Sirs: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 46, Granting permission to Jack Worley, W. O. Worley and O. C. Dickson d/b/a D & W Investment Company to sue the State of Texas in any court of competent jurisdiction within the County of Lubbock.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, May 25, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: Your Committee on Enrolled Bills to whom was referred H. B. No. 665, An Act relating to legal rate of publication in newspapers; amending Article 29 of the Revised Civil Statutes of Texas of 1925, as amended, to establish rates to be charged by newspapers for such publication; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR
May 25, 1961
H. B. No. 566.
H. B. No. 1081.
H. B. No. 665.
H. C. R. No. 46.
H. J. R. No. 33.

SEVENTY-FIRST DAY
(Thursday, May 25, 1961)
The House met at 3:15 o'clock p.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
Andrews
Adams of Lubbock
Atwell
Adams of Titus
Allen
Allen of Angelina
Allison
Bancroft
Barkley
Barlow
Barnes
Barron
Bass
Berry
Blalock
Boyce
Bridges
Buchanan
Burgess
Butler
Caldwell
Carson
Carrier
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Culwell
Cowan
Cowles
Crawford
Crews
Curphey
Curtis
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrie
Fairchild
Fentress
Fletcher
Floyd
Foresman
Foreman
Garrison
Gibbons
Gladden
Glass
Glustine
Green
Grover
Guadarrama
Hale
Harding
Hartig
Harrison
Hays
Healey
Henley
Hinson
Hollowell
Hodges
Hughs of Grayson
Hughes of Dallas
Huntsman
Inmocks, Miss
Johnson of Dallas
Johnson of Reeves
Jones of Dallas
Jones of Travis
Kilpatrick
Kollish
Lark
LaVelle
Lawson
Longoria
McFarland
McGrader
McMullan
McMath
McMullan
McMillan
McQuistion
McNiel
Mendenhall
Menge
Minter
Morgan
Morley
Moss
Mullen
Munger
Murphy
Mutseher
Crain
Niemeyer
Nugent
Oliver
Osborn
Parrish
Peeler
Petty
Pettit
Pilkington
Preston
Price
Quillin
Rapp
Raudig
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Rosa
Rosson
Roth
Shannon
Shipley
Slack
Slueter
Smith of Bexar
Smith of Jefferson
Smuckler
Spears
Springer
Stewart
Stewart of Galveston
Stewart of Wichita
Swearingen
Taylor
Thurman
Tinsley
Tobey
Wallace
Waller
Ware
Washington
Wayne
Way
Watson
Weaver
Weaver of Panhandle
Welch
West
White
White of Jefferson
Wilke
Willis
Williams
Williams
Wilson
Womble
Wood
Wood of Galveston
Yetter
Young
Young of San Antonio
Zimmerman
May 25, 1961  

**House Journal 2515**

<table>
<thead>
<tr>
<th>Thurmond</th>
<th>Wells</th>
<th>Fairchild</th>
<th>Mayscher</th>
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<td>Townsend</td>
<td>Wheatley</td>
<td>Fletcher</td>
<td>Niemeyer</td>
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<td>Trevino</td>
<td>Whitefield</td>
<td>Floyd</td>
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<td>Wilson of Trinity</td>
<td>Foreman</td>
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<td>Walker</td>
<td>Wilson of Potter</td>
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<td>McCoppin</td>
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A quorum of the House was announced present.

**Consideration of Local and Uncontested Bills**

Mr. Collins moved to suspend all necessary rules in order to take up and consider at this time the bills on the Local and Uncontested Bill Calendar, considered on the previous Legislative Day, on third reading and final passage.

The motion prevailed.

**Senate Bill No. 57 on Third Reading**

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

**Senate Bill No. 80 on Third Reading**

The Speaker laid before the House, on its third reading and final passage,
S. B. No. 80, Authorizing Incentive Aid Payments to certain Independent school districts, specifying the conditions for such incentive payments, and making other provisions relating thereto, containing a severability clause, and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 81
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 81, Providing for certification of Engineers-In-Training; and declaring an emergency.

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

<table>
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<tr>
<th>Yeas</th>
<th>Absent</th>
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<td>145</td>
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Adams of Lubbock Dungan
Adams of Titus Eckhardt
Allen Ehrie
Andrews Fairchild
Atwell Fletcher
Bailey Floyd
Ballman Foreman
Banfield, Mrs. Garrison
Barlow Gibbons
Barnes Gil Madden
Bartram Glass
Beaum Glassing
Bell Green
Berry Grover
Blaine Guent
Bozeman Hail
Bridges Harding
Buchanan Harlow
Burgess Harrington
Butler Haynes
Cannon Healy
Carringer Hines
Carrier Holumwell
Chapman House
Cole of Harris Hughes
Cole of Hunt Hughes of Grayson
Collins Hughes of Dallas
Connel Issacs Mise
Cook James
Cory Jamison
Cotton Jarvis
Cowen Johnson of Dallas
Craw Johnson of Bexar
Craig Johnson of Bell
Crew Jones of Dallas
Curfenton Jones of Travis
de la Garza Kennard
Dewey Kilpatrick
Duff, Miss Koliba
Koroth Richardson
Lack Roberts of Hill
Lary Roberts of Dawson
La Velle Rose
Lewis Rosson
Longoria Sandahl
McCoppin Shapton
McGregor of McLennan Slack
McGregor of El Paso Smith of Bexar
McKenny Smith of Jefferson
Meyers Snelson
Miley Spears
Miller Splitmam
Moore Springer
Muli Stewart
Murray of Galveston
Niemeyer of Wichita
Nugent Struve
Oliver Tharman
Osborn Thomeedit
Parno Townsend
Peery Trettico
Pearcy Tunnell
Pettie Walker
Pieratt Ward
Pipkins Watson
Preston Wells
Price Welli
Quilliam Whitehead
Rapp Wilson of Trinity
Rayliff Wilson of Potter
Read Woods
Richards Young

SENATE BILL NO. 116
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 116, Amending Sec. 92, H. B. No. 6, 56th Legislature, Mental Health Code, Art. 6647-U, VACS, allocating fees for applications for and licensing of private mental hospitals, and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 162
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 162.
May 25, 1961  HOUSE JOURNAL  2517

S. B. No. 152, Relating to petit juries in certain counties using the jury wheel, providing that two separate jury panels may be drawn, etc.; amending Article 2101, Revised Civil Statutes, 1925.

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

Yea—144
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Bannister, Mrs.
Barlow
Barrow
Baumann
Baumgarner
Beard
Beard
Bell
Bennett
Blaine
Boyse
Bridges
Buchanan
Burgess
Butler
Caldwell
Carlin
Carroll
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cox
Crevecoeur
Cruze de la Garza
Dall, Mrs.
Duncan
Eckhardt
El Paso
Elliott
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Giddens
Glass
Gleason
Green
Groover
Guerry

Preston
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Robertson
Ross
Rosson
Roth
Sabin
Shipley
Slick
Slidell
Smith of Bexar
Smith of Jefferson
Sonelson
Spears
Spielman

Yens—1

Dewey

Absent

Alantis
Markgraf
Leaverton
Schram

SENATE BILL NO. 153
ON THIRD READING

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

S. B. No. 153, Relating to petit juries in certain counties using the jury wheel, which draw two separate jury panels to provide separate room for each panel; etc., amending Art. 2102, Revised Civil Statutes, 1925.

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

Yea—144
Adams of Lubbock Bridges
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Bannister, Mrs.
Barlow
Barrow
Beard
Beard
Bell
Bennett
Blaine
Boyse
Bridges
Buchanan
Burgess
Butler
Caldwell
Carlin
Carroll
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cox
Crevecoeur
Cruze de la Garza
Dall, Mrs.
Duncan
Eckhardt
El Paso
Elliott
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Giddens
Glass
Gleason
Green
Groover
Guerry

Preston
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Robertson
Ross
Rosson
Roth
Sabin
Shipley
Slick
Slidell
Smith of Bexar
Smith of Jefferson
Sonelson
Spears
Spielman

Yens—1

Dewey

Absent

Alantis
Markgraf
Leaverton
Schram
<table>
<thead>
<tr>
<th>Name</th>
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<td>Cowless</td>
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<td>Craik</td>
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<td>Mullen</td>
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<td>Murray</td>
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<td>Duff, Miss</td>
<td>Mutschler</td>
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<td>Richardson</td>
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<td>Fletcher</td>
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<td>Gibbens</td>
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<td>Richards</td>
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<td>Richardson</td>
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<td>Roberts of Hill</td>
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<td>Haynes</td>
<td>Roberts of Dawon</td>
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<td>Healy</td>
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<td>Himson</td>
<td>Sandahl</td>
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<td>Hollowell</td>
<td>Shannon</td>
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<td>Shipley</td>
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<td>Hughes</td>
<td>Shiecker</td>
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<td>Hughes of Dallas</td>
<td>Sidler</td>
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<td>Beach, Miss</td>
<td>Smith of Bexar</td>
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<td>James</td>
<td>Smith of Jefferson</td>
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<tr>
<td>Jamison</td>
<td>Snell</td>
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<td>Stewart</td>
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<td>Johnson of Bell</td>
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<td>Jones of Dallas</td>
<td>Stewart</td>
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<tr>
<td>Jones of Travis</td>
<td>of Wichita</td>
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<td>Kennaard</td>
<td>Struve</td>
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<td>Kilpatrick</td>
<td>Tharman</td>
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<td>Kolbe</td>
<td>Tharmond</td>
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<td>Koreth</td>
<td>Townsend</td>
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<td>Lack</td>
<td>Trexlor</td>
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<tr>
<td>Larry</td>
<td>Turner</td>
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<tr>
<td>Leander</td>
<td>Walker</td>
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<td>La Valle</td>
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<td>Longoria</td>
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<td>McDougler</td>
<td>Whitfield</td>
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<td>de Melusman</td>
<td>Wilson of Trinity</td>
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<tr>
<td>McGregor</td>
<td>Wilson of Potter</td>
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<td>de la Garza</td>
<td>Woods</td>
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<td>Markgraf</td>
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<td>Leaveron</td>
<td>Schram</td>
</tr>
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</table>

**SENATE BILL NO. 184**

ON THIRD READING

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

S. B. No. 184, Amending Art. 7332, Revised Civil Statutes, relating to attorney’s fees in suits for delinquent taxes; and declaring an emergency.

The bill was read third time and was passed.

**SENATE BILL NO. 216**

ON THIRD READING

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

S. B. No. 216, Regarding exemption from taxation of property owned by a church and used as a dwelling place for the ministry; and declaring an emergency.

The bill was read third time and was passed.

**SENATE BILL NO. 334**

ON THIRD READING

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

S. B. No. 334, To provide for inclusion of military duty in World War I in calculating retirement benefits; and declaring an emergency.

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

<table>
<thead>
<tr>
<th>Yeas—145</th>
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<tbody>
<tr>
<td>Adams of Lubbock Caldwell</td>
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<tr>
<td>Adams of Titus</td>
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<tr>
<td>Allen</td>
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<td>Andrews</td>
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<td>Ashwell</td>
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<td>Bailey</td>
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<td>Ballman</td>
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<tr>
<td>Barfield, Mrs.</td>
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<td>Barlow</td>
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<td>Barnes</td>
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<td>Bartram</td>
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<td>de la Garza</td>
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<td>Duff, Miss</td>
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<td>Dugan</td>
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</table>

Year—145
SENATE BILL NO. 249
ON THIRD READING
The Speaker laid before the House, on its third reading and final passage, S. B. No. 249, Making unlawful the stealing of dogs; and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 267
ON THIRD READING
The Speaker laid before the House, on its third reading and final passage, S. B. No. 267, Regarding penalty for taking and carrying away of merchantable timber of value less than $100; and declaring an emergency.

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

Yeas—145

Adams of Lubbock Ehrle
Adams of Titus Fairchild
Allen Fitcher
Andrews Floyd
Atwell Foreman
Bailey Garrison
Ballman Gibbens
Bandfield, Mrs. Gladden
Barlow Glass
Bartram Green
Bass Grover
Bell Guffey
Berry Hale
Blaine Harding
Boyesen Haring
Bridges Harrington
Buchanan Hayes
Burgess Healy
Butler Hinson
Caldwell Hollowell
Cannon Hrabosky
Carriker Hughes
Chapman of Grayson
Cole of Harris Hughes of Dallas
Cole of Hunt Isaacks, Miss
Collins James
Connelly Jamison
Cook Jarvis
Corby Johnson of Dallas
Cotlen Johnson of Bexar
Cowen Johnson of Bell
Cowles Jones of Dallas
Crain Jones of Travis
Crews Kennard
Curtis Kilpatrick
de la Garza Koliba
Dewey Korich
Duff, Miss Lack
Dungan Lary
Eckhardt Latimer

Absent: Murray
The Speaker laid before the House, on its third reading and final passage,
S. B. No. 275, Authorizing county board of certain school districts to contain same territory contained in any city assumed or controlled school district, and declaring an emergency.

