gulf Construction Company permission to sue the State.

S. C. R. No. 64, Granting the Sisters of Charity of Incarnate Word permission to sue the State.

S. C. R. No. 65, Granting Connecticut General Life Insurance Company permission to sue the State.

MESSAGE FROM THE SENATE

Austin, Texas, May 23, 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 concurred in House Amendments to Senate Bill No. 258 by Viva Voce vote.

Senate concurred in House amendments to S. B. 258 by viva voce vote.

Senate concurred in House amendments to S. B. 443 by the following vote: 28 yeas, 9 nays.

Senate concurred in House amendments to S. B. 443 by the following vote: 28 yeas, 9 nays.

In accordance with the motion to recess the House at 12:40 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

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

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

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

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

The motion to adjourn was lost.

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

The House adjourned until 10:00 o'clock a.m. tomorrow.

REMARKS ORDERED PRINTED

Mr. Oliver moved that the remarks of Mr. James, made in addressing the House on personal privilege on today, be reduced to writing and printed in the Journal.

There was no objection offered and it was so ordered.

RECESS

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

Mr. Roberts of Dawson moved that the House adjourn until 12:00 o'clock a.m. tomorrow.

Mr. Struve moved that the House adjourn until 12:00 o'clock a.m. tomorrow.

The motion to adjourn was lost.

The House concurred in House amendments to S. B. 394 by viva voce vote.

In accordance with the motion to recess the House at 12:40 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

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

Senate concurred in House amendments to S. B. 285 by viva voce vote.

Senate concurred in House amendments to S. B. 423 by the following vote: 29 yeas, 0 nays.

Senate concurred in House amendments to S. B. 303 by the following vote: 29 yeas, 0 nays.

Senate concurred in House amendments to S. B. 304 by the following vote: 29 yeas, 0 nays.

Senate concurred in House amendments to S. B. 253 by viva voce vote.

Senate concurred in House amendments to S. B. 304 by viva voce vote.

Respectfully submitted,

CHARLES A. SCHNABEL
Secretary of the Senate.
MOTION TO PLACE HOUSE BILL NO. 197 ON SECOND READING

Mr. Collins moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 197, on second reading.

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

COMMITTEE MEETING

Mr. Hollowell asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

LEAVE OF ABSENCE GRANTED

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

HOUSE BILL NO. 480 ON SECOND READING

Mr. Stewart of Galveston moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 480.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 480, a bill to be entitled "An Act amending paragraph 1 of Section 4 of Article II of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as last amended, which is codified as paragraph 1 of Section 4 of Article 6687b, Vernon's Texas Civil Statutes, relating to certain minors under 16 years of age who may be licensed upon affidavit of a physician and approval by the Department of Public Safety; providing certain penalties; repealing paragraph 1a of Section 4 of Article II of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as added by Section 1 of Chapter 222, Acts of the 65th Legislature, Regular Session, 1957, which is codified as paragraph 1a of Section 4 of Article 6687b, Vernon's Texas Civil Statutes; 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 House Bill No. 480 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Paragraph 1 of Section 4 of Article II of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as last amended by Section 1 of Chapter 244, Acts of the 85th Legislature, Regular Session, 1957, which is codified as paragraph 1 of Section 4 of Article 6687b, Vernon's Texas Civil Statutes, is amended to read as follows:

"Section 4. The Department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, except that the Department may issue a license to such person if fourteen years of age or older where, in the opinion of the Department, (1) there appears an emergency sufficient to justify the issuance of such license, and such license shall be issued only for the period of time as such emergency exists; (2) it appears that the failure or refusal to issue such license to any such person will work an unusual economic hardship on the family or the applicant for the license; (3) it appears that such failure to issue such license would be detrimental to the general welfare of the applicant or his or her family; or (4) to such person fifteen and one-half years of age or older where it appears that the applicant has completed and passed the..."
State Department of Education approved standard driver training course, which course must also be approved by the Department of Public Safety; and the application for such license under clause (i) shall include a certificate by the superintendent of the school that said standard driver training course is part of the regular curriculum, and that the applicant has passed this course. The Department may issue a license restricted to driving while a fully licensed adult operator (21 years or older) is in the front seat with him, for training, observation, or instruction, to persons between the ages of 14 years and 15 years and six months of age, provided that such applicants have otherwise complied with all requirements and met all qualifications stated in (5) above.

A license shall not be issued to any applicant who has not passed the examination required in Section 10 of this Act. The Department shall carry out the duties required of it by the provisions of this Act in any manner that will expedite the performance of such duties, and in a manner that will provide the greatest convenience for the public. In no event shall an operator’s license of any class be issued to any person less than fourteen years of age. Any person who has been refused a driver’s license under the terms of this paragraph may appeal to the Court in the county in which he is a resident, where the matter shall be tried before a jury.”

Section 2. The provisions of this Act shall have no application to any person who has been issued an operator’s license prior to the effective date of this Act.

Section 2. The fact that the laws of this State privilege those of tender years to operate powerful vehicles, and this, coupled with generous parental consent, permit our adolescents to make vehicular permit of pleasure upon road systems already made hazardous with heavy commercial traffic; and the fact that this permits easy diversion from the necessary academic undertakings of our youth, and the fact that frivolous pleasure driving by immature juveniles too often results in fatalities and terrible injuries 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. Latimer offered the following amendment to Committee Amendment No. 1:

Amend amendment to H. B. No. 480 by taking out the words “and one half” on line 41.

The amendment by Mr. Latimer was lost.

Committee Amendment No. 1 was adopted.

H. B. No. 480 was passed to engrossment.

HOUSE BILL NO. 480 ON THIRD READING

Mr. Stewart of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 480 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118
- Adams of Lubbock
- Ebble
- Allan
- Faircliff
- Allen
- Fletcher
- Andrews
- Floyd
- Aiwell
- Foreman
- Bailey
- Gibson
- Ballman
- Gibbens
- Banfield, Mrs.
- Gladden
- Barnes
- Glass
- Bartram
- Grosing
- Bass
- Green
- Bell
- Grover
- Berry
- Guffee
- Blaine
- Hale
- Bridges
- Harrington
- Buchanan
- Harris
- Burgess
- Hecstly
- Butcher
- Henson
- Cadwell
- Hollowell
- Cannon
- Huebner
- Cole of Harris
- Hughes
- Cole of Hunt
- Hooker
- Collins
- Grayson
- Cory
- Crews
- Hughes of Dallas
- Curlington
- Isaacs, Miss
- de la Garza
- James
- Duff, Mies
- Johnson of Dallas
- Dunnanz
- Johnson of Bexar
- Eckhardt
- Johnson of Bell
The motion to table prevailed.

**HOUSE BILL NO. 652 ON SECOND READING**

Mr. Johnson of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 652. The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 652, A bill to be entitled "An Act amending and re-enacting Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, relating to the issuance, expiration, renewal, cancellation, suspension and revocation of operator's, commercial operator's, and chauffeur's driver's licenses, and relating to violations, remitting of fees, penalties, reporting requirements and other general provisions; providing rules of construction; providing a savings clause; repealing laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

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

Amend H. B. No. 652 by striking out all of Section 24(c) on page 10 of the printed bill.