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

Yea—145

Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Blaine
Boyd
Boyse
Bridge
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carothers
Carthier
Carruthers
of El Paso
Chapman
of McLennan
Chapman
of McLennan
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Corby
Cotter
Cowen
Cowman
Crain
Cress
of McLennan
Cummins
Curnut
Cotter
de la Garza
Dewey
Duff, Miss
Dungan
Dickard
Dible
Fairchild
Fletcher
Floyd
Foreman
Gibbons
Gibbs
Gladden
Glass
Glasier
Glasier
Green
Green
Gruver
Gruver
Guskey
Guskey
Hale
Harding
Harling
Harrington
Haynes
Hays
Henson
Hollowell
Hodgen
Hughes
Hughes of Dallas
Hughes of Grayson
Hughes of Dallas
Hughes of Dallas
Husmore
Husmore
James
James
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Jones of Tyler
Jones of Trinity
Joyo
Keller
Klipatrick
Koliba
Korth
Korth
Korth
Korth
La Valle
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The Speaker laid before the House, on its third reading and final passage:

**SENATE BILL NO. 278**

Amending Chapter 1 of House Bill No. 11, Article 20.01, Subsection h, Acts of 1959, 56th Texas Legislature, 3rd Called Session, defining “Component part”; repealing all laws or parts of laws in conflict therewith; and declaring an emergency.

The bill was read third time and was passed.

**SENATE BILL NO. 279**

Providing for an interim joint committee to study development of beach areas.

The bill was read third time and was passed.

**SENATE BILL NO. 327**

Amending Art. 17.05, Chap. 1, 56th Legis., 3rd Called Session, to exempt showrooms and display rooms from the mercantile store license fee; and declaring an emergency.

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

- Yeas - 141

Adams of Lubbock, Barfield, Mrs.
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Baine
Boggs
Brooks
Buchanan
Burgess
Butler
Caldwell
Cannon
Carrillo
Chapman, Cole of Harris
Cole of Hunt
Cook
Cooke
Cox
Cowie
Curtis
Cushing
de la Garza
Daff, Miss
Dungan
Richardt
Shirle
Fairchild
Fletcher
Floyd
Foreman
Gant
Gibbons
Gladding
Glass
Glasing
Green
Grover
Gutierrez
Hale
Harding
Haring
Harrington
Haynes
Heady
Houston
Hulloway
Huebner
Hughes
Hughes of Grayson
Hughes of Dallas
Isaacks, Miss
James
Jarnigan
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kendall
Kilpatrick
Kolba
Koruth
Lack
Laird
Lattimer
La Valle
Lewis
Longoria
McCuillin
McGregor
McNiel
McNiel
McNiel
McNiel
Mead
Merten
Moore
Nininger
Nugent
Oliver
Olson
Osburn
Pfeifer
Pizzi
Pope
Preston
Price
Quinn
Quinn
Richards
Richardson
Richardson
Roberts of Hill
Roberts of Dawson
Rosas
Rosson
Sandahl
Shannon
Shipley
Sick
Smith of Bexar
Smith of Jefferson
Skelton
Spears
Spillman
Springer
Stewart
Stewart
Stewart
Stewart
Stewart
Stewart
Thurman
Thurmond
Townsend
Treviso
Tunnell
Walker
Ward
Watson
Walls
Wheelley
Whitfield
SENATE BILL NO. 350  
ON THIRD READING  

The Speaker laid before the House, on its third reading and final passage, S. B. No. 350, Relating to listing fee for candidates for all State-wide elections; and declaring an emergency. The bill was read third time and was passed.

SENATE BILL NO. 352  
ON THIRD READING  

The Speaker laid before the House, on its third reading and final passage, S. B. No. 352, Relating to overtime pay and hours of female employees in banks; and declaring an emergency. The bill was read third time and was passed by the following vote:

**YEAS—143**

Adams of Lubbock  
Adams of Titus  
Allen  
Andrews  
Atwell  
Bailey  
Ballman  
Bancroft, Mrs.  
Barlow  
Barnes  
Bartram  
Bass  
Bass  
Bell  
Berry  
Blaine  
Boyle  
Bridges  
Buchanan  
Burgess  
Butler  
Caldwell  
Cannon  
Carrillo  

**NAYS—4**

Garrido  
Gibbs  
Gladden  
Glazier  
Green  
Grover  
Guenther  
Hallo  
Harding  
Haring  
Harrington  
Haynes  
Healy  
Hinson  
Hobbs  
Huebner  
Hughes  
Hughes of Grayson  
Hughes of Dallas  
Iannelli, Miss  
James  
Jamison  
Jarvis  
Johnson of Dallas  
Johnson of Bexar  
Johnson of Bell  
Jones of Dallas  
Jones of Travis  
Kennard  
Kilpatrick  
Koliba  
Koroth  
Koch  
LaFollette  
LaValle  
Lawson  
Longoria  
McCoppin  
McGregor  
McLennan  
McGregor  
McLaury  
Martin  
Moore  
Mullen  
Murray  
Mettschel  
Niemeyer  
Nygard  
Oliver  
Osborn  
Perry  
Peters  
Peters  
Petitt  
Phippin  
Preston  
Price  
Quinlan  
Rapp  
Reid  
Richardson  
Roberts of Hill  
Roberts of Dawson  
Rosen  
Sanburn  
Shannon  
Shipley  
Shelby  
Smith of Bexar  
Smith of Jefferson  
Snelson  
Spears  
Spillman  
Springer  
Stewart  
Stewart of Galveston  
Stewart of Wichita  
Stewart  
Thurmond  
Thurmond  
Townsend  
Tunnicliff  
Tunnicliff  
Walker  
Ward  
Wells  
Wheelers  
Whetstone  
Whitefield  
Wilson of Trinity  
Wilson of Potter  
Woods  
Yost  

**ABSENT**

Alonis  
Leaverton  

SENATE BILL NO. 366  
ON THIRD READING  

The Speaker laid before the House, on its third reading and final passage.
S. B. No. 366, Relative to making it a misdemeanor to obstruct emergency telephone calls; concerns failure to release party line for emergency call and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 376
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 376, Removing certain salesmen from licensing provisions; and declaring an emergency.

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

Yeas--141

Adams of Lubbock
Fairchild
Adams of Titus
Allan
Andrews
Atwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barne
Bartram
Bass
Baue
Baum
Blair
Blackshear
Boyson
Buchanan
Burgess
Butler
Caldwell
Carriker
Chapman
Cole of Harris
of Grayson
Cole of Hunt
Collins
Connell
Cook
Cory
Cowen
Cowies
Crain
Crews
Curington
de la Garza
Duff, Miss
Duigan
Eberhardt
Ehrie
La Valle
Lewis
Longoria
McCoplin
McGregor
McGregor
McNally
McLain
Murray
Niemeyer
Nugent
Oliver
Osborn
Pearcy
Peele
Perry
Pertt
Pipkin
Preston
Price
Quillian
Roswell
Royster
Ruth
Ruth
Ruth
Ruth
Ruth
Ruth
Ruth

Nays--4

Cotten
Parsons
Dewey
Elder

Absent

Alam
Markgraf
Leaverton
Schrader

SENATE BILL NO. 385
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 385, Limiting effectiveness of assumed name certificates to ten years; and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 424
ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 424, Requiring deposit of $250.00 to accompany petitions.
The bill was read third time and was passed by the following vote:

**Yeas—144**

Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailey
Ballman
Banksfield, Mrs.
Barlow
Barne
Bartram
Bass
Bell
Berry
Blaine
Boysen
Buchanan
Burgess
Byler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cory
Cotton
Cowen
Cowies
Crain
Crews
Cushing
de la Garza
Duff, Miss
Dungan
Eckerart
Ehle
Famchild
Fletcher
Floyd
Forster
Garrison
Gibbons
Gladden
Glass
Glidden
Green
Green
Greene
Guiley
Hale
Harding
Haring
Richards
Richardson
Robert of Hill
Robert of Dawson
Ross
Rosen
Rudahl
Shannon
Shipley
Black
Riders
Smith of Bevar
Smith of Jefferson
Sesslen
Sparks
Spilman
Springer
Stewart
Tinsley
Wheatley
Wilson
Wilson
Wood
Stewart
Texas

**Nays—1**

Dewey
Dewey
Dewey
Dewey
Dewey
Dewey
Dewey
Dewey

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

S. B. No. 428, Requiring governing boards of institutions of collegiate rank to follow rules of Commission on Higher Education respecting non-resident student fees; and declaring an emergency.

The bill was read third time and was passed.

**SENATE BILL NO. 432**

ON THIRD READING

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

S. B. No. 432, Changing the qualifications of certain members of the Finance Commission; and declaring an emergency.

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

**Yeas—146**

Adams of Lubbock
Ballman
Adams of Titus
Allen
Andrews
Barlow
Bartram
Bailey
The Speaker laid before the House, on its third reading and final passage, S.B. No. 437, Authorizing use of voting machine for absentee voting for school trustees in counties where voting machines have been adopted; and declaring an emergency.

The bill was read third time and was passed.

The Speaker laid before the House, on its third reading and final passage, S.B. No. 444, Authorizing Board of Water Engineers to make study of water-bearing formations and sources of underground water supply; and declaring an emergency.

The bill was read third time and was passed.

The Speaker laid before the House, on its third reading and final passage, S.B. No. 447, Relating to filing and docketing of cases in County Criminal Court of Tarrant County and County Criminal Court No. 1 of Tarrant County; and declaring an emergency.

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

Yeas—145

Adams of Lubbock Ballman
Adams of Titus Sandefield, Mrs.
Allen Barlow
Andrews Barthe
Atwell Bartram
Bailey Bass
The Speaker laid before the House, on its third reading and final passage, S. B. No. 453, Granting authority to the State Department of Health to approve additional methods of disinfectant to be maintained in public swimming pools; and declaring an emergency.

The bill was read third time and was passed.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 461, Relating to recordation of subdivision plats in certain counties; and declaring an emergency.

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

Yea's—144

Adams of Lubbock
Chapman
Adams of Titus
Cole of Harris
Allen
Cole of Hunt
Andrews
Collins
Atwell
Correll
Bailey
Cory
Ballman
Cook
Baufield, Mrs.
Cotten
Barlow
Cowles
Barrows
Cowles
Bartram
Cran
Bass
Crews
Bell
Curtinage
Berry
de la Garza
Blaine
Duff, Miss
Boysen
Dungan
Bridges
Eckhardt
Buchanan
Ehrle
Burgess
Fairchild
Buchanan
Butler
Fletcher
Burgess
Floyd
C剧组
Foreman
Burgess
Fletcher
Butler
Fischer
Burgess
Floyd
Burgess
Fletcher
Burgess
Floyd
Burgess
Floyd
Burgess
Floyd
Burgess
Floyd
Burgess
Floyd
S. B. No. 464, Authorizing any independent school district hereafter created by special law to select its own school depository and its own treasurer and collector of taxes; and declaring an emergency.

The bill was read third time and was passed.

SENATE BILL NO. 465
ON THIRD READING

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

S. B. No. 465, Repealing Chapter 192, 55th Leg., which provides for appointment of an assistant district attorney for district attorneys of 42nd and 104th Judicial Districts; and declaring an emergency.

The bill was read third time and was passed.

HOUSE BILL NO. 768
ON THIRD READING

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

H. B. No. 768, A bill to be entitled "An Act relating to fees charged by the Texas Game and Fish Commission; and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 753
ON THIRD READING

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

H. B. No. 753, A bill to be entitled "An Act amending Article 1170, Revised Civil Statutes of Texas, 1925, pertaining to submission to the qualified voters of a Home Rule City of amendments to an existing charter of such City; repealing Article 1171, Revised Civil Statutes of Texas; and declaring an emergency."

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

Yeas-143

Adams of Lubbock Atwell
Adams of Titus Bailey
Allen Ballman
Andrews Bandfield, Mrs.
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<td>Buchanan</td>
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<td>Johnson of Dallas</td>
<td>Johnson of Bexar</td>
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The bill was read third time and was passed by the following vote:

**Yeas-143**

- Adams of Lubbock Cook
- Adams of Titus Cory
- Allen Cotten
- Andrews Cowen
- Atwell Cowles
- Bailey Crain
- Ballman Crews
- Bandfield, Mrs. Curington
- Barlow de la Garza
- Barnes Dewey
- Bartram Duff, Miss
- Bass Duncan
- Bell Eckhardt
- Berry Ehle
- Blaine Fairchild
- Boysen Fletcher
- Bridges Floyd
- Buchanan Foreman
- Burgess Garrison
- Butcher Gibbens
- Caldwell Gladden
- Cannon Glass
- Carriker Glausing
- Chapman Green
- Cole of Harris Grover
- Cole of Hunt Gurey
- Collins Dale
- Connell Harding
Texas of 1925 so as to permit a forfeiture of the recognizance, bail bond, or current money of the United States, in lieu thereof, of a defendant who fails to appear on the day set for a hearing on pleadings and motions, or any subsequent date set for a hearing on pleadings and motions, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 899
ON THIRD READING

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

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the 50th Legislature, Regular Session, 1947, codified as Article 307B, Vernon's Texas Civil Statutes, to provide for the inclusion of all law schools situated within this state which are on the approved list of the Supreme Court of Texas, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 1026
ON THIRD READING

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

H. B. No. 1026, A bill to be entitled "An Act providing for the punishment of a corporation found guilty of a crime by fine in lieu of punishment by imprisonment."

The bill was read third time and was passed.

HOUSE BILL NO. 1099
ON THIRD READING

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

H. B. No. 1099, A bill to be entitled "An Act authorizing political subdivisions to provide for Workmen's Compensation Insurance for employers, defining words and phrases; providing jurisdiction, powers, duties, and administration; and declaring an emergency."

<table>
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<tr>
<th>Haring</th>
<th>Harrington</th>
<th>Peeler</th>
<th>Parsons</th>
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<td>Hughes</td>
<td>of Dallas</td>
<td>Iackson, Miss</td>
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| Texas of 1925 so as to permit a forfeiture of the recognizance, bail bond, or current money of the United States, in lieu thereof, of a defendant who fails to appear on the day set for a pre-trial hearing on pleadings and motions or any subsequent date set for a hearing on pleadings and motions, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 899
ON THIRD READING

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

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the 50th Legislature, Regular Session, 1947, codified as Article 307B, Vernon's Texas Civil Statutes, to provide for the inclusion of all law schools situated within this state which are on the approved list of the Supreme Court of Texas, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 1026
ON THIRD READING

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

H. B. No. 1026, A bill to be entitled "An Act providing for the punishment of a corporation found guilty of a crime by fine in lieu of punishment by imprisonment."

The bill was read third time and was passed.

HOUSE BILL NO. 1099
ON THIRD READING

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

H. B. No. 1099, A bill to be entitled "An Act authorizing political subdivisions to provide for Workmen's Compensation Insurance for employers, defining words and phrases; providing jurisdiction, powers, duties, and administration; and declaring an emergency."

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The bill was read third time and was passed.

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The bill was read third time and was passed.

HOUSE BILL NO. 1026
ON THIRD READING

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

H. B. No. 1026, A bill to be entitled "An Act providing for the punishment of a corporation found guilty of a crime by fine in lieu of punishment by imprisonment."

The bill was read third time and was passed.

HOUSE BILL NO. 1099
ON THIRD READING

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

H. B. No. 1099, A bill to be entitled "An Act authorizing political subdivisions to provide for Workmen's Compensation Insurance for employers, defining words and phrases; providing jurisdiction, powers, duties, and administration; and declaring an emergency."
The bill was read third time and was passed.

RECORD OF VOTE

Mr. Butler requested to be recorded as voting No on H. B. No. 1099.

HOUSE BILL NO. 1105

ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 1105, a bill to be entitled “An Act defining a geological or geophysical map; defining the theft of a geological or geophysical map; prescribing what constitutes the taking of a geological or geophysical map; making it a felony to commit the crime of theft of a geological or geophysical map; making it a felony to receive, possess, reproduce, conceal, barter, sell, dispose of or transport a geological or geophysical map knowing the same to have been so acquired; prescribing a penalty; providing that this Act shall be cumulative of all laws of the State and any violation hereof may be prosecuted irrespective of whether or not the acts complained of may constitute some of the essential elements of other or different offenses against the penal laws of this State; providing a saving clause; and declaring an emergency.”

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

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H.B. No. 1117, A bill to be entitled "An Act fixing the date for any reclassification under any law requiring classification based on the Federal Decennial Population Census, establishing a moratorium for reclassification of certain laws according to the 1960 Federal Census; providing for the mode for suspension of the moratorium; providing compilation of certain statutes effected by each decennial census by the Legislative Council; and declaring an emergency."

The bill was read third time and was passed.

H.B. No. 1118, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District and authorizing disbursement of the unexpended balance of certain funds and extending the date for the payment of certain moneys to the State; and declaring an emergency."

The bill was read third time and was passed.

H.B. No. 1122, A bill to be entitled "An Act providing for the creation of countywide hospital districts under the provisions of Article IX Section 9 of the Constitution of Texas; providing for an election in the county in question to create a countywide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by each district and bonds issued by the district; providing a severance clause and declaring an emergency."

The bill was read third time and was passed.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 742, By Mr. Collins: In memory of Dr. Lawrence Robert Cade.


SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 132

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 122

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

S. C. R. No. 73

Be it resolved by the Senate of Texas, the House of Representatives concurring, that the joint rules be and they are hereby suspended to allow Senate Bill No. 132 to be considered by either House at any time.

The resolution was referred to the Committee on Rules.
rules of both Houses be suspended, and they are hereby suspended, to allow the House and the Senate to take up House Bill No. 112 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 419

Mr. Lewis offered the following resolution:

H. C. R. No. 127

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that the joint rules of both Houses be suspended, and they are hereby suspended, to allow the House and the Senate to take up House Bill No. 419 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 1059

Mr. Cannon offered the following resolution:

H. C. R. No. 129

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 1059 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 370

Mr. Wells offered the following resolution:

H. C. R. No. 132

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 370 at any time.

The resolution was referred to the Committee on Rules.

GRANTING PERMISSION TO SUIT THE STATE

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

Senate Concurrent Resolution No. 57

Whereas, Harold E. Kounovski, of Amarillo Air Force Base, Herbert J. Geisler, of Amarillo Air Force Base, and Joseph Honomichl, of Amarillo Air Force Base allege that on or about March 15, 1961, they were proceeding in a westerly direction from Panhandle, Texas, in Carson County, on Highway 69 in a prudent manner; and

Whereas, At the time and place it is alleged by them that a snow plow owned by the State of Texas and the Texas Highway Department, approached them from the opposite direction and propelled heavy quantities of snow into the automobile, breaking the windshield of the car in which they were riding and caused them injury and damage of a substantial nature; and

Whereas, They allege that the operation of the snow plow by the employee of the State of Texas and Texas Highway Department was careless and negligent in such manner as to render the State of Texas and Texas Highway Department liable to them for property damages and personal injury, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Harold E. Kounovski, Herbert J. Geisler, and Joseph Honomichl be and they are hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the accident of Harold E. Kounovski, Herbert J. Geisler, and Joseph Honomichl, and further to determine what damages, if any, Harold E. Kounovski, Herbert J. Geisler and Joseph Honomichl are entitled to recover from the State of Texas by reason of any negligence act committed by the State of Texas, and be it further

Resolved, That service of citation and any other legal processes shall be served upon both the Attorney Gen.
May 25, 1961

House Journal 2533

Resolved, By the House of Representatives, the Senate concurring,
That the Board of Control be requested to allocate for the use of the
House the space being presently occupied on a temporary basis by
the Comptroller’s Office on the fourth floor of the north wing of the
Capitol and in the basement; and be it further

Resolved, That the Board of Control and the State Building Commis­
sion be and are hereby requested to cooperate with Members and Com­
mitees of the House and Senate designated pursuant to the terms of
S. C. R. 7 in the remodeling and renovation of office and other space
assigned to the two Houses in the Capitol Building; and be it further

Resolved, That as additional space in the Capitol Building becomes
available the duly authorized Members and Committees of the House and
Senate shall mutually agree upon the allocation of such space to the
Legislature and shall then present the Board of Control and the State
Building Commission proposals for the use of such space.

Collins, HUEBNER.

The resolution was referred to the Committee on Rules.

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 several the following enrolled
bills:

H. B. No. 533, An Act amending
Chapter 467, House Bill No. 77,
Second Called Session, Forty-fourth
Legislature, as such has been hereto­
fore amended, being the Texas Liquor Control Act; and the Act
carried in Vernon’s Penal Code as Articles 646 and 657, by amend­
ing paragraph (7) of Section 16 of Article 1 and further amending said
Section by adding a new paragraph to be designated (7a); by adding a
new Section to Article 1 to be num­
bered Section 5a; amending a por­
tion of Section 5 of Article II, and
adding two new Sections to Article
II numbered Sections 5A and 5B;
providing a General Class B Whole­
Resolved, That the Attorney General and the various county and district attorneys of the State be requested to undertake a prompt and vigorous campaign to eradicate the loan shark evil in the State of Texas, and be it further

Resolved, That the Attorney General and the various county and district attorneys of the State utilize the provisions of Chapter 144, Acts of the 44th Legislature, Regular Session, 1943, to abate the operations of lenders lending at interest rates in excess of those permitted by the Constitution and Statutes of this State, and that contempt proceedings be instituted against any lenders violating such restrictions.
May 25, 1961  HOUSE JOURNAL  2535

The resolution was referred to the Committee on Banks and Banking.

RELATIVE TO CONTINUING THE STUDY OF THE STATE'S FISCAL SYSTEM

Mr. Carriker offered the following resolution:

H. C. R. No. 128

Whereas, Pursuant to House Concurrent Resolution No. 70 of the Fifty-sixth Legislature an objective and comprehensive study has been undertaken of the fiscal, record-keeping, and tax collecting functions of the State Government; and

Whereas, Only the partial results of such a study have been made available for consideration and action by the Fifty-seventh Legislature during the current regular Session; and

Whereas, A careful, systematic, impartial, and thorough analysis of such important activities as tax administration, record-keeping, central accounting, auditing, payroll preparation, and disbursement of public money is long overdue and will result significantly in increasing the efficiency of governmental administration; now therefore, be it

Resolved, That the study of the State's Fiscal System be continued as authorized by House Concurrent Resolution No. 70 of the Fifty-sixth Legislature; and, be it further

Resolved, That recommendations and a final report respecting constitutional, statutory, and administrative changes believed to be desirable for increasing effective financial management of the State Government be made to the Fifty-ninth Legislature.

The resolution was referred to the Committee on Rules.

RELATIVE TO RIGHTS-OF-WAY ACQUIRED BY THE TEXAS HIGHWAY DEPARTMENT

Mr. Adams of Titus offered the following resolution:

H. S. R. No. 750

Whereas, The 55th Legislature passed laws requiring the Texas Highway Department to participate in the acquisition of highway right-of-way with the respective counties on a fifty-fifty basis; and

Whereas, The counties under the present laws and the State Highway Department's regulations have expended excessive and unnecessary sums of money due to the Texas Highway Department's policies in carrying out said laws in that said Highway Department is causing duplication of appraisals, duplication of engineering, duplication of accounting, and delays in disposing of houses and fixtures purchased by said counties under the present program; and

Whereas, There exists a public necessity to assist and relieve the taxpayers of unnecessary burden by requiring the State Highway Department to eliminate any and all unnecessary overhead costs in acquiring Highway right-of-way under this program; and

Whereas, There further exists a public necessity to require the Texas Highway Department to furnish a complete accounting of the overall costs of right-of-way acquisitions under the fifty-fifty right-of-way program; now therefore be it

Resolved, That the Speaker of the House and the President of the Senate shall each designate two (2) members of the respective Houses of the Fifty-seventh Legislature to constitute an advisory interim committee to assist in the study and analysis called for by this Resolution; and, be it further

Resolved, That recommendations and a final report respecting constitutional, statutory, and administrative changes believed to be desirable for increasing effective financial management of the State Government be made to the Fifty-ninth Legislature.

The resolution was referred to the Committee on Rules.
Resolved, That the Texas House of Representatives go on record as encouraging, favoring, and urging and requesting the Texas Highway Department to make a complete accounting of the overall costs of acquiring right-of-ways in the respective counties (by counties) under this program to include all overhead expenditures made in addition to the actual purchase price of said right-of-way and that said Highway Department do everything within its power to reduce the unnecessary costs to the taxpayers of this State in carrying out the laws pertaining to the acquisition of highway right-of-way.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION REGARDING FEDERAL JUDGES

Mr. Roberts of Hill offered the following resolution:

H. R. No. 763

Whereas, Decisions rendered by members of the Federal Judicial System daily affect the lives and liberties of everyone in these United States as never before in the history of this nation; and

Whereas, It is only through an active, informed and intelligent Judge, who is capable and able to understand and apply the law of the land to particular problems in a fair and impartial manner, that we can insure Justice and equality to all; and

Whereas, Under the Constitution of the United States of America the appointment of Federal Judges is for the term of their good behavior in office; and

Whereas, because of this, we have all too many Judges in our Federal Judiciary system who through old age and senility are no longer able to fulfill properly their functions of office; and

Whereas, All too often such Judges, in their advancing age, do not realize their incompetency and the unintentional harm that is being done to this nation and the people of this nation through their inability to grasp the facts and laws in a particular case; now therefore be it

Resolved, That the House of Representatives of the 57th Legislature urge Texas Congressmen and Senators to propose an amendment to the Constitution of the United States of America, whereby all Federal Judges would be required to retire at the age of seventy; and be it further

Resolved, That this House urge Congress to institute a study and investigation into the possibility and desirability of further amending the Constitution of the United States to provide for the popular election of Federal Judges; and be it further

Resolved, That a copy of this Resolution be sent to each member of the Texas delegation in the United States Congress as an expression of the opinion of this House.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO THE FORTY-FOUR WEEK FOR EMPLOYEES OF STATE HOSPITALS AND SPECIAL SCHOOLS

Mr. Jones of Travis offered the following resolution:

H. R. No. 746

Whereas, The House of Representatives wishes to go on record as approving the forty-two week for the State Hospitals and Special Schools; and

Whereas, It is the desire of this House that the provision of the General Appropriations Bill be contained in the final Conference Report; now therefore, be it

Resolved, That the House go on record as favoring this provision and respectfully requests the Conference Committee to include this provision in the final version of the Bill.