The amendment was adopted.

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

Amend H. B. No. 652 by striking out all of Section 24(c) on page 10 of the printed bill.

The amendment was adopted.

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

Committee Amendment No. 1

Amend H. B. No. 652, Section 4(j) by striking out the period after the...
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word "privilege" and insert the following:

"as authorized by this Act."

The amendment was adopted.

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

Committee Amendment No. 2

Amend H. B. 652, Section 7 by striking out the figure "1969" and inserting in lieu thereof "1962."

The amendment was adopted.

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

Committee Amendment No. 3

Amend H. B. 652 by striking out Section 24 (b) in its entirety, substituting in lieu thereof:

"(b) When there is sufficient cause under this section to suspend or revoke the driver's license or driving privilege of any person, the Department shall thirty (30) days before suspension or revocation action is taken, notify the driver in writing by certified mail of no longer suspension or revocation, the reasons thereon, and of his right to an administrative hearing. Failure to make a written request for such administrative hearing within twenty (20) days after notice is given shall be deemed a waiver of the right to an administrative hearing. Upon written request of such person, an opportunity for an administrative hearing shall be afforded as early as is practical. Such hearing shall be had not less than ten (10) days after notification thereof under any of the provisions of this Section, and upon charges in writing a copy of which shall be given to said person not less than ten (10) days before said hearing. For the purpose of hearing such case jurisdiction is vested in the mayor of the city, or judge of the police court, or a justice of the peace in the county or subdivision thereof where such person resides. Such hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of such officer to set the matter for hearing upon ten (10) days written notice to the Department. Upon such hearing, in the event of an affirmative finding, the officer who presides at such hearing shall report the same to the Department which shall have authority to suspend said license or driving privilege for a period not greater than one (1) year. In the event of a suspension or revocation, the person may appeal such action to the county court or the County Court at Law of the county where the hearing was held, said appeal to be tried de novo as provided in Section 29 of this Act. Notice by registered mail to the address shown on the license of such person shall constitute service for the purpose of this Section."

Mr. Buchanan offered the following amendment to Committee Amendment No. 3:

Amend Committee Amendment Number Three to H. B. No. 652 by striking out the word "registered" in the last sentence of said Amendment and insert in lieu thereof the word "certified."

The amendment was adopted.

Committee Amendment No. 3, as amended, was adopted.

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

Committee Amendment No. 4

Amend House Bill 652 by striking out all of Section 4 (a) and substituting in lieu thereof the following:

"Section 4. The Department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, except that the Department may issue a license to such person if fourteen years of age or older where, in the opinion of the Department, (1) there appears an emergency sufficient to justify the issuance of such license, and such license shall be issued only for the period of time such emergency exists; (2) it appears that a false or refusal to issue such license to any such person will work an unusual hardship on the family or the applicant for the license; (3) it appears that a license should be granted to the applicant for such purpose; (4) the public safety will not be injured; (5) it appears that such license is necessary for the applicant to work or maintain an unusual economic hardship on the family or the applicant for the license; (6) it appears that such license is necessary for the applicant to work or maintain an unusual economic hardship on his family."

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word "privilege" and insert the following:

"as authorized by this Act."

The amendment was adopted.

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

Committee Amendment No. 2

Amend H. B. 652, Section 7 by striking out the figure "1969" and inserting in lieu thereof "1962."

The amendment was adopted.

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

Committee Amendment No. 3

Amend H. B. 652 by striking out Section 24 (b) in its entirety, substituting in lieu thereof:

"(b) When there is sufficient cause under this section to suspend or revoke the driver's license or driving privilege of any person, the Department shall thirty (30) days before suspension or revocation action is taken, notify the driver in writing by certified mail of no longer suspension or revocation, the reasons thereon, and of his right to an administrative hearing. Failure to make a written request for such administrative hearing within twenty (20) days after notice is given shall be deemed a waiver of the right to an administrative hearing. Upon written request of such person, an opportunity for an administrative hearing shall be afforded as early as is practical. Such hearing shall be had not less than ten (10) days after notification thereof under any of the provisions of this Section, and upon charges in writing a copy of which shall be given to said person not less than ten (10) days before said hearing. For the purpose of hearing such case jurisdiction is vested in the mayor of the city, or judge of the police court, or a justice of the peace in the county or subdivision thereof where such person resides. Such hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of such officer to set the matter for hearing upon ten (10) days written notice to the Department. Upon such hearing, in the event of an affirmative finding, the officer who presides at such hearing shall report the same to the Department which shall have authority to suspend said license or driving privilege for a period not greater than one (1) year. In the event of a suspension or revocation, the person may appeal such action to the county court or the County Court at Law of the county where the hearing was held, said appeal to be tried de novo as provided in Section 29 of this Act. Notice by registered mail to the address shown on the license of such person shall constitute service for the purpose of this Section."

Mr. Buchanan offered the following amendment to Committee Amendment No. 3:

Amend Committee Amendment Number Three to H. B. No. 652 by striking out the word "registered" in the last sentence of said Amendment and insert in lieu thereof the word "certified."

The amendment was adopted.

Committee Amendment No. 3, as amended, was adopted.

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

Committee Amendment No. 4

Amend House Bill 652 by striking out all of Section 4 (a) and substituting in lieu thereof the following:

"Section 4. The Department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, except that the Department may issue a license to such person if fourteen years of age or older where, in the opinion of the Department, (1) there appears an emergency sufficient to justify the issuance of such license, and such license shall be issued only for the period of time such emergency exists; (2) it appears that a false or refusal to issue such license to any such person will work an unusual hardship on the family or the applicant for the license; (3) it appears that a license should be granted to the applicant for such purpose; (4) the public safety will not be injured; (5) it appears that such license is necessary for the applicant to work or maintain an unusual economic hardship on the family or the applicant for the license; (6) it appears that such license is necessary for the applicant to work or maintain an unusual economic hardship on his family."
because of the sickness or ill health of any class be tried before a County Court in the County in which the matter is a resident, where the matter shall be tried before a jury.

The amendment was adopted.

Mr. Tunnell offered the following amendment to the bill:

Amend H. B. No. 662, Article II, Section 24 (a) on page 10 of the printed bill, and re-numbering all remaining subsections.

The amendment was adopted.

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

The motion to table prevailed.

Mr. James offered the following amendment to the bill:

Amend H. B. No. 662 by the following:

Strike in Section 24 (a) on page 10, in subsection (2) all the words following the word "another" and placing a semicolon thereafter.

The amendment was adopted.

Mr. Bass offered the following amendment to the bill:

Amend House Bill No. 662, Article II, Section 2 (f) and change the
remaining paragraphs by making the following Section 2 (f) and re-numbering the following Sub-sections:

"Any person holding a valid operator's license to operate a commercial vehicle legally bearing current truck or commercial license plates when the gross weight of such vehicle does not exceed forty-six hundred (4600) pounds."