JONES of Travis, FOREMAN, SANDAHL, MARKGRAF.

The resolution was referred to the Committee on Rules.

RELATIVE TO S. B. NO. 1

Mr. Smith of Jefferson offered the following resolution:
Whereas, Both Houses of this Legislature have passed by unanimous vote Senate Bill 14 providing for the creation of a state school for mentally retarded; and

Whereas, There is urgent need that preliminary work on planning and site acquisition begin at once; and

Whereas, There are more than one thousand retarded persons on the waiting list at the Austin State School and these persons, many of them children, are being confined in locked bedrooms or jails or left to roam the streets, creating a danger to themselves and to the public; and

Whereas, More than seven hundred retarded children and others are waiting entrance to a state school in the area which will be served by an institution located in the industrial area of the upper Gulf Coast Region; and

Whereas, Both houses of the Legislature have given the bill more than enough votes to put it into immediate effect when the Governor signs the bill; and therefore be it

Resolved By the House of Representatives, the Senate concurring, That the Members of the Conference Committee of the two houses on Senate Bill 1 be and are hereby requested to include in the Senate Bill an appropriation sufficient to allow for preliminary surveys, architectural planning, acquisition and preparation of site and other preliminaries necessary before actual construction can begin.

The resolution was referred to the Committee on Rules.

TO GRANT H. N. CROW, ET UX, WILLIE MAE CROW, PERMISSION TO SUIT THE STATE AND OTHERS

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

H. C. R. No. 133

RELATING TO STATE MINIMUM FOUNDATION SCHOOL PROGRAM AND PROVIDING A PAY RAISE FOR PUBLIC SCHOOL TEACHERS

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

H. R. No. 717, Relating to State minimum school program and providing a pay raise for public school teachers.

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

The resolution was adopted.

REQUESTING THE TEXAS LEGISLATIVE COUNCIL TO CONDUCT A STUDY REGARDING DUTIES OF THE ATTORNEY GENERAL

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

H. C. R. No. 71, Requesting the Texas Legislative Council to conduct a study regarding duties of the Attorney General.

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

The resolution was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

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

H. B. No. 821, Amending The Texas Liquor Control Act provision and requirement for a Nonresident Brewer's Permit; and declaring an emergency. (with amendment)

H. B. No. 120, Authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; and declaring an emergency. (with amendments)

H. J. R. No. 25, Proposing an Amendment to Section 60 of Article
III of the Constitution of the State of Texas.

H. C. R. No. 128, Suspending the Joint Rules so that either House may take up and consider Senate Bill No. 18 at any time.

H. R. No. 892, Amending Article I of the Texas Liquor Control Act by adding a new Section 16(a) defining private clubs, establishing regulations for their operation; and declaring an emergency. (with amendments)

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

EXPRESSING APPRECIATION TO MEMBERS OF THE MIDLAND JUNIOR CHAMBER OF COMMERCE
The Speaker laid before the House for consideration at this time,
H. S. R. No. 697, Expressing appreciation to the Members of the Midland Junior Chamber of Commerce.

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

The resolution was adopted.

EXPRESSING APPRECIATION TO DR. DOUGLAS GUTHRIE, JR., AND THE TEXAS JUNIOR CHAMBER OF COMMERCE
The Speaker laid before the House for consideration at this time,
H. S. R. No. 696, Expressing appreciation to Dr. Douglas Guthrie, Jr., and the Texas Junior Chamber of Commerce.

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

The resolution was adopted.

EXPRESSING APPRECIATION TO F. E. HIGHTOWER AND THE TEXAS JUNIOR CHAMBER OF COMMERCE
The Speaker laid before the House for consideration at this time,
H. S. R. No. 695, Expressing appreciation to F. E. Hightower and the Texas Junior Chamber of Commerce.

Amend H. C. R. No. 63 by changing the period to a semi-colon at the end of last paragraph, adding the words “and be it further”, and by adding two new paragraphs to read as follows:

Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits but that all allegations
May 25, 1961

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

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

Committee Amendment No. 1

Amend H. C. R. No. 44, by changing the period to a semi-colon at end of last paragraph, adding the words "and be it further," and by adding two new paragraphs to read as follows:

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

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

The amendment was adopted.

The resolution as amended was adopted.

TO GRANT INDUSTRIAL GAS SUPPLY CORPORATION PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time, H. C. R. No. 44, Granting the Industrial Gas Supply Corporation permission to sue the State.

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

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

Committee Amendment No. 1

Amend H. C. R. No. 44, by changing the period to a semi-colon at end of last paragraph, adding the words "and be it further," and by adding two new paragraphs to read as follows:

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

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

The resolution as amended was adopted.

HOUSE BILL NO. 1049 WITH SENATE AMENDMENTS
Mr. McGregor of El Paso called up with Senate Amendments for consideration at this time, House Bill No. 1049.

Mr. McGregor of El Paso moved that the necessary rules be suspended for the purpose of not concurring in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill. There was no objection offered and it was so ordered.

HOUSE BILL NO. 1103 WITH SENATE AMENDMENTS
Mr. James called up with Senate Amendments for consideration at this time, H. B. No. 1103.

Mr. James moved that the necessary rules be suspended for the purpose of not concurring in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill. There was no objection offered and it was so ordered.

RELATIVE TO THE CLOSING OF THE HARLINGEN AIR FORCE BASE
The Speaker laid before the House for consideration at this time, H. S. R. No. 683, Relative to the closing of the Harlingen Air Force Base. The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee. The resolution was adopted.

RELATIVE TO THE CLOSING OF THE MOORE AIR FORCE BASE
The Speaker laid before the House for consideration at this time, H. S. R. No. 683, Relative to the Moore Air Force Base. The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee. The resolution was adopted.

TO REQUEST A STUDY OF SESSION LAWS CONCERNING CERTAIN APPLICABILITY ACCORDING TO THE 1960 FEDERAL DECADEAL CENSUS
The Speaker laid before the House for consideration at this time, H. S. R. No. 686, To request a study of session laws concerning certain applicability according to the 1960 Federal Decennial Census. The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee. The resolution was adopted.

TO SUSPEND THE JOINT RULES TO CONSIDER H. B. NO. 73
The Speaker laid before the House for consideration at this time, H. C. R. No. 123, To suspend the Joint Rules to consider H. B. No. 73 at any time. The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee. The resolution was adopted.

LEAVES OF ABSENCE GRANTED
The following Members were granted leaves of absence for the remainder of the day on account of important business:
Mr. Curington on motion of Mr. Cowen.
Mr. Gibbens on motion of Mr. Ratcliff.
Mr. Roberts of Hill on motion of Mr. Collins.

PROGRESS REPORT OF THE HOUSE CONFERREES ON HOUSE BILL NO. 334
Mr. Ballman, Chairman of the Conference Committee on House Bill No. 334, on the Part of the House, made
May 25, 1961        HOUSE JOURNAL 2541

a progress report to the House, as follows:

Five days ago by substantial margin, the House voted not to concur in Senate amendments to House Bill 334. The House Conference Committee to adjust the differences between the two Houses was appointed and your conferences went immediately to the Senate to initiate early conferences. The Senate conferences were appointed Monday and we have been meeting daily, as time permitted, for a total of five sessions.

We direct your particular attention to the fact that the House and Senate conferences are cognizant that some type of sales tax must serve as the nucleus of any tax bill which would raise revenue sufficient to meet the fundamental needs of our growing state.

We have offered the Senate conferences no less than three plans with a sales tax base. The Senate conferences have not yet offered any counter proposals. We submit it is our duty to levy taxes sufficient to take care of the appropriations which we ourselves voted. Bear in mind that the House and Senate conferences have deliberated thus far without benefit of the total amount of pending appropriations. We think you will agree that a revenue bill short of total necessary appropriations would be worse than no tax bill at all.

Repeated efforts have been made by your House conferences for agreement on other permanent levies which would provide sustaining revenue and which would shape House Bill 334, as amended by the Senate, into a proposal acceptable to both Houses. We say this not critically of the Senate conferences but, for the record, that several proposals for revisions and additions to House Bill 334, as amended, have been put forth by the House conferences. Irrespective of whether we have agreed in the past, it is but fair to the House and to the Senate—and particularly to the people of Texas—and that our efforts to resolve our differences be continued unabated. The Speaker urged that a report be out no later than today. This is a "progress report." Your conferences will be a party to no part of delay in bringing back a Conference Committee Report signed by conferences of both Houses. We have reached no final conclusion as of this moment. However, the spade work is done. We are too close to adding the roof to topple the foundation.

This House has worked hard. We have sent two tax bills, House Bill 127 and 334, to the Senate. We have met our responsibilities with courage and conviction. Our record is open, recorded in the daily House Journals. We are sure the members of this House are tired and worn out. So are we. But we do want a special session of the Legislature, now or hereafter, if it can be avoided with honor. Therefore, as your conferences, we shall extend ourselves further and redouble our efforts to the end the people's business shall be attended to this regular season.

May we respectfully appeal to you to stand fast, temper your thoughts with patience in these waning days. There is time. Let us resolve to see our share of the job through.

HOUSE TAX COMMITTEE.

(Mr. Cole of Hunt occupied the Chair temporarily.)

(Speaker In The Chair.)

RELATIVE TO HOUSE BILL NO. 334

Mr. James offered the following resolution:

H. S. R. No. 760

Whereas, The problem was solved by the enactment of the present Pennsylvania broad-based excise tax which, by enumerating the broad classes of sales to be taxed, eliminates and exempts household food, retail sales tax, and a deadlock occurred over the issue for more than a year; and

Whereas, The State of Pennsylvania was faced with a similar situation in 1956, when a Democratic Governor and a majority of the House were opposed to a general retail sales tax, and a majority in the Senate was in favor of such a tax, and a deadlock occurred over this issue for more than a year; and

Whereas, The problem was solved only by the enactment of the present Pennsylvania broad-based excise tax which, by enumerating the broad classes of sales to be taxed, elimi-
Whereas, This compromise was accepted and the Pennsylvania law was signed by a Governor who had bitterly opposed a general retail sales tax, and the law has successfully worked in Pennsylvania for the past five years and now yields over $400 million per year; and

Whereas, A modified version of the Pennsylvania law is contained in H. B. 700 and proposed amendments thereto, which would raise as much money as H. B. 727, and which would constitute the type of compromise which the House, the Senate, and the Governor should be able to agree upon, as was done in Pennsylvania; now, therefore, be it

Resolved, By the House of Representatives, That its conferees on H. B. 334 are hereby requested to submit to the conference the best means of solving the present impasse:

1. The Pennsylvania broad-based sales and excise tax, with exemptions for food, medicine, feed, fertilizer, and items of clothing costing less than $10.00, with such modifications as may be contained in H. B. 700 or that may be otherwise necessary for Texas;

2. The two-factor franchise tax allocation as passed by the House in the original H. B. 334;

3. Such additional revenue measures as may be necessary to finance the appropriations and programs heretofore passed by the House of Representatives;

And that the Governor be requested to immediately consider this proposed compromise and accept it, as was done under similar circumstances in the State of Pennsylvania.

The resolution was read.

Mr. Townsend moved that the House Conference Committee on House Bill No. 334 be discharged.

Mr. Nugent moved to table the motion by Mr. Townsend.

A record vote was requested on the motion to table the motion by Mr. Townsend.

The motion to table the motion to discharge the Conference Com-
PIA IRED
Mr. McGregor of El Paso, Chairman; Blaine, Miss Isaacks, Messrs. Lewis and Rosas.
COMMITTEE MEETINGS
Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.
There was no objection offered.
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.
Mr. Ehrle raised a further point of order on further consideration of the resolution by Mr. James at this time on the ground that the resolution sets broad legislative policy and under Rule 16, Section 3A of the House Rules the resolution shall be referred to a committee before being considered by the House.

The Speaker overruled the point of order, stating that the Chair does not deem this resolution to be one that establishes broad legislative policy, and is simply a request to the Conference Committee.

The Speaker referred H. B. R. No. 760 to the Committee on Revenue and Taxation.

LEAVE OF ABSENCE GRANTED
Mr. Cannon was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Watson.

CORRECTION AUTHORIZED IN H. B. NO. 889
Mr. Smith of Bexar asked unanimous consent of the House that the Enrolling and Engrossing Clerk be permitted to correct a clerical error in House Bill No. 889.

Mr. Moore (present), who would vote "nay" with Mr. Roberts of Hill (absent) who would vote "yea." There was no objection offered.

Mr. Ehrle raised a further point of order on further consideration of H. B. No. 1049.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 1049:

Messrs. McGregor of El Paso, Chairma, Blaine, Miss Isaacks, Messrs. Lewis and Rosas.

COMMITTEE MEETINGS
Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.
There was no objection offered.
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.

Mr. Ehrle raised a point of order on further consideration of the resolution by Mr. James at this time on the ground that the resolution sets broad legislative policy and under Rule 16, Section 3A of the House Rules the resolution shall be referred to a committee before being considered by the House.

The Speaker overruled the point of order, stating that the Chair does not deem this resolution to be one that establishes broad legislative policy, and is simply a request to the Conference Committee.

The Speaker referred H. B. R. No. 760 to the Committee on Revenue and Taxation.