The amendment was adopted.

Mr. Hale offered the following amendment to the bill:

Amend H. B. No. 652 by adding thereto a new section to be known as Section 49, immediately following quoted Section 48 on page 15 and by re-numbering all subsequent sections, such new Section 49 to read as follows:

Section 49. 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 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. 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.

The amendment was adopted.

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

Amend H. B. No. 652 by striking out Section 28 and re-numbering the subsequent sections.

The amendment was adopted.

Mr. Smith of Bexar offered the following amendment to the bill:

Amend H. B. No. 652 by striking out Section 29 and re-numbering the subsequent sections.

The amendment was adopted.

Mr. Johnson of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 652 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Alaniz
Allen
Andrews
Atwell
Bailey
Barlow
Barnes
Bartram
Bass

Nays—0

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The Speaker then laid House Bill No. 652 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 662 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Smith of Jefferson asked unanimous consent of the House that the Committee on Rules be permitted to meet at this time.

There was no objection offered.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 345, An Act authorizing the Commissioners Court in all counties having a population of not less than ninety-five thousand (95,000) and not more than one hundred fifteen thousand (116,000) according to the last preceding Federal Census to purchase automobiles to be paid for out of county funds, and to be used by the County Commissioners in the discharge of their official business; and declaring an emergency.

H. B. No. 483, An Act validating the incorporation of all cities and towns of four thousand five hundred
Inhabitants or less, herefore Incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorp-oration or annexation; providing for severability; and declaring an emergency.

H. B. No. 761, An Act to provide that the District Attorney of the 24th Judicial District shall be compensated not to exceed Ten Thousand Dollars ($10,000); providing that the Stenographer of such Judicial District shall be compensated not to exceed Four Thousand Dollars ($4,000); and declaring an emergency.

H. J. R. No. 70, Proposing an Amendment to Article IX of the Constitution of the State of Texas by adding thereto a new Section authorizing the creation of two (2) hospital districts in Brazoria County, one to include all or part of the West Columbia, Brazoria and Damon Independent School District, and the other coterminous with the Sweeny Independent School District, providing for a possible consolidation of the two, providing a mode of funding and also authorizing construc- tion, equipping, maintaining, and financing of a home for the aged in Titus County.

H. C. R. No. 102, Suspending the Joint Rules to consider H. J. R. No. 99.

H. C. R. No. 104, Relative to giving certain approval to the Board of Directors of A. and M. College.

MESSAGE FROM THE SENATE
Austin, Texas, May 23, 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 refused to concur in House Amendments to Senate Bill No. 318 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Reagan, Martin, Parkhouse, Crump, and Calhoun.

Respectfully submitted,

CHARLES A. SCHNABEL,
Secretary of the Senate.

MOTION TO PLACE HOUSE BILL NO. 118 ON SECOND READING

Mr. La Valle moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 118 on second reading.

The motion was lost.

REASON FOR VOTE

I voted No on Suspension of Rules on H. B. No. 118. I signed this as a courtesy to a desk-mate, but have found out it will work a hardship on many people; therefore I voted No and will vote No on the passage of H. B. No. 118.

LEON THURMAN.

MOTION TO PLACE HOUSE BILL NO. 50 ON SECOND READING

Mr. Struve moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 50 on second reading.

A record vote was requested on the motion to suspend all necessary rules.

The motion to suspend all necessary rules to take up and consider H. B. No. 50 was lost by the following vote:

Yeas—46

Yeas-46

Alaniz       Harrington
Bailey       Haynes
Harlow       Hinson
Hax           Hughes
Buchanan     Johnson of Grayson
Caldwell     Johnson of Bexar
Cannon       Jones of Travis
Carriker     Koroth
Cowles       Lack
Curtis        Leaverton
Eckhardt     Longoria
Fletcher      McCoppin
Floyd         McKibby
Gilliland     Markgraf
Grover         Martin
Haring        Miller

MESSAGE FROM THE SENATE
Austin, Texas, May 23, 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 refused to concur in House Amendments to Senate Bill No. 318 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Reagan, Martin, Parkhouse, Crump, and Calhoun.

Respectfully submitted,

CHARLES A. SCHNABEL,
Secretary of the Senate.
I voted "Present and Not Voting" on Suspension of Rules on House Bill No. 50 because there is a conflict of interest. JAMES D. COLE.

REASON FOR VOTE

I voted to suspend the rules on H. B. 50. This does not mean I am in favor of H. B. 50—only that I wanted the author to have his "run" with his bill. W. H. MILLER.

PAUL FLOYD.

REASON FOR VOTE

H. B. NO. 50

I voted aye on the motion to suspend the rules because I feel that the telephone companies of Texas as well as the telephone users should have their day in Court. SCOTT BAILEY.

REASON FOR VOTE

I voted for this measure because recently I rented a house which had a colored telephone installed. Since this colored telephone had been purchased by someone else, I was asked if I wanted to pay $10 and keep it. I chose to use the standard black telephone rather than pay $10 extra. The telephone company then charged me the usual $5 connection fee, plus $2 to remove the colored phone and replace it with a black telephone. I feel this $2 charge was unnecessary and may indicate excessive charges in other areas. LLOYD O. MARTIN.

MOTION TO PLACE HOUSE JOINT RESOLUTION NO. 88 ON SECOND READING

Mr. Moore moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Joint Resolution No. 88.

The motion was lost.
HOUSE BILL NO. 315 ON SECOND READING

Mr. Cole of Harris moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 315.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 315, A bill to be entitled "An Act regulating the solicitation and collection of funds for charitable purposes; requiring registration of certain charitable organizations and professional fund raisers and solicitors; providing penalties; providing for severability; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Mr. Cole of Harris offered the following committee amendment to the bill:

Committee Amendment No. 1
Amend Section 3 of House Bill No. 315 by adding a new subsection thereto which reads as follows:

"Sec. 3. This Act shall not apply to any charitable organization, having its principal place of business within the State of Texas, and organized under and by virtue of the laws of this State, which solicits contributions within the limits of any incorporated city, town or village, provided that such incorporated city, town or village regulates such charitable organization by ordinance; and provided further that any such ordinance substantially complies with Sections 2, 4, 8, 9, 10, 11 and 14 of this Act."

The amendment was adopted.

H. B. No. 315 was passed to engrossment.

HOUSE BILL NO. 315 ON THIRD READING

Mr. Cole of Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—114
Adams of Titus  Allen  Andrews  Bailey  Barnes  Bass  Bell  Blaine  Boysen  Bridges  Buchanan

No—0

"Sec. 9. Professional Fund Raisers. Registration and bond required. No person shall act as a professional fund raiser for a charitable organization required to register pursuant to Section 2 of this Act until he has first registered with the Secretary of State. Applications for such registration shall be in writing, under oath, in the form prescribed by the Secretary of State and shall be accompanied by an annual fee in the sum of Fifty Dollars ($50). The applicant shall at the time of making application, file with, and have approved by the Secretary of State a bond in the sum of Five Thousand Dollars ($5,000), with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The said bond shall run to the Secretary of State for the use of the State and to pay any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation; provided, however, that the aggregate liability of the sureties to the State and to all such persons shall, in no event, exceed the sum of said bond. Registration when effected shall be for a period of one (1) year, or a part thereof, expiring on the thirty-first day of August, and may be renewed upon the filing of the bond and fee prescribed herein for additional one (1) year periods."

The amendment was adopted.

H. B. No. 315 was passed to engrossment.

House Bill No. 315 was placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—114
Adams of Titus  Allen  Andrews  Bailey  Bell  Blaine  Boysen  Bridges  Buchanan

No—0
The Speaker then laid House Bill No. 315 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Guffey moved to reconsider the vote by which H. B. No. 315 was passed and to table the motion to reconsider.

The motion to table prevailed.

The bill was read third time. The Speaker laid before the House, on its third reading and final passage,

H. B. No. 15. A bill to be entitled

"An Act exempting certain church-owned motor vehicles used for church school purposes from certain motor vehicles sales taxes and registration fees, and providing for refunds of certain motor fuel taxes; amending Section 8, Article 9, Chapter 8 of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency."

The bill was read third time.
Mr. Grover offered the following amendment to the bill:

Amend H. B. 15, Sect. 1, Art. 6.13 line 23, by adding after the word "Church," the words "or private elementary or secondary schools."

Mr. Guffey raised a point of order on further consideration of the amendment by Mr. Grover on the ground that it is not germane to the body of the bill.

The Speaker overruled the point of order stating that upon inspection of the bill it re-writes the entire statutes pertinent to this matter and adds the exemption for churches.

Mr. Oliver moved the previous question on the pending amendment and the passage of H. B. No. 15 and the main question was ordered.

A record vote was requested on the amendment by Mr. Grover. The amendment by Mr. Grover was lost by the following vote:

Yeas-53

Adams of Lubbock James
Atwell
Ballman
Barnes
Barlow
Baxley
Berry
Blaine
Bridges
Buchanan
Carroll
Cole of Hunt
Collins
Crowe
Cren
Crews
Dewey
Eickhardt
Fairchild
Fletcher
Grove
Hall
Harding
Haring
Hughes of Grayson
Hughes of Dallas
Isaacs, Miss

Nays-82

Adams of Titus Allen
Alans Andrews

Barnes
Bartram
Bass
Boyce
Burgess
Butler
Caldwell
Cannon
Chapman
Collins
Cory
Coton
Curtis
de la Garza
Duff, Miss
Dungan
Floyd
Foreman
Garr
Guffey
Harrington
Hartle
Hixson
Hollowell
Hubbrey
Jarvis
Jarvis
Johnson of Bell
Johnson of Bexar
Johnson of Dallas
Jones of Bexar
Jones of Dallas
Kennis
La Valle
McGregor
Moore
Mullen
Mullin
Nesbitt
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should not be given to profit making private schools.

MACO STEWART.

REASON FOR VOTE ON H. B. 15

I deeply believe in the principle of separation of church and state as required by the United States and Texas Constitutions. By taking the oath of office, I have sworn to uphold and defend these principles.

Separation of church and state means both that the state should not support religious schools and that religious schools should not support the state. Church school buildings are now rightfully exempt from taxes. Church school buses and their operation, like other church property, should not be taxed by the state.

For these reasons, I was an author of H. B. 15.

MACO STEWART.

MOTION TO PLACE HOUSE BILL NO. 29 ON THIRD READING

Mr. Alaniz moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 29 on third reading.

A record vote was requested on the motion by Mr. Alaniz.

The motion to suspend all necessary rules to take up and consider H. B. No. 29 was lost by the following vote: (not receiving the necessary two-thirds vote.)

Yeas—69

Adams of Lubbock
Adams of Titus
Allen of McLennan
Andrews
Atwell
Banfield, Mrs.
Bell
Blaine
Boyce
Buchanan
Butler
Chapman
Conzell
Cory
Cowles
Crenn
Crews
Dewey
Duffy, Mses
Elmore
Gibbens
Gowing
Hale
Hattoy
Hollowell
Hughes of Dallas
Isacks, Mrs
Jarvis
Johnson of Bell
Jones of Dallas
Kennard

Present—Not Voting

Barrar
Bartram
Barnes

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen
Andrews
Atwell
Banfield, Mrs.
Bell
Blaine
Boyce
Buchanan
Butler
Chapman
Conzell
Cory
Cowles
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Crews
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Duffy, Mses
Elmore
Gibbens
Gowing
Hale
Hattoy
Hollowell
Hughes of Dallas
Isacks, Mrs
Jarvis
Johnson of Bell
Jones of Dallas
Kennard

Absent

Bartram
Barrar
Barnes

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen
Andrews
Atwell
Banfield, Mrs.
Bell
Blaine
Boyce
Buchanan
Butler
Chapman
Conzell
Cory
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Duffy, Mses
Elmore
Gibbens
Gowing
Hale
Hattoy
Hollowell
Hughes of Dallas
Isacks, Mrs
Jarvis
Johnson of Bell
Jones of Dallas
Kennard

Present—Not Voting

Barrar
Bartram
Barnes

Yeas—69

Alaniz
Bailey
Ballman
Barlow
Bass
Bridges
Burgess
Calwell
Cannon
Carriker
Colinas
Cunningham de la Garza
Dungan
Farrar
Flecher
Foreman
Gladdex
Glass
Green

Grover
Harding
Haring
Harrington
Haynes
Hinson
Huebner
Hughes
James
Jambon
Johnson of Dallas
Johnson of Bexar
Jones of Travis
Kilpatrick
Kolke
Korthof
Leak
Lary
La Valle

Leaverton
Lewis
Longoria
McClung
McGregor of El Paso
McMillan
Markgraf
Moore
Mullen
Perrett
Papp
Ratcliff
Richards
Roberts of Hill
Ross
Rosco
Shannon
Smith of Bexar
Smith of Jefferson
Snelson
Spears
Springer
Stewart
Stewart of Galveston
Stewart of Wichita
Streve
Townsend
Trevino
Walls
Wilson of Trinity
Yanak

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen of McLennan
Andrews
Atwell
Banfield, Mrs.
Bell
Blaine
Boyce
Buchanan
Butler
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Barrar
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Present—Not Voting

Barrar
Barrar
Barnes

Nayes—61

Adams of Lubbock Latimer
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Johnson of Bell
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Absent

Bartram
Barrar
Barnes

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen of McLennan
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Hughes of Dallas
Isacks, Mrs
Jarvis
Johnson of Bell
Jones of Dallas
Kennard

Present—Not Voting

Barrar
Barrar
Barnes

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen of McLennan
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Johnson of Bell
Jones of Dallas
Kennard

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Bartram
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Barnes

Nayes—61

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Adams of Titus
Allen of McLennan
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Hughes of Dallas
Isacks, Mrs
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Johnson of Bell
Jones of Dallas
Kennard

Present—Not Voting

Barrar
Barrar
Barnes

Nayes—61

Adams of Lubbock Latimer
Adams of Titus
Allen of McLennan
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Banfield, Mrs.
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Butler
Chapman
Conzell
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Hughes of Dallas
Isacks, Mrs
Jarvis
Johnson of Bell
Jones of Dallas
Kennard

Absent

Bartram
Barrar
Barnes


May 23, 1961

HOUSE BILL NO. 40 ON THIRD READING

Mr. Kennard moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 40.