LEAVE OF ABSENCE GRANTED
Mr. Cannon was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Watson.

CORRECTION AUTHORIZED IN H. B. NO. 889
Mr. Smith of Bexar asked unanimous consent of the House that the Enrolling and Engrossing Clerk be permitted to correct a clerical error in House Bill No. 889.

Mr. Moore (present), who would vote "nay" with Mr. Roberts of Hill (absent) who would vote "yea." There was no objection offered.

Mr. Ehrle raised a further point of order on further consideration of H. B. No. 1049.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 1049:

Messrs. McGregor of El Paso, Chairma, Blaine, Miss Isaacks, Messrs. Lewis and Rosas.

COMMITTEE MEETINGS
Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.
There was no objection offered.
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.
SENATE BILL NO. 321 ON SECOND READING

Mr. Jones of Travis moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 321. The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 321, a bill to be entitled "An Act making appropriations to pay any miscellaneous claims out of the General Revenue Fund or such other funds as may be designated herein for each item not otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; providing further that any claim involving the refund of a franchise tax arising prior to October 15, 1959, shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

The bill was read second time.

Mr. Jones of Travis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Senate Bill No. 321 by striking out all below the enacting clause and inserting in lieu thereof:

Section 1. The following sums of money are hereby directed to be paid out of the sum appropriated and set aside by Senate Bill No. 1, Regular Session of the 57th Legislature, for the payment of itemized claims and judgments against the state.

To pay Snug Harbor Corporation, % McNamee and Leming, Mid-Continental Bldg., Tulsa, Oklahoma, for refund of overpayment of Franchise Tax. $297.81

To pay A-T-O-Cel Company, Inc., 2902 Knoblock, Houston, Texas, for refund of overpayment of Franchise Tax. $686.62

To pay Pleasant Grove Services, Inc., 8430 Lake June Road, Dallas, 17, Texas, for refund of overpayment of Franchise Tax. $953.99

To pay East Dallas Water Service, Inc., 8430 Lake June Road, Dallas, 17, Texas, for refund of overpayment of Franchise Tax. $145.75

To pay Mercantile-Domestic Water Service, Inc., 8430 Lake June Road, Dallas, 17, Texas, for refund of overpayment of Franchise Tax. $163.35

To pay Country Squire Estates Corporation, % L. E. Mines & Co., Inc., P. O. Box 2551, Houston, 1, Texas, for refund of overpayment of Franchise Tax. $9.44

To pay The American Insurance Group, 1315 Pacific Avenue, Dallas, 2, Texas, for refund of overpayment of Franchise Tax. $36.66

To pay Lone Star Supply Company, 298 West 5th Street, Austin, Texas, for refund of overpayment of Franchise Tax. $589.99

To pay Palo Pinto Telephone Company, Inc., Palo Pinto, Texas, for refund of overpayment of Franchise Tax. $418.50

To pay Valor Oil Company, 1120 Republic National Bank Building, Dallas 1, Texas, for refund of overpayment of Franchise Tax. $1,199.85

To pay Texas Aluminum Company, Inc., Rockwall, Texas, for refund of overpayment of Franchise Tax. $2,384.83
To pay Cities Realty Corporation, 1201 West Lancaster, P. O. Box 405, Fort Worth, Texas, for refund of overpayment of Franchise Tax. 255.00

To pay Patrick Cudahy, Inc., Cudahy, Wisconsin, for refund of overpayment of Franchise Tax. 146.93

To pay L. M. Goldberg, Inc., 161 Chartres Corner, Commerce, Houston, Texas, for refund of overpayment of Franchise Tax. 620.32

To pay Craver's Inc., C. E. Stewart, 210 W Main Street, Sulphur Springs, Texas, for refund of overpayment of Franchise Tax. 77.00

To pay Middleton Milling Company, P. O. Box 526, Center, Texas, for refund of overpayment of Franchise Tax. 64.25

To pay San Pat Vegetable Co., Inc., San Benito, Texas, for refund of overpayment of Franchise Tax. 30.56

To pay the Estate of Katherine H. Carroll, % Fulbright, Crocker, Freeman, Bates & Jaworski, Bank of the Southwest Building, Houston 2, Texas, for refund of overpayment of Inheritance Tax. 300.00

To pay the Estate of S. Calvin Flowers, % Lemon, Close & Atkinson, Perryton, Texas, for refund of overpayment of Inheritance Tax. 221.23

To pay the Estate of R. L. Carlock, Jr., % Thompson, Walker, Smith & Shannon, Continental National Bank Building, Fort Worth 2, Texas, for refund of overpayment of Inheritance Tax. 1,143.61

To pay the Estate of Forest E. Wood, % Butler, Blinston, Rice & Cook, P. O. Box 2390, Houston 1, Texas, for refund of overpayment of Inheritance Tax. 5,091.10

To pay the Estate of Philip Rosk, % G. Frank Lipper, 5120 Bayard Lane, Houston 6, Texas, for refund of overpayment of Inheritance Tax. 89.50

To pay the Estate of Harry B. MacKan, % Dave I. Johnson, Jr., Trust Officer, First National Bank in Dallas, P. O. Box 6931, Dallas 22, Texas, for refund of overpayment of Inheritance Tax. 509.12

To pay the Estate of Augusta Zwirn Rosk, % G. Frank Lipper, 5120 Bayard Lane, Houston 6, Texas, for refund of overpayment of Inheritance Tax. 274.53

To pay F. W. Husty, 128th Judicial District, Orange, Texas, for serving as Special District Judge. 492.15

To pay Gene Walker, Court Reporter, 123rd Judicial District, Center, Texas, for preparing statement of facts. 110.70

To pay William J. Fanning, Associate Justice, Court of Civil Appeals, 6th District, Texarkana, Texas, for travel expense. 78.77

To pay T. C. Chadick, Chief Justice, 6th Supreme Judicial District, Texarkana, Texas, for travel expense. 96.20

To pay James W. Fletcher, Court Reporter, Criminal District, Travis County, Room 312, Travis County Court House, Austin, Texas, for travel expense. 114.00
preparing statement of facts.---------------- 

To pay Frank Froehhoefer, 510 Cunningham St., Corpus Christi, Texas, for refund of bonus paid on stated property. 155.50 

To pay T. F. Pickney, Survey No. 1, 61.3 acres, Jim Hogg County, for refund of bonus paid on stated property. 155.50 

To pay John M. Sparks, 2602 Field St., San Antonio, Texas, for refund of overpayment of Ad Valorem Tax. 16.30 

To pay Mrs. Ona Dowhour, 267 Pecan St., San Angelo, Texas, for refund of overpayment of Ad Valorem Tax. 14.02 

To pay T. F. Lewis, 4617 Deven, Houston 27, Texas, for refund of overpayment of Ad Valorem Tax. 26.22 

To pay National Bank of Commerce, Charles P. Holbrook, Trust Officer, Box 121, San Antonio, Texas, for refund of duplicate payment of Ad Valorem Tax. 64.54 

To pay Clifford B. Smith, 3916 Christoval Road, San Antonio, Texas, for refund of Use Tax paid in error. 88.19 

To pay Helen C. Woolston, 2009 Laird St., Houston 8, Texas, for refund of Use Tax paid in duplicate. 14.26 

To pay Thomas A. Root, 315 West Rainey St., Sherman, Texas, for refund of Use Tax paid in error. 7.60 

To pay Dr. Herbert Kuhle, German Consul, 2 South Michigan Avenue, Chicago 3, Illinois, for refund of Sales Tax paid in error. 37.88 

To pay Fred W. Westphal, 3617 Norco Road, Fort Worth, Texas, for refund of duplicate payment of Sales Tax. 11.58 

To pay Mrs. Jack W. Hall, Box 1044, Orange, Texas, for refund of New Resident Tax paid in error. 14.47 

To pay Mrs. L. D. Cavitt, 7013 Roblinhood Lane, Fort Worth, Texas, for refund of overpayment of Ad Valorem Tax. 200.00 

To pay Dr. John W. Spies, Balcones Research Laboratory, R.F.D. No. 1, Box 189, Austin, Texas, for refund of overpayment of Sales Tax paid in error on which the Statutes of Limitations prohibits payment. 416.71 

To pay Milton S. Wash er, 107 Thorwine Blvd., San Antonio, Texas, for "delinquent taxes" paid on land purchased from Veteran's Land Program purchase dated Sept. 18, 1956, therefore not included in H. B. No. 11, 54th Legislature. 134.64 

To pay Bella W. Ray, 1424 Donald Avenue, Carrollton, Texas, for refund of overpayment of Car License Fee. 11.16 

To pay City of Austin, Austin, Texas, for utilities, water, fuel, and lights for buildings and grounds in the Capitol Complex. 6,223.36 

To pay C. L. Culver, Groom, Texas, for refund of overpayment of Excise Tax. 72.41 

To pay Red Head Boat Company, 2344 Long Dr., Houston 17, Texas, for...
refund of overpayment of Excise Tax

To pay Radio City Distributing Company, % Roy D. Boldin, 720 South Austin, Dallas, Texas, for refund of overpayment of Excise Tax 21.68

To pay Sam W. Davis, Judge Criminal District Court No. 4, Houston, Texas, for compensation while serving as Judge 677.42

To pay Arnold H. Krider, Judge Criminal District Court No. 4, Houston, Texas, for compensation while serving as Judge 677.42

To pay Board of Regents, State Teachers Colleges, % Florence T. Cotten, Executive Secretary, Box K, Capitol Station, Austin 11, Texas, for travel expenses incurred by Board members while attending Board Meetings, (Frank E. White $81.11), (C. S. Ramsey $92.83), (J. H. Sears $134.14), (William V. Brown $110.75), (Newton Graham $45.48), (Elizabeth Koch $51.41), (Mrs. E. D. Lockey $60.19), (H. L. Mills $67.38), (Richard F. Stovall $109.71) 761.36

To pay North Plains Telephone Company, Inc., % Arthur Mitchell, Suite 206, May Building, Austin 1, Texas, for recovery overpayment of Franchise Tax, Judgment No. 116, 183, District Court, Travis County 2,099.12

To pay Kerr-McGee Oil Industries, Inc., % Leonery, Clark, Mathews & Harris, 1200 Brown Building, Austin, Texas, for recovery of certain occupation taxes, Judgment No. 115,087, District Court, Travis County 21,817.59

To pay Pacific Coast Fire Insurance Co., % Phinney, Hallman and Pulley, First National Bank Bldg., Dallas 2, Texas, for recovery of premium taxes, Judgment No. 33,810.29, District Court, Travis County 21,817.59

To pay Board of Regents, State Teachers Colleges, % Florence T. Cotten, Executive Secretary, Box K, Capitol Station, Austin 11, Texas, for travel expenses incurred by Board members while attending Board Meetings, (Frank E. White $81.11), (C. S. Ramsey $92.83), (J. H. Sears $134.14), (William V. Brown $110.75), (Newton Graham $45.48), (Elizabeth Koch $51.41), (Mrs. E. D. Lockey $60.19), (H. L. Mills $67.38), (Richard F. Stovall $109.71) 761.36

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To pay General Motors Corporation, 3044 West Grand Boulevard, Detroit 2, Michigan, for refund of overpayment of Franchise Tax 1,796.62

To pay Utah Construction & Mining Co., 550 California Street, San Francisco 4, California, for refund of overpayment of Franchise Tax 335,504.71

To pay Industrial Gas Supply Corporation, % Bricewell, Reynolds and Patterson, First City National Bank Bldg., Houston, Texas, for refund of overpayment of gross receipts taxes 33,810.29

To pay McKee Homes Inc., % Mandell & Wright, 107 South Coast Bldg., Houston 2, Texas, for refund of overpayment of franchise tax 1,796.62

To pay Neal Alexander, 1516 East Crockett St., San Antonio, Texas, for refund of overpayment of Sales Tax 21.68

To pay the salary of Floyd F. Bradshaw, P. O.
To pay the salary of Bill Wood, Tyler, Smith County, Texas, former member of the Senate, for the period from November 25, 1960 through January 9, 1961.

To pay Sellars Oil Transports, Inc., P. O. Box 131, Tyler, Texas, for refund of overpayment of Franchise Tax.

To pay Guild Industries, Inc., P. O. Box 796, Lufkin, Texas, for refund of overpayment of Franchise Tax.

To pay J. S. Abercrombie Ranches, Inc., 2001 Gulf Building, Houston, Texas, for refund of overpayment of Franchise Tax.

To pay Clem Lumber Company, Dalton & Moore, Fidelity Union Life Bldg., Dallas 1, Texas, for refund of overpayment of Franchise Tax.

To pay Denton Development Co., Inc., Milam Bldg., San Antonio, Texas, for refund of overpayment of Franchise Tax.

To pay First National Bank in Center, Center, Texas, for refund of overpayment of Franchise Tax.

To pay Petroleum Properties, Inc., 705 Interurban Bldg., Dallas, Texas, for refund of overpayment of Franchise Tax.

To pay Neiman-Marcus Foundation Building Company, Dallas, Texas, for refund of overpayment of Franchise Tax.

To pay Del-Dixl Foods Corp., P. O. Box 1862, Orange, Texas, for refund of overpayment of Franchise Tax.