The motion prevailed by unanimous consent.

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

H. B. No. 40. A bill to be entitled "An Act to regulate the business of lending in amount of $2500 or less as defined herein; to define such business and provide exemptions; to require licensing of persons engaged in such business; to prescribe maximum rates of charge; to regulate the purchase or assignment of compensation for services; to provide for the administration and enforcement of this Act; to provide for a review of administrative acts hereunder; to create the office of Consumer Finance Commissioner; to prescribe penalties; to repeal Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, and Chapter 17, Acts of the 40th Legislature, 1st Called Session, 1927, as last amended by Chapter 195, Acts of the 49th Legislature, Regular Session, 1945, and Subsection (4), (5) and (6) of Article 19.01, Chapter 19, Title 122A Taxation-General, and Articles 6146 through 6161 inclusive, Revised Civil Statutes of Texas, 1925, and to repeal all Acts and parts of Acts whether general, special, or local, which relate to the same subject matter as this Act, so far as they are inconsistent with the provisions of this Act; to provide for severability; providing a saving clause; providing an effective date; and declaring an emergency."

The bill was read third time.

(Mr. Dewey in the Chair.)

A record vote was requested on the passage of H. B. No. 40.

H. B. No. 40 was passed by the following vote:

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<tr>
<th>Yeas</th>
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**Nays—11**

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**Yee—56**

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The motion to suspend the necessary rules for the purpose of taking up and considering H. R. No. 797 was lost by the following vote, not receiving the necessary two-thirds vote:

- **Nays—11**
- **Yee—56**

A record vote was requested on the motion to suspend the necessary rules.
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Gaffey
Hale
Haring
Harrington
Isaacks, Miss
Johnson of Bexar
Jones of Travis
Kennard
Koontz
La Valle
Longoria
of El Paso
McGregor
Moore
Mullen
Murray
Nugent
Absent
Andrews
Buchanan
Caldwell
Cole of Harris
Garrison
Martin
Pieratt
Shipley
Cook
Cowan
Osborn
Pipkin

MOTION TO PLACE HOUSE BILL NO. 804 ON THIRD READING

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

The motion was lost.

RELATIVE TO THE CONSIDERATION OF LOCAL AND UNTESTED BILLS

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

The motion prevailed, and it was so ordered.

Mr. Collins then moved to suspend all necessary rules in order to set a local and uncontested bill calendar for next Thursday, May 25, at 9:30 o'clock a.m.

The motion prevailed and it was so ordered.

REQUEST OF SENATE GRANTED

On motion of Mr. Buchanan the House granted the request of the Senate for the appointment of a Conference Committee on S. J. R. No. 32.

REQUEST OF SENATE GRANTED

On motion of Mr. Stewart of Galveston the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 143.

BILLS SIGNED BY THE SPEAKER

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

H. B. No. 566. An Act to create a second County Civil Court at Law for Harris County, Texas, to be known as "County Civil Court at Law No. 2": setting out the jurisdiction of said Court the terms, practice, providing for the appointment of a Judge, elections and appointment to fill vacancies, the bond and oath of said Judge, providing for the appointment or election of a special Judge, for the Clerk of said Court, the seal of said Court, for the filing of civil cases therein, providing for the exchange of Judges among County Courts at Law both civil and criminal, setting the salary of the County Civil Court at Law No. 2, amending Article 1970-77 Revised Civil Statutes of Texas, 1925, so as to change the name to "County Civil Court at Law No. 2";

amending Article 1970-95, Revised Civil Statutes of Texas, 1925, so as to change the name to "County Criminal Court at Law No. 2";

amending Section 1 of Chapter 108, Acts of the Fifty-second Legislature, Regular Session, 1951, codified as Section 1 of Article 1970-110b, Vernon's Texas Civil Statutes, so as to change the name to "County Criminal Court at Law No. 2";

amending Section 1 of Article 1970-110, Revised Civil Statutes of Texas, 1925, so as to change the name to "County Criminal Court at Law No. 2";

amending Section 1 of Article 1970-158, Acts of the Fifty-second Legislature, Regular Session, 1951, codified as Section 1 of Article 1970-110b, Vernon's Texas Civil Statutes, so as to change the name to "County Criminal Court at Law No. 2";

amending Section 1 of Chapter 453, Acts of the Fifty-fifth Legislature, Regular Session, 1957, codified as Section 1 of Article 1970-110c, Vernon's Texas Civil Statutes, so as to change the name to "County Criminal Court at Law No. 2";

and declaring an emergency.
H. B. No. 1082. An Act amending Section 2 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended (compiled as Article 6676a-2, Vernon's Texas Civil Statutes), by exempting owners from registering and paying the regular registration fee for certain farm trailers, farm semi-trailers, water well drilling and road construction machinery used for certain purposes and under certain conditions by requiring payment of an annual fee of Five Dollars ($5); providing for issuance of special plates and exemption of such vehicles from certain inspection requirements; providing that exemptions from registration and from payment of regular fees shall apply to farm trailers and farm semi-trailers owned by cotton gins under certain conditions; defining certain conditions under which exemptions and payment of special fees for farm trailers and farm semi-trailers shall not apply and providing consequences for violation of such conditions; amending Subsection 3 of Section 152 of the Uniform Act Regulating Traffic on Highways (compiled as Article 6676a-2 of Vernon's Texas Civil Statutes), by exempting from the provisions of such Subsection farm trailers and farm semi-trailers whose gross weight does not exceed ten thousand (10,000) pounds provided they are operated in accordance with certain requirements; defining “gross weight”; providing a severability clause; repealing conflicting laws; and declaring an emergency.

RECESS
Mr. Harlow moved that the House recess until 10:00 o'clock a.m. tomorrow.

Mr. Latimer moved that the House adjourn until 10:00 o'clock a.m. next Thursday.

Mr. Johnson of Bexar moved that the House recess until 8:00 o'clock p.m. today.

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

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

In accordance with the motion to recess the House at 6:58 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

APENDIX

STANDING COMMITTEE REPORTS

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

Appropriations: S. B. No. 79.

Conservation and Reclamation:

H. B. No. 1128.

Municipal and Private Corporations:

H. B. No. 1027.

Revenue and Taxation: H. B. No. 983, S. B. No. 236.


REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 48, A bill to be entitled "An Act relating to the fixing of a maximum rate, or ceiling, on all charges that may be assessed and received by all those who make loans of money, with certain exceptions; and to the imposition of pains and penalties, both civil and criminal, upon those who violate this Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961
Hon. James A. Turman, Speaker of the House of Representatives,

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 41, A bill to be entitled "An Act setting up for Grade A milk produced outside the State of Texas to be imported to points within
the State standards equal to those required for the production of Grade
A milk within the State of Texas; requiring that persons authorizing
the importation of such milk into Texas certify that such milk is pro-
duced in accordance with standards equivalent to those governing the
production of such milk in Texas; specifying the basis upon which such
certificates may be issued; specifying the duties of the Texas State Depart-
ment of Health in connection therewith; providing penalties; providing
for severability; repealing all laws in conflict, and declaring an emer-
gency.”

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed
Bills to whom was referred
H. B. No. 933, A bill to be entitled
“An Act creating a conservation and
reclamation district under Article
XVI, Section 59 of the Constitution
of Texas comprising certain territory
contained in Kerr County, Texas,
to be known as ‘Kerr County (Cen-
ter Point) Water Control and Im-
provement District,’ constituting the
same a governmental agency and
body politic and corporate and a
municipal corporation; defining the
boundaries thereof and finding that
all land and property therein except
that excluded will be benefited; pro-
viding that the ad valorem plan of
taxation shall be used, but no obli-
gations shall be incurred and no ad
valorem taxes shall be levied until
approved and authorized by a ma-
jority of the resident qualified pro-
erty taxing voters voting at an
election called and held for such pur-
pose; 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 for a Board of
Directors, their terms, the filling
of vacancies, the election of succe-
sors, and prescribing the purpose for
which bonds may be issued; the
methods of securing the payment
and the procedure for the issuance
of such bonds; requiring all bonds
except refunding bonds to be ap-
proved by the resident qualified pro-

erty taxing voters whose property
has been duly rendered for taxa-
tion and providing terms and con-
ditions for such bonds and the sale
thereof; prescribing the manner in
which such elections shall be called,
held, and notice thereof given;
exempting the District’s bonds from
taxation; providing that the District
shall have the power to fix rates and
charges for services furnished; pro-
viding for a District Depository and
the methods of its selection; making
applicable to the District Title 92,
Revised Civil Statutes of Texas, as
amended, relating to eminent domain
and providing that the cost of reloca-
tion, rating, re-creating, or changing
the grade or altering the construc-
tion of any highway, railroad, elec-
tric transmission line or telegraph
properties and facilities shall be
borne by District; providing that
bonds of the District shall be author-
ized investments in certain instances
and shall be eligible to secure the
deposit of certain funds; providing
for a method of making collections
incident and relating to the subject;
providing a severance clause, and
declaring an emergency.”

Has carefully compared same and
finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961
Hon. James A. Turman, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills to whom was referred
H. C. R. No. 89, granting permis-
sion to Walter John Szczurek to sue

2 Jour.—29

H. C. R. No. 89, granting permis-
sion to Walter John Szczurek to sue
Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 92, granting permission to Myrtle Pope and Dillard Pope to use the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 92, granting permission to Myrtle Pope and Dillard Pope to use the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 92, granting permission to Myrtle Pope and Dillard Pope to use the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 109, granting permission to Continental Fidelity Company to use the State of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 116, congratulating the Honorable Tom L. McCullough on his 92nd birthday.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 40, designating parking facilities in the vicinity of the Capitol under the authority of the State Board of Control and the State Building Commission.

Has carefully compared same and finds it correctly enrolled.

BILLY JONES,
Acting Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 51, House Joint Resolution proposing an Amendment to Article IX of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 9, to provide that the Legislature may authorize the creation of hospital districts composed of all or part of one or more counties; the assumption by the district of any indebtedness and the transfer of all hospital facilities thereof to the district; the issuance of bonds for hospital purposes and the levy of taxes to pay the district's bonds, assumed indebtedness, and for operating and maintaining the district; providing other terms and conditions for accomplishing the purposes of this Amendment.

Has carefully compared same and finds it correctly enrolled.

BILLY JONES,
Acting Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 116, congratulating the Honorable Tom L. McCullough on his 92nd birthday.
H. B. No. 83, An Act amending, repealing parts of, and adding to Chapter 276, Acts of the Forty-fifth Legislature, page 556 (1937), as subsequently amended by Special Laws, Acts of the Forty-sixth Legislature, page 1083 (1929), Chapter 69, Acts of the Fifty-third Legislature, page 504, Acts of the Fifty-fifth Legislature, page 1469 (1937), and Chapter 37, Acts of the Fifty-sixth Legislature, page 78 (1959), all as codified under Article 8280-119, Vernon’s Civil Statutes of the State of Texas: amending Section 1 of said Chapter 276, as amended, to include a definition of the term ‘professional service’ and re-enacting said Section 1 as so amended; amending Section 2 of said Chapter 276, as amended, with reference to the creation of the District so as to comply harmoniously with all provisions of this Act, and re-enacting said Section 2 as so amended; adding a new Section 2-a to said Chapter 276, as amended, to enlarge the territorial jurisdiction of the District and to define the boundaries of the District so as to include therein all of the Counties of Bexar, Wilson, Karnes and Goliad: amending Section 3 of said Chapter 276, as amended, by revising and re-organizing the existing Section 3 and adding thereto new Subsections and Sub-sections whereby the District may exercise certain powers, rights, privileges and functions with reference to navigation, flood control, water conservation, storage, procurement, distribution and supply of water, soil conservation, sewage treatment, pollution prevention, parks, recreational facilities and preservation of fish and forestation, defining contractual agreements and procedures, defining certain other general powers, rights, privileges and functions of the District, and re-enacting said Section 3 as so amended; repealing Sections 4, 5 and 6 of said Chapter 276, as amended; adding a new Section 4-a to said Chapter 276, as amended, to authorize the District to prepare a master plan for the maximum development of the soil and water resources of the District and specifying the procedure for adopting supplementary, amending and/or revising said master plan; amending Section 9 of said Chapter 276, as amended, to provide for an enlarged Board of Directors of twelve (12) members, providing for an elected Board, defining the representation of each County on the Board and the term of office of Directors, providing for staggered terms, defining the qualifications of members of the Board, providing for the manner of filling vacancies, and appointing twelve (12) named Directors to govern and control the District until the first elected Directors have been elected and have qualified for office; repealing Section 10 of said Chapter 276, as amended; adding a new Section 10 to said Chapter 276, as amended, to provide the manner and procedures for electing Directors; amending Section 11 of said Chapter 276, as amended, to increase the per diem compensation of the Directors to Twenty Dollars ($20) and limiting the per diem to one hundred fifty (150) days, and re-enacting said Section 11, as amended; amending Section 12 of said Chapter 276, as amended, to provide for the removal of Directors for nonattendance at six (6) consecutive regular meetings of the Board under certain procedures, amending said Section to comply harmoniously with this Act, and re-enacting said Section 12 as so amended; amending said Section 13 as amended; amending Section 13 of said Chapter 276, as amended, by revising and adding thereto new Subsections and Sub-sections whereby the District may exercise certain powers, rights, privileges and functions of the Board, and re-enacting said Section 13 as so amended; repealing Sections 14, 15 and 16 of said Chapter 276, as amended, to define the powers of the Board and of the Executive Committee, defining the manner of appointing the Manager and fixing his salary, duties and powers, providing the manner by which the Board or the Executive Committee may exercise the powers, rights, privileges and functions of the District, providing that Directors and Officers shall
be bonded, amending said Section 14 to comply harmoniously with this Act, and re-enacting said Section 14 as so amended; adding a new Section 14-a to said Chapter 276, as amended, to provide for an annual audit by the State Auditor, defining the District's fiscal year, providing a method for the payment of said audit and for placing said payment in the General Fund of the State, specifying the manner of filing copies of the District's annual report, specifying the place of keeping and maintaining certain records of the District and providing that same be open to public inspection; adding a new Section 15-a to said Chapter 276, as amended, to provide that the District may levy, assess and collect a tax not to exceed two cents ($2) per One Hundred Dollars ($100) valuation for the carrying out of certain of its powers, rights, privileges and functions under certain terms, conditions and limitations, providing for a public hearing prior to an election on the issue of such tax, providing that the Board may levy said taxes within the maximum rate thus voted if a majority of the votes cast throughout the District are in favor of the levy and if a majority of the votes cast in any three (3) Counties in the District are in favor of the levy, and providing for the manner of spending the tax revenues thus collected; adding a new Section 15-b to said Chapter 276, as amended, to provide for the rendition, assessment, levy and collection of taxes so approved; amending Section 16 of said Chapter 276, as amended, to remove the limitations upon the amount of bonds which may be issued by the District, providing that revenue bonds of the District may be issued by the Board of Directors at public sale without an election, rewording certain parts of said Section 16, providing for an alternative method of obtaining approval of its bonds in lieu of approval by the Attorney General of the State, providing that the Board of Directors may sell such bonds to the Texas Water Development Board at private sale upon such terms and conditions as it deems advisable, and re-enacting said Section 16 as amended; repealing Section 16-a of said Chapter 276, as amended; amending Section 18 of said Chapter 276, as amended, so as to divide said Section 18 into three (3) Subsections, amending that part prohibiting the encumbrance of property so as to comply harmoniously with other parts of this Act, increasing the amount of surplus property that may be sold in any one fiscal year from Fifty Thousand Dollars ($50,000) to Two Hundred Thousand Dollars ($200,000) and providing procedures for the sale of surplus property, exempting the property of the District from forced sale, and re-enacting said Section 18 as so amended; adding a new Section 21-a to said Chapter 276, as amended, to prohibit the expenditure of certain funds derived as income from Bexar County except for certain purposes; amending Section 22 of said Chapter 276, as amended, to comply harmoniously with all provisions of this Act, preventing the impairment of certain water rights, providing that nothing shall supersede or impair the exercise of certain functions by the State Board of Water Engineers, and re-enacting said Section 22, as amended; adding a new Section 25 to said Chapter 276, as amended, to provide a severability clause therein; preventing the impairment of certain acts of, by and for the District; providing that this Act shall prevail over conflicting laws; providing a severability clause with respect to this Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILLY JONES, Acting Chairman.