To pay Padre Island Company, Inc., Box 2366, Corpus Christi, Texas, for refund of overpayment of Franchise Tax.


To pay Carpenter Paper Company, % Alvus & Carssow, 1197 Capital National Bank Building, Austin 16, Texas, for refund of overpayment of Franchise Tax.

To pay Mountain Laurel Inc., 2000 Exposition Blvd., Austin, Texas, for refund of overpayment of Franchise Tax.

To pay Delwood Heights, Inc., 712 Capital National Bank Building, Austin, Texas, for refund of overpayment of Franchise Tax.

To pay Ralph Repley, % Bracewell, Reynolds & Patterson, San Jacinto Building, Houston 3, Texas, for refund of overpayment of Franchise Tax.

To pay Superior Iron Works & Supply Company, Inc., 1202-4 Marshall Street, Box 1800, Shreveport, Louisiana.
for refund of overpayment of Franchise Tax. 

To pay Cleveite Corporation, 17000 St. Clair Ave., Cleveland 16, Ohio, for refund of overpayment of Franchise Tax. 187.00

To pay University Realty Company, Box 2638, Dallas 21, Texas, for refund of overpayment of Franchise Tax. 846.00

To pay J. L. Williams & Company, Inc., 707 Adolphus Tower, Dallas, Texas, for refund of overpayment of Franchise Tax. 3,388.41

To pay Worthington Corporation, 461 Worthington Ave., Harrison New Jersey, for refund of overpayment of Franchise Tax. 1,681.76

To pay Mid Country Development Company, Box 1129, Beaumont, Texas, for refund of overpayment of Franchise Tax. 1,417.49

To pay Briarmeadow Land Company, P. O. Box 6281, Houston 6, Texas, for refund of overpayment of Franchise Tax. 294.50

To pay Calm Corporation, 2nd Floor Texas Bank Building, Dallas, Texas, for refund of overpayment of Franchise Tax. 257.99

To pay Donald Realty Company, 1501 Melrose Building, Houston, Texas, for overpayment of Franchise Tax. 1,566.35

To pay Jacobs-Cathey Company, 616 North Valley Mills Drive, Waco, Texas, for refund of overpayment of Franchise Tax. 188.35

To pay Pan American World Airways, Inc., Box 48-817, Miami 48, Florida, Attention: Mr. Rufino Lopez, COR Unit 527, for refund of overpayment of Franchise Tax. 128.50

To pay Woodside Building Company, Inc., 1613 Bank of the Southwest Building, Houston, Texas, for refund of overpayment of Franchise Tax. 25.00

To pay Leonard’s Stores, Inc., 1011 Preston Ave., Houston 2, Texas, for refund of overpayment of Franchise Tax. 316.44

To pay Big D Development Corporation, P.O. Box 6449, Dallas, Texas, for refund of overpayment of Franchise Tax. 315.00

To pay Valley Royalty Corporation, Box 2899, Dallas, Texas, for refund of overpayment of Franchise Tax. 51.30

To pay Gilcrease Oil Company, Box 2788, San Antonio 6, Texas, for refund of overpayment of Franchise Tax. 107.23

To pay Arthur Brothers, Inc., 113 South Sixth St., Box 739, Kingsville, Texas, for refund of overpayment of Franchise Tax. 231.75

To pay Western Inn Corporation, 4621 Camp Bowie Blvd., Fort Worth 16, Texas, for overpayment of Franchise Tax. 2,768.40

To pay Reynolds Geo-physical Company, 901 Shell Building, Houston, Texas, for refund of overpayment of Franchise Tax. 1,548.94

To pay Walworth Company, 750 Third Avenue, New York 17, New York, for refund of overpayment of Franchise Tax. 778.50
<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>To pay Wllknox Harbor &amp; Development Company, Box 748, Galveston, Texas, for refund of overpayment of Franchise Tax.</td>
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<td>To pay Buttram Tax Company, 2909 First National Bank Building, Oklahoma City 2, Oklahoma, for refund of overpayment of Franchise Tax.</td>
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<td>To pay Red Oil Company, Box 1388, Houston 17, Texas, for refund of overpayment of Franchise Tax.</td>
<td>165.00</td>
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<td>To pay Trinity Steel Company, Inc., 4001 Irving Blvd., Box 16587, Dallas 12, Texas, for refund of overpayment of Franchise Tax.</td>
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<td>To pay Tropic Oil Corporation, Box 1388, Houston 17, Texas, for refund of overpayment of Franchise Tax.</td>
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<tr>
<td>To pay Valley Refining Company, Box 1388, Houston 17, Texas, for refund of overpayment of Franchise Tax.</td>
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<td>To pay Colorado-Denver Investment Corporation, Mid Continent Building, Tulsa, Oklahoma, for refund of Franchise Tax.</td>
<td>82.00</td>
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<td>To pay Mrs. Ed C. Branch, 1756 Marcel Ave., Fort Worth, Texas, for refund of Sales Tax paid in error</td>
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<td>To pay Louis Henry Edmunds, Jr., Naval Medical Research Institute, Bethesda, Maryland, for refund of Sales Tax paid in error</td>
<td>33.55</td>
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<td>To pay Capt. Raymond R. Chappell, 1106 North First St., Hastings, Texas, for refund of New Resident Tax paid in error</td>
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<td>To pay Otto N. England Jr., 13010 Juliust St., Houston 15, Texas, for refund of New Resident Tax paid in error</td>
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<td>To pay Strickland Transportation Company, 1809 South Lamar St., Dallas 2, Texas, for refund of Sales Tax paid in error</td>
<td>183.64</td>
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<td>To pay Fleming Lincoln-Mercury Inc., 3501 West 15th St., Ft. Worth, Texas, for refund of Sales Tax paid in error</td>
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<td>To pay James S. Calvin, 217 Berry Road, San Antonio, Texas, for refund of New Resident Tax paid in error</td>
<td>14.26</td>
</tr>
<tr>
<td>To pay Dr. Edward D. Morton, 27 South First St. East, Tremonton, Utah, for refund of New Resident Tax paid in error</td>
<td>14.26</td>
</tr>
<tr>
<td>To pay T/Sgt. James C. Morgan, 519 E. Gansy, Apt. 9C, Wharton, Texas, for refund of New Resident Tax paid in error</td>
<td>14.26</td>
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<td>To pay Julia Plunkett, 301 N. Tenn. St., Amarillo, Texas, for refund of overpayment of Sales Tax</td>
<td>15.30</td>
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To pay B. B. Lane, Box 752, Breckenridge, Texas, for refund of New Resident Tax paid in error...

To pay Mrs. Nadine Katz, 825 Rio Ave. Apt. 1, San Antonio 12, Texas, for refund of Sales Tax paid in error...

To pay Sgt. Max Campbell, 223 Anderson St., Austin 4, Texas, for refund of New Resident Tax paid in error...

To pay American Red Cross, Box 1070, Laughlin A.F.B., Del Rio, Texas, for refund of Sales Tax paid in error... 

To pay Rev. Preston Brunam, 209 West Fleming, Comanche, Texas, for refund of New Resident Tax paid in error...

To pay General Motors Acceptance Corporation, 1414 Ave. J., Lubbock, Texas, for refund of Sales Tax paid in error...

To pay Hubbard Olds-Cadillac Company, 1610 East Second St., Odessa, Texas, for refund of New Resident Tax paid in error...

To pay Mrs. Beatrice Hilliard, 501 A No. Garland St., Midland, Texas, for refund of New Resident Tax paid in error...

To pay Mrs. Gordon A. Williams, 6906 Fairway Drive, Galveston, Texas, for refund of overpayment of Ad Valorem Tax

To pay Bill Money, Tax Assessor & Collector of Randall County, Canyon, Texas, for refund of overpayment of Ad Valorem Tax

To pay Jack N. Schwartz, 1924 West Clay... Houston, Texas, for refund of overpayment of Ad Valorem Tax

To pay W. S. Wasson, Buffalo, Texas, for refund of overpayment of Ad Valorem Tax... 

To pay Mrs. Earl Mullins, Box 413, Dill Brook, Kansas, for refund of overpayment of Ad Valorem Tax...

To pay W. T. Montgomery, 127 East Hermosa Drive, San Antonio, Texas, for refund of overpayment of Ad Valorem Tax...

To pay Mrs. M. G. Pie.rson, 1109 Broadway, Galveston, Texas, for refund of overpayment of Ad Valorem Tax...

To pay Dan P. Nelson, 1316 Ave. H., Galveston, Texas, for refund of overpayment of Ad Valorem Tax... 

To pay W. G. Russell, 1706 Bayou Shores Drive, Galveston, Texas, for refund of overpayment of Ad Valorem Tax...

To pay Joseph J. Dobbert, 6113 Ave. Q4, Galveston, Texas, for refund of overpayment of Ad Valorem Tax...

To pay J. E. Steadman, 5406 Fairview, Odessa, Texas, for refund of overpayment of Ad Valorem Tax...

To pay Eugene H. Burke, 5577 Menacll, Galveston, Texas, for refund of overpayment of Ad Valorem Tax...

To pay Aberdeen Oil Company, Inc., First National Bank Building, Tulsa 3, Oklahoma, for refund of overpayment of Ad Valorem Tax...

To pay Estate of Edvin R. Hopkins, % Charles L. Huddleston...

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To pay Aberdeen Oil Company, Inc., First National Bank Building, Tulsa 3, Oklahoma, for refund of overpayment of Ad Valorem Tax...

To pay Estate of Edvin R. Hopkins, % Charles L. Huddleston...
To pay the Estate of Rola Allen Clapper, % Mr. Harry J. Orr, Trust Officer, The Fort Worth National Bank, Fort Worth, Texas, for refund of overpayment of Inheritance Tax

To pay the Estate of H. W. Osterhout, % Mr. George R. Moorman, 1031 East Main St., Box 497, Brenham, Texas, for refund of overpayment of Inheritance Tax

To pay the Estate of Mrs. R. B. T. Lothrop, % Mr. Geo. H. Huffman, Marshall, Texas, for refund of overpayment of Inheritance Tax

To pay the Estate of H. D. Barrow, Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District, San Antonio, Texas, for travel expenses
May 25, 1961

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To pay Jack Pope, Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District, San Antonio, Texas, for travel expenses incurred while holding court in Dallas, Texas</td>
<td>76.36</td>
</tr>
<tr>
<td>To pay W. O. Murray, Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District, San Antonio, Texas, for travel expenses incurred while holding court in Dallas, Texas</td>
<td>24.65</td>
</tr>
<tr>
<td>To pay Honorable Enoch Walter, Court of Civil Appeals, Eleventh Supreme Judicial District, Eastland, Texas, for travel expenses incurred while holding court in Dallas, Texas</td>
<td>71.12</td>
</tr>
<tr>
<td>To pay Honorable Clyde Grisom, Chief Justice of the Court of Civil Appeals, Eleventh Supreme Judicial District, Eastland, Texas, for travel expenses incurred while holding court in Houston, Texas</td>
<td>141.57</td>
</tr>
<tr>
<td>To pay Robert L. Cook, Clerk of the Court of Civil Appeals, Fourth Supreme Judicial District, San Antonio, Texas, for money collected and remitted to State in error</td>
<td>64.08</td>
</tr>
<tr>
<td>To pay Earl E. Meek, Official Court Reporter for the 43rd Judicial District, Decatur, Texas, for preparing a Statement of Facts in a Felony Case</td>
<td>25.00</td>
</tr>
<tr>
<td>To pay L. C. Stephenson, Justice of the Peace, Precinct 1, Place 1, Midland, Texas, for money remitted to State under mistake of fact</td>
<td>2553.00</td>
</tr>
<tr>
<td>To pay James Leslie Joyce, % Joe V. Borsner, Jr., Crenshaw, Dupree &amp; Milam, Box 1499, Lubbock, Texas, for damage to property as set forth in Judgment No. 4868, District Court, Terry County, Texas</td>
<td>432.40</td>
</tr>
<tr>
<td>To pay The Home State Life Insurance Co., Robinson at Sixth Street, Oklahoma City, Oklahoma, for refund of overpayment of premium taxes</td>
<td>3,792.53</td>
</tr>
<tr>
<td>To pay Employers Mutual Liability Insurance of Wisconsin, Wausau, Wisconsin, for refund of premium taxes paid in error</td>
<td>37,184.87</td>
</tr>
<tr>
<td>To pay Commercial Insurance Company, 205 East 50th Ave., Box 871, Amarillo, Texas, for overpayment of premium taxes</td>
<td>792.65</td>
</tr>
<tr>
<td>To pay Associated Grocers of San Antonio, Inc., Box 2880, San Antonio, Texas, for unused meter setting on a cigarette stamping machine</td>
<td>2,811.18</td>
</tr>
<tr>
<td>To pay V. C. Bryan, General Delivery, Corpus Christi, Texas, for refund of cigarette license</td>
<td>5.00</td>
</tr>
<tr>
<td>To pay Texon Drug Company, Inc., Texon, Texas, for refund of duplicate payment of cigarette permit</td>
<td>25.00</td>
</tr>
<tr>
<td>To pay H. A. Buns, Old Osoan, Texas, for refund of duplicative payment of excise tax</td>
<td>15.08</td>
</tr>
<tr>
<td>To pay Dan H. Marshall, H. 116 Chestnut Street, Holliday, Texas, for refund of Miscellaneous Excise Tax Permit</td>
<td>5.00</td>
</tr>
</tbody>
</table>
To pay Gulf Appliance and Furniture Company, 2425 Texas Ave., Texas City, Texas, for refund of duplicate payment of Store License .................................. 52.66