AUSTIN, Texas May 23, 1981

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 91, An Act amending Article 344-305 of the Texas Bankruptcy Code of 1949, same being Acts of the Forty-eighth Legislative Chapter 97, page 157, et seq., as amended, by creating a Savings and Loan Department; authorizing the appointment of a Savings and Loan Commissioner, a Deputy Commissioner and
Loan Commissioner, and Savings and Loan Examiners, prescribing their qualifications and duties; fixing the conditions under which the rule-making power of the Building and Loan Section of the Finance Commission shall be exercised; abolishing the office of Building and Loan Supervisor; relieving the Banking Commissioner of certain duties; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

May 23, 1961

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

Sir:

Your Committee on Enrolled Bills to whom was referred H. B. No. 137, An Act to repeal certain Statutes and Laws contained in Title 32 of the Texas Revised Civil Statutes, 1925, as amended, Acts 1931, Forty-second Legislature, Chapter 110, Section 1, in order to eliminate those filing fee provisions which have been supplanted by filing fee provisions in the Texas Business Corporation Act and in the Texas Non-Profit Corporation Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir:

Your Committee on Enrolled Bills to whom was referred H. B. No. 139, An Act to amend Article 3914, Texas Revised Civil Statutes, 1925, as amended, Acts 1931, Forty-second Legislature, Chapter 120, Section 1, in order to provide for the effect of such repeal; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir:

Your Committee on Enrolled Bills to whom was referred H. B. No. 245, An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir:

Your Committee on Enrolled Bills to whom was referred H. B. No. 245, An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir:

Your Committee on Enrolled Bills to whom was referred H. B. No. 343, An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Abilene State School; to sell and convey same; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.
Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 348, An Act amending Article 1994 of the Revised Civil Statutes of Texas, 1925, as amended, to provide that in suits by minors, lunatics, idiots or non compos mentis when they are represented by next friend where a judgment is recovered not exceeding Fifteen Hundred Dollars ($1500), the court may by order, and upon the posting of bond, authorize such next friend to take charge of such money for the use and benefit of plaintiff, providing the Act shall not apply to pending litigation; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 349, An Act apportioning the State of Texas into Representative Districts; naming the Counties comprising each District; providing the number of Representatives to be elected in each District; providing for returns of elections and issuance of certificates of election; making the Act effective for the elections for all Representatives from the places herein specified and described for the Fifty-eighth Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not apply to any Representative of the Fifty-eighth Legislature; and providing special elections for the filling of vacancies in the office of any Representative of the Fifty-seventh Legislature shall be filled in the District as it now exists; apportioning the State of Texas into Senatorial Districts; naming the counties comprising each District; providing that this Act shall become effective and apply to the election of Senators of the Fifty-eighth Legislature and to the election of Senators thereafter; providing that this Act shall not apply to the election of the Senators of the Fifty-seventh Legislature; providing that the vacancies in the office of any Senator of the Fifty-seventh Legislature shall be filled by election in the District as it now exists; providing for severability; repealing all laws in conflict herewith; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 592, An Act to amend Section 1, Subsection 2c, B of House Bill No. 162, Acts of the Fifty-first Legislature, 1949, Chapter 308, page 559, as amended by Section 6 of House Bill No. 464, Fifty-fourth Legislature, 1961, Chapter 496, page 1239, known also as Section B of Article 7880-2c, Vernon's Annotated Civil Statutes, dealing with Underground Water Conservation Districts, by adding a new paragraph (11) at the end thereof, which shall be Section B (11) of Article 7880-2c, Vernon's Annotated Civil Statutes, authorising a District to require the closing or capping of an "open or unsecured well," defining an "open or unsecured well," and permitting a District to close or cap the same if the owner and/or operator of the land upon which such open or unsecured well is located refuses to do so, creating a lien on said land for expenses incurred by the District for closing or capping such open or unsecured well, providing that such remedies shall be cumulative; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.
H. B. No. 721, An Act to amend Section 1, Section 2, and Section 4 of House Bill No. 137, Acts of the Regular Session, Fifty-First Legislature, providing for the creation, regulation, and financing of Mosquito Control Districts in counties; providing for a tax not to exceed two hundred dollars per annum on each one hundred dollar tax valuation; providing that this Act shall be severable and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 817, An Act relating to the closing of the wild turkey season in Caldwell County until November 14, 1964; providing a penalty; repealing all conflicting laws, and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 922, An Act creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as "Kimble County Water Control and Improvement District No. 1", comprising lands lying within the county of Kimble, Texas; prescribing its powers and duties including the powers necessary to cooperate fully with the Federal Government, its agencies and departments, under Public Law 546, 83rd Congress, Chapter 625, Second Session, H. R. 6788, as amended by Public Law 1018, 86th Congress, Chapter 1057, Second Session, H. R. 8755, including the power or authority to secure a federal loan or loan and enacting the applicable provisions of said public laws into this Act by reference; limiting the powers of eminent domain conferred by this Act to Kimble County, providing for a governing body thereof; providing and determining that the lands and other property within said District are, and will be, benefitted by the District and its improvements; works and measures to be constructed and accomplished; providing that the ad valorem basis or plan of taxation shall be used by the District and that it shall not be necessary to hold a hearing on the adoption of a plan of taxation; providing that it shall be necessary to hold a hearing to determine whether any lands included within the boundaries should be excluded; declaring that the District is essential to the accomplishment of the purposes of Section 9, Article XVI, Constitution of Texas, and declaring the District to be a governmental agency, body politic and corporate; authorizing the District to issue negotiable bonds for the payment of interest and principal thereof; providing that no loan from the Federal Government shall be consummated and no bonds shall be issued unless authorized by an election for such purposes; providing any such bonds to be incontestable after approval by the Attorney General and registration by the Comptroller of Public Accounts; providing that it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the District before an election is held.