To pay Marine Sales & Service, Box 728, Highlands, Texas, for refund of duplicate payment of license fee ................................................................. 5.00

To pay South Coast Investment Corporation, South Coast Building, Houston 2, Texas, for payment of rent for Board of Pardons and Paroles, in Houston, Texas ........................................ 672.00

To pay Miss Martha L. Plumhoff, 2255 Martin, Dallas 14, Texas, for Court Reporter Fees ................................................................. 2,363.23

To pay Estate of C. L. Brown, D. G. Hall, Agent, Mexia, Texas for refund of Gas Gathering Tax paid to State and has since been declared unconstitutional ........................................ 1,773.11

To pay Dale F. Leipper, 1231 Marsteller Drive, College Station, Texas, for refund of duplicate poll tax payments ........................................ 1,501.73

To pay American Atlas Corporation, 1615 First National Bank Building, Dallas, Texas, for refund of overpayment of Franchise Tax ........................................ 6,217.44

To pay Brazos Valley Cotton Oil Company, Box 829, Waco, Texas, for refund of overpayment of Franchise Tax ........................................ 3,178.36

To pay Hewitsey Drilling Company, 1207 Pil- tower Building, Tulsa 3, Oklahoma, for refund of overpayment of Franchise Tax ........................................ 100.00

To pay Taft Cotton Oil Company, % McKelvey Industries, Box 1889, Harlingen, Texas, for refund of overpayment of Franchise Tax ........................................ 255.00

To pay Mr. A. H. Woodley, Sr., 844 Rose- way Drive, El Paso, Texas, for damage to property ........................................ 75.00

To pay the following as listed below, % R. G. Garrett, Executive Director of the Texas Animal Health Commission, Austin, Texas, as Indemnity for destruction of cattle affected with Tuberculosis: Johnnie Attaway, $26.00; George G. Bishop, 50.00; Homer L. Brumley, 50.00; Clifford Carroll, 50.00; R. O. Collins, 50.00; Darrell Crooks, 50.00; R. A. Dickey, Partner, Dickey Brothers Dairy, 126.00; Mrs. Carrol Doolin, $5.00; Jerom Ernsa, 15.00; Lewis Ferguson, 25.00; J. E. Fortner, 25.00; J. F. Galloway, 25.00; I. A. Hurt, 25.00; W. D. Jursey, 25.00; Lawrence Keseling, 126.00; J. F. Lans, 25.00; B. P. Lesley, 25.00; Joe Ray Lindsey, 150.00; Rex McCullum, 25.00; D. N. Morgan, 10.78; Robert T. Moudy, Jr., 260.00; Robert T. Moudy, Jr., Partner, Moudy Brothers, 50.00; Will Nagy, 260.00; Dean P. C., 25.00; Willis M. Payne, 25.00; Peter Daily, Glenn Alexander, Co-owners, 650.00; Willard Phillips, 150.00; Wm. M. Fordtran & Chester Burrier, Partners, Rancho Grasslands Farms, 75.00; Leroy Ray, 256.00; Roger R. Head, 100.00; Virgil Redden, 100.00; Leonard Botan,
<table>
<thead>
<tr>
<th>Payee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Evans, et al, v. Stovall &amp; Stovall, Floydada, Texas, for recovery of damage to property</td>
<td>$1,688.76</td>
</tr>
<tr>
<td>Powell-Watson Motors, Inc., Washington at Convent, Laredo, Texas, for refund of overpayment of registration fee on vehicle</td>
<td>$18.68</td>
</tr>
<tr>
<td>Mrs. Alton C. Woods, Port Arthur, Texas, for refund or overpayment of car license fee</td>
<td>$19.10</td>
</tr>
<tr>
<td>City of Arlington, Arlington, Texas, for the State's share in a joint project of the reconstruction of U.S. Highway 80 in Tarrant County</td>
<td>$1,548.82</td>
</tr>
<tr>
<td>Sinclair Pipe Line Co., v. Richey, Sheehy, Teeling &amp; Cureton, Waco, Texas, for recovery of judgment against the State Highway Dept.</td>
<td>$3,526.93</td>
</tr>
<tr>
<td>Gulf States Utilities Company, Lock Draw 3921, Beaumont, Texas, Warrant No. 587, 225 on which the Statutes of Limitations prohibit payment</td>
<td>$170.94</td>
</tr>
</tbody>
</table>

Section 2. There is hereby appropriated $16,639.91 out of the State Highway Fund to pay the following:

To pay Family Medical Center, 4804 Grover St., Austin 5, Texas, for expense for paving State's share
To pay G. L. Rowsey, % Melasky & Bullon, Attorneys, Taylor, Texas, for refund or Severance Beneficiary Tax which has been declared unconstitutional.
To pay East Texas Industrial Gas Company, 102 West Houston St., Marshall, Texas, for refund of Severance Beneficiary Tax which has been declared unconstitutional.
To pay Jean Corbett, Official Court Reporter, 14th Judicial Court of Texas, Lufkin, Texas, for preparing statements of fact for Case No. 8066.
To pay Powell-Watson Motors, Inc., Washington at Convent, Laredo, Texas, for refund of Sales Tax.
To pay The Parade Company, P. O. Box 1338, Shreveport, Louisiana, for refund of Severance Beneficiary Tax which has been declared unconstitutional.
To pay Days Operating Company, % Dunigan Tool & Supply Company, Abilene, Texas, for refund of Severance Beneficiary Tax which has been declared unconstitutional. 160.37

To pay Gregory P. Foutonot, % William A. Potter, P. O. Box 772, Port Arthur, Texas, for recovery of Brunson Transit No. 540255 84.56
To pay Jack V. Elliott, 1001 South Wayside, Houston 22, Texas, for refund of overpayment of registration fee on vehicle 16.68
To pay Mrs. Alton C. Woods, 4418 Christie St., Corpus Christi, Texas, for refund of overpayment of car license fee 19.10
To pay Sinclair Pipe Line Co., Richey, Sheehy, Teeling & Cureton, 5th Floor Liberty Building, Waco, Texas, for recovery of judgment against the State Highway Dept. 3,526.93
To pay Gulf States Utilities Company, Lock Draw 3921, Beaumont, Texas, Warrant No. 587, 225 on which the Statutes of Limitations prohibit payment 170.94
To pay Ray Cyphers, Mount Enterprise, Texas, for recovery of damage to property, Judgment No. 23,725, 4th District Court, Rusk County $2,856.46

To pay Moore Brothers Construction Co., % Clark, Mathews, Thomas, Harris & Demus, Brown Bldg., Austin, Texas, for recovery of Judgment No. 109,393, 126th District Court, Travis County, against the State Highway Dept. $5,770.64

To pay H. L. Layne, Route 3, Snyder, Texas, for recovery of property not at location in Scurry County.

Section 3. There is hereby appropriated $242.91 out of the Motor Fuel Refund Fund to pay the following:

To pay R. D. Alexander, Route 4, Lubbock, Texas on Warrant No. 30269 on which the Statutes of Limitations prohibits payment $23.61

To pay A. D. McCullough, Route 3, Lubbock, Texas, on Warrant No. 490519 on which the Statutes of Limitations prohibits payment $28.00

To pay D. M. Rice, 2924 East 13th St., Austin, Texas, on Warrant No. 331874 ($32) and Warrant No. 347637 ($22) on which the Statutes of Limitations prohibits payment $44.00

To pay Lorenzo Morales, Box 714, Edinburg, Texas, on Warrant No. 313043 on which the Statutes of Limitations prohibits payment $28.00

To pay Mrs. C. H. McConnell, Pensington, Texas, on Warrant No. 177764 on which the Statutes of Limitations prohibits payment $28.00

Section 4. There is hereby appropriated $250.00 out of the Unemployment Compensation Benefit Account Fund to pay the following:

To pay Edna Bailey Gilchrist, 809 Lilac Drive, Garland, Texas, on Warrant No. G453788 on which the Statutes of Limitations prohibits payment $28.00

To pay W. T. Hobbins, Route 1, Box 194, Sweetney, Texas, on Warrant No. 1 234489 on which the Statutes of Limitations prohibits payment $28.00

To pay Samuel L. Harrison, 1215-51st St., Galveston, Texas, on Warrant No. G51800 ($22) and Warrant No. E512531 ($22) on which the Statutes of Limitations prohibits payment $44.00

To pay A. De La Rosa, 177 Hampshire, San Antonio, Texas, on Warrant No. G 131560 on which the Statutes of Limitations prohibits payment $28.00

To pay Jeraldine Sadler, 281 Frederic St. No. 2, San Francisco, California, on Warrant No. E 540038 ($13.00), Warrant No. E 453395 ($30.00), Warrant No. E 550316 ($20.00) on
May 25, 1961

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which the Statutes of Limitations prohibits payment.

To pay David Moore, 819 Lovett Street, Houston, Texas, on Warrant No. C 258816 on which the Statutes of Limitations prohibits payment.

To pay Mangold Toy Company, Granbury, Texas, on Warrants No. G 979219 and No. H 666-124 ($25.60 each) to R. D. Smith; Warrants No. G 271238 and No. H 666-066 ($28.60 each) to D. J. Smith; Warrants No. H 602217 and No. H 615234 ($32.00 each) to H. S. Mangold; on which the Statutes of Limitations prohibits payment.

To pay Thomas Galan, 5523 Avenue O, Galveston, Texas, on Warrant No. I 815304 on which the Statutes of Limitations prohibits payment.

To pay John N. Deitz, 13836 Nimitz St., Houston 15, Texas, on Warrant No. E 953248 on which the Statutes of Limitations prohibits payment.

To pay Roland H. Gonzalez, 539 Hwy 90 West, San Antonio, Texas, on Warrant No. J 307199 on which the Statutes of Limitations prohibits payment.

To pay F. P. Alvarez, 640 East Avenue C, Kingsville, Texas, on Warrants No. H 284259 ($25.00), No. G 915126 ($33.00), No. H 601460 ($23.00), No. H 615173 ($21.00) on which the Statutes of Limitations prohibits payment.

To pay B & C Grocery & Market, 203 So. 17th St., McAllen, Texas, on Warrant No. F 351-178 on which the Statutes of Limitations prohibits payment.

To pay Arlington State Bank, Arlington, Texas, on Warrant No. H 690098 on which the Statutes of Limitations prohibits payment.

To pay Model Markets, Inc., & Mr. A. E. Kelly, 2330 Roosevelt Avenue, San Antonio, Texas, on Warrant No. D 644484 on which the Statutes of Limitations prohibits payment.

To pay W. Ray Hanna, M. D., Sulphur Springs Clinic, Sulphur Springs, Texas, on Warrant No. B 960090 on which the Statutes of Limitations prohibits payment.

To pay Fred H. Starkcy, 5225 Ridgedale, Dallas, Texas, on Warrants No. 538098 ($40.00), No. 54974 ($44.00), No. 54986 ($17.00) on which the Statutes of Limitations prohibits payment.

To pay Patton Transfer, Inc., P. O. Box 6855, Austin 21, Texas, on Departmental Voucher No. 71.

To pay Moody Electric Company, % Joe A. Keith, Sherman, Texas, on Warrant No. 101868 on which the Statutes of Limitations prohibits payment.

Section 5. There is hereby appropriated $202.00 out of the Old Age Assistance Fund to pay the following:

To pay Model Markets, Inc., & Mr. A. E. Kelly, 2330 Roosevelt Avenue, San Antonio, Texas, on Warrant No. D 644484 on which the Statutes of Limitations prohibits payment.

To pay W. Ray Hanna, M. D., Sulphur Springs Clinic, Sulphur Springs, Texas, on Warrant No. B 960090 on which the Statutes of Limitations prohibits payment.

To pay Fred H. Starkcy, 5225 Ridgedale, Dallas, Texas, on Warrants No. 538098 ($40.00), No. 54974 ($44.00), No. 54986 ($17.00) on which the Statutes of Limitations prohibits payment.

Section 6. There is hereby appropriated $10.50 out of Public Surveyor's Fund No. 73 to pay the following:

To pay Patton Transfer, Inc., P. O. Box 6855, Austin 21, Texas, on Departmental Voucher No. 71.

Section 7. There is hereby appropriated $1,334.20 out of the Trust & Suspense Fund No. 990 to pay the following:

To pay Moody Electric Company, % Joe A. Keith, Sherman, Texas, on Warrant No. 101868 on which the Statutes of Limitations prohibits payment.
To pay Pruton P. Reynolds, Jr., P. O. Box 655, Dallas 19, Texas, on Warrants No. 33756 ($25.00) and No. 72280 ($35.00) on which the Statutes of Limitations prohibit payment.  

To pay Mary Louise Jones, Aransas Pass, Texas, on Warrant No. 12778 on which the Statutes of Limitations prohibit payment.  

To pay Century Western, 1526 Maile Experson Bldg., Houston 2, Texas, on Warrant No. 22855 on which the Statutes of Limitations prohibit payment.  