J. B. H. JONES, Acting Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
House Journal 2456

H. B. No. 1046, An Act applying to incorporated cities and towns having a population of more than one hundred thousand (100,000) inhabitants according to the Federal Census last preceding the taking of such action hereunder (referred to hereafter as "city"); authorizing such city to purchase, build, construct, acquire, improve, enlarge, extend, maintain, repair, and replace any and all properties, improvements and facilities which the governing body thereof deems to be necessary for the elimination of grade-level crossings by railroad lines of the streets of such city and for the relocation of railroad lines within said city (said properties, improvements and facilities being hereafter referred to as the "Facilities"); providing certain things that said Facilities shall include; authorizing the governing body of the city to enter contracts, leases, conveyances, contracts of sale, lease-purchase contracts, and any other agreements with respect to the Facilities, and containing provisions relating thereto; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; expressly conferring the right of eminent domain; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws and shall take precedence over city charter provisions; validating proceedings heretofore had and actions heretofore taken and contracts heretofore entered into by such city, but excluding from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sirs: Your Committee on Enrolled Bills to whom was referred

H. B. No. 1046, An Act applying to incorporated cities and towns having a population of more than one hundred thousand (100,000) inhabitants according to the Federal Census last preceding the taking of such action hereunder (referred to hereafter as "city"); authorizing such city to purchase, build, construct, acquire, improve, enlarge, extend, maintain, repair, and replace any and all properties, improvements and facilities which the governing body thereof deems to be necessary for the elimination of grade-level crossings by railroad lines of the streets of such city and for the relocation of railroad lines within said city (said properties, improvements and facilities being hereafter referred to as the "Facilities"); providing certain things that said Facilities shall include; authorizing the governing body of the city to enter contracts, leases, conveyances, contracts of sale, lease-purchase contracts, and any other agreements with respect to the Facilities, and containing provisions relating thereto; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; expressly conferring the right of eminent domain; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws and shall take precedence over city charter provisions; validating proceedings heretofore had and actions heretofore taken and contracts heretofore entered into by such city, but excluding from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sirs: Your Committee on Enrolled Bills to whom was referred

H. B. No. 1046, An Act enlarging Jefferson County Drainage District No. 6 of Jefferson County, Texas; converting said District as, so enlarged to, and creating and establishing said District as, a Conservation and Reclamation District under Section 58, Article XVI, Texas Constitution; providing for the General Laws relating to drainage districts, with exceptions, shall apply to said District and to its Drainage Commissioners; containing provisions relating to, and authorizing the issuance of, bonds of the District, and the assumption of bonds heretofore issued; authorizing the levy and collection of maintenance taxes; granting the right of eminent domain to the District; providing that if a majority vote is cast against the proposition for the levy and collection of a maintenance tax at the election provided for by the Act, this Act shall no longer be effective and the District shall immediately revert to its former boundaries and status as if the Act had not been enacted, and con-
May 23, 1961

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 1068, An Act authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the Methodist Student Movement of Texas, Inc., a tract of land owned by the State of Texas for the use and benefit of Southwest Texas State College, in consideration for conveyance of another tract of land to the State of Texas, and further authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the City of San Marcos, Texas, a right-of-way easement to the tract received by the State of Texas in the exchange of these tracts, for use by the City in widening and maintaining a street; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 1085, An Act relating to the authority of the Commissioners Court of any county having a population of more than twenty thousand, three hundred eighty-five (20,385) individuals and less than twenty thousand, four hundred seventy-five (20,475) individuals, according to the last preceding Federal Census, to employ a secretary to the county attorney and fixing the salary therefore; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

BILL JONES, Acting Chairman.

Austin, Texas, May 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 102, Suspending the Joint Rules of the House and Senate in order to permit the House and the Senate to consider at any time H. J. R. No. 30.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 104, Granting approval to the Board of Directors of the Agricultural and Mechanical College of Texas to make necessary improvements for the Texas Forest Service.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 345, An Act authorizing the Commissioners Court in all count-
ties having a population of not less than ninety-five thousand (95,000) and not more than one hundred fifteen thousand (115,000) according to the last preceding Federal Census to purchase automobiles to be paid for out of county funds, and to be used by the County Commissioners in the discharge of their official business; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 761, An Act to provide that the District Attorney of the 24th Judicial District shall be compensated not to exceed Ten Thousand Dollars ($10,000); providing that the Stenographer of such Judicial District shall be compensated not to exceed Four Thousand Dollars ($4,000); and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 482, An Act validating the Incorporation of all cities and towns of four thousand, five hundred (4,500) inhabitants or less, hereafter incorporated or attempted to be incorporated under the General Laws of Texas; validating the boundary lines thereof; validating governmental proceedings; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or annexation; providing for severability; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. J. R. No. 70, House Joint Resolution proposing an Amendment to Article IX of the Constitution of the State of Texas by adding thereto a new Section authorizing the creation of two (2) hospital districts in Brazoria County, one to include all or part of the West Columbia, Brazoria and Damon Independent School Districts, and the other coterminous with the Sweeny Independent School District, providing for a possible consolidation of the two, providing a mode of funding and also authorizing construction, equipping, maintaining, and financing of a home for the aged in Titus County.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. J. R. No. 70.