To pay K & S Uranium, Inc., 205 Sentinel Bldg., Salt Lake City, Utah, on Warrant No. 021406 on which the Statutes of Limitations prohibit payment.  

Section 8. There is hereby appropriated $90.00 out of the Special Health Fund No. 273 to pay the following:  

To pay Eva Y. Seger, 105 E. Loma Vista, Victoria, Texas, on Warrant No. 683283 on which the Statutes of Limitations prohibit payment.  

Section 9. There is hereby appropriated $2,188.88 out of the Game and Fish Fund to pay the following:  

To pay Louis R. Woolen, 711 Harrison St., Corpus Christi, Texas, for refund of Fishing License.  

Section 10. There is hereby appropriated $441.50 out of the Liquor Administration Fund to pay the following:  

To pay Budweiser Distributing Company of San Antonio, Texas, for refund of overpayment of beer tax.  

To pay Wholesale Beer Distributors of McLennan County, % Bryan, Maxwell, Wilson & Olson, 823 Washington Avenue, Waco, Texas, for refund of overpayment of beer tax.  

Section 11. There is hereby appropriated $130.50 out of the Special Fund No. 242 to pay the following:  

To pay Sam Westbrook, % A. & M. College, Bryan, Texas, on Warrant No. 239577 on which the Statutes of Limitations prohibit payment.  

Section 12. There is hereby appropriated $406.00 out of the Confederate Pension Fund to pay the following:  

To pay First State Bank of Overton, % A. B. Childs, Overton, Texas, on Warrants No. 16597, 22781, 28400, 12520, 5287, 67223, 46043, 70078, 70630, 21184, (520.00 each), and Warrants No. 1760, 1631 ($50.00 each) on which the Statutes of Limitations prohibit payment.  

Section 13. There is hereby appropriated $186.00 out of the Employment Agency Fund No. 189 to pay the following:
To pay Mrs. Omah Rhea Kinser 2600 Stratford Drive, Austin, Texas, for refund of Employment Service License. 150.00

Section 14. There is hereby appropriated $387.67 out of the Teacher's Trust Funds to pay the following:

To pay Mrs. Gladys Wallis, Rt. 6, Rockdale, Texas, on Warrant No. 676732 which has been lost. 387.67

Section 15. There is hereby appropriated $360.00 out of the Permanent School Fund to pay the following:

To pay H. L. Kokernot, Jr., 831 Gunter Building, San Antonio, Texas, for overpayment to the State of mineral lease. 360.00

Section 16. There is hereby appropriated $57.00 out of the Child Assistance Fund No. 122 to pay the following:

To pay H. L. Green Company, Inc., 16 23 Main St., Dallas, Texas, on Warrant No. 946341 on which the Statutes of Limitations prohibit payment. 57.00

Section 17. There is hereby appropriated $10.00 out of the Special Fund No. 97 to pay the following:

To pay Bess Hoffman, Dorchester House, Gast. on at St. Joseph St., Dallas, Texas, on Warrant No. 674559 ($5.14) and Warrant No. 67458 ($4.86) on which the Statutes of Limitations prohibit payment. 10.00

Section 18. There is hereby appropriated $686.04 out of the Special Fund No. 44 to pay the following:

To pay C. A. McClintic, % Stubbeman, McRae, Shealy & Laughlin, Midland Savings Bldg., Midland, Texas, for refund of overpayment of monies made to the General Land Office, as a result of a resurvey of the S/% of Section 52, Certificate 1249, B. B. Craig Survey, Crane County. 686.04

Section 19. There is hereby appropriated $824.78 out of the Special Fund No. 2 to pay the following:

To pay C. A. McClintic, % Stubbeman, McRae, Shealy & Laughlin, Midland Savings Bldg., Midland, Texas, for refund of overpayment of monies made to the General Land Office, as a result of a resurvey of the S/% of Section 52, Certificate 1249, B. B. Craig Survey, Crane County. 824.78

Section 20. It is specifically provided herein that before any claim shall be paid from funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General.

Section 21. That the Comptroller is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms, or corporations named herein, in the amounts set opposite their respective names, and shall mail or deliver to each said persons, firms, or corporations at their respective addresses, warrant or warrants in payment of said claim or claims, and said persons, firms or corporations shall duly receipt the comptroller for said warrant or warrants in payment of said claim or claims.

Section 22. The fact that the claims herein appropriated are past due, and the persons, firms, or corporations to whom the same are payable are being deprived of the proceeds thereof, 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, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.
Mr. Slider offered the following amendment to Committee Amendment No. 1:

Amend Section 19 of Senate Bill No. 321, Committee Amendment No. 1 by adding at the end of the last claim listed the following and changing the total appropriated accordingly:

"To pay Jimmie's Amoco Service Station, Dalhart, Texas, on Warrant No. G 481796, on which Statute of Limitations prohibits payment $28."

The amendment was adopted.

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

S. B. No. 321 was passed to third reading.

SENATE BILL NO. 321 ON THIRD READING

Mr. Jones of Travis moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yea—128**

Adams of Titus  Cowles
Allen  Crews
Andrews  de la Garza
Artwell  Daff, Miss
Bailey  Dungan
Ballman  Eckhardt
Barlow  Ehrl
Barone  Fairchild
Barnes  Fletcher
Bass  Floyd
Bell  Foreman
Berry  Garrison
Blaine  Gladden
Boysen  Glass
Bridges  Gingles
Buchanan  Green
Burgess  Grover
Butler  Guffey
Caldwell  Hale
Carriker  Harding
Chapman  Harrington
Cole of Harris  Hayne
Collins  Hestly
Connell  Hixon
Cook  Hollowell
Cory  Hoebner
Hughes of Grayson  Price
Hughes of Dallas  Quillian
Husakac, Miss  Rapp
James  Ratcliff
Jamison  Rea
Johnson of Dallas  Richards
Johnson of Beax  Richardson
Johnson of Bell  Ross
Jones of Dallas  Schram
Jones of Travis  Shannon
Kennard  Shipley
Klipatick  Smith
Kolbe  Slaker
Korinth  Smith of Bexar
Lack  Smith of Jefferson
Lattimer  Snell
La Valle  Spears
Lewis  Spillman
Longoria  Springer
McCoppin  Stewart
McGregor of Galveston  Stewart
McLanahan  of Wichita
Markgraf  Struve
Martin  Thurman
Miller  Thurmond
Moore  Trevino
Mullen  Tunnell
Murray  Walker
Niemeyer  Ward
Oliver  Watson
Osborn  Wals
Parsons  Washley
Peery  Whitefield
Peeler  Wilson of Trinity
Peony  Wilson of Potter
Pieratt  Woods
Pipkin  Young
Preston  Ynæs

**Nays—19**

Adams of Lubbock  Harris
Banfield, Mrs.  Jarris
Cole of Hunt  Mutchler
Cotney  Nusgen
Dewey  Townsend

The Speaker then laid Senate Bill No. 321 before the House on third reading and final passage.
The bill was read third time and was passed by the following vote:

**YEAS—134**

Adams of Titus  Adams of Johnson of Dallas  Bailey  Bailey
Ballman  Ballman  of Dallas  Banfield, Mrs.  Barnes  Barras
Bass  Bass  of Travis  Bass  Bass
Bell  Bell  Goal  Berry  Blake
Black  Black  of Dallas  Black  Black
Blaine  Blaine  Lock  Bozeman  Bozeman
Bridges  Bridges  of Dallas  Bridges  Bridges
Buchanan  Buchanan  Lewis  Butler  Butler
Carr  Caldwell  McGregor  Chapman  Cole of Harris
Cole of El Paso  Cole of Harris  of El Paso  Cole of Harris  Cole of Harris
Collins  Collins  McIcban  Connell  Connell
Cook  Cook  Markgraf  Corey  Corey
Cotzen  Cotzen  Moore  Cowan  Cowan
Cowles  Cowles  Mollen  Cowles  Cowles
Crain  Crain  Niemeyer  Crews  Crews
de la Garza  de la Garza  Embrey  de la Garza  de la Garza
Dufett, Miss  Duff of Dallas  Dunn  Dunn
Eckhardt  Eckhardt  Pearcy  Ehrlie  Ehrlie
Fairchild  Fairchild  Petty  Fletcher  Fletcher
Floyd  Floyd  Pippin  Foreman  Foreman
Garr  Garrison  Price  Gladden  Gladden
Glass  Glass  Rapp  Glass  Glass
Green  Green  Read  Groover  Groover
Guffey  Guffey  Richards  Haley  Haley
Harding  Harding  Green  Harrington  Harrington
Haynes  Haynes  Smoak  Heatly  Heatly
Heinsohn  Heinsohn  Siders  Hollowell  Hollowell
Huebner  Huebner  Smith of Bexar  Hughes  Hughes
Hughes of Dallas  Hughes of Dallas  Spear  Isaacs, Mrs.  Isaacs, Miss
Springer  Springer  Walker  Stewart  Stewart
of Galveston  of Galveston  of Galveston  Slaughter  Slaughter
Stroope  Stroope  Wilson of Trinity  Thurman  Thurman
Thurmond  Thurmond  Woods  Tovino  Tovino
Turnell  Turnell  Yezak

**NAYS—6**

Adams of Lubbock  Adams of Denton  Duenas  Duenas
Dunlap  Duenas  of Galveston  Dowling  Dowling

**REASON FOR VOTE**

S. B. No. 321

I am for the paying of the honest debts the state owes, however I do not approve the retroactive paying of salaries to legislators of the 66th Legislature.

TERRY TOWNSEND.

**LEAVE OF ABSENCE GRANTED**

Mr. Barlow was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Johnson of Bexar.

MESSAGE FROM THE SENATE

Austi, Texas, May 26, 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. 266 by Viva Voce vote.

Senate concurred in House amendments to S. B. 266 by the following vote: 28 yeas, 1 nay.

Senate concurred in House amendments to S. B. 164 by the following: viva voce vote.

I am directed by the Senate to inform the House that the Senate
has refused to concur in House Amendments to Senate Bill No. 135 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: Schwartz, Baker, Dies, Moore, Rogers.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 318 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. J. R. No. 32 by the following vote: 28 yeas, 1 nay.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 394 by the following vote: 39 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 277 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on H. B. No. 996 by viva voce vote.

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

H. B. No. 376, Providing that Water Control and Improvement Districts and underground water conservation districts may be created only according to the provisions of Section 59 of Article 16 of the Constitution; and declaring an emergency.

H. B. No. 377, Lowering the discount rate on certain water district bonds; providing maintenance tax elections for certain districts; and declaring an emergency. (with amendments)

H. B. No. 479, To provide for the annual adoption by the State Board of education of an operating budget for the administration and supervision of the Central Education Agency; and declaring an emergency.

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

H. B. No. 155, Relating to licensing fees and expenses charged candidates for nomination for State Representative or State Senator for primary elections; and declaring an emergency. (with amendments)

H. C. R. No. 89, Granting permission to Walter John Secrest to sue the State of Texas in Travis County, Texas.

H. C. R. No. 166, Granting license permission to the State of Texas and its Liquor Control Board.

H. J. R. No. 36, Proposing an Amendment to the Constitution of the State of Texas.

H. B. No. 1101, Creating El Paso County Water Control and Improvement District-Westway; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

SENATE BILL NO. 179
ORDERED PRINTED

Mr. Bridges moved that Senate Bill No. 179, reported adversely with minority favorable report, be printed.

The motion prevailed, and it was so ordered.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 217

Mr. McLain submitted the following Conference Committee Report on Senate Bill No. 217:

Austin, Texas, May 24, 1961
Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.
May 25, 1961
HOUSE JOURNAL 2563

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 217, have met and had under consideration, and beg to report back with the recommendation that it do pass in the form attached.

HAZLEWOOD, HARDMAN, OWEN.
On the part of the Senate.

MCILHANY, BARTRAM, DUNGAN, DINGAM.
ECKHARDT.
On the part of the House.

By Hazlewood:
Conference Committee Report on S. B. 217

"A BILL To Be Entitled
An Act setting up health standards for grade A pasteurized milk and/or Grade A raw milk for pasteurization produced outside of the State of Texas to be imported to comply within as high or higher than those required for the production of Grade A pasteurized milk and/or Grade A raw milk for pasteurization within the State of Texas; requiring that persons authorizing the importation of such milk to Texas certify that such milk is produced in accordance with standards as high or higher than those governing the production of such milk in Texas; providing the basis upon which such permits may be issued; requiring the duties of the Texas State Department of Health in connection therewith; providing for the approval of persons, officers and inspectors by the Texas State Department of Health; providing penalties; providing for severability; providing the effective date; and declaring an emergency."

Be it Enacted By The Legislature Of The State Of Texas:
Section 1. The name of this Act shall be "Texas Equal Health Standard Milk Sanitation Act of 1961."

Section 2. Declaration of purpose. The purpose of this Act is effective-
pretation and enforcement of the State Department of Health of Grade A pasteurized milk and/or Grade A raw milk for pasteurization produced in the State of Texas, and that such milk meets the require-

Section 2. The enforcement of the provisions of this Act shall be the responsibility of the Texas State Department of Health, which Department is hereby charged with the duty of determining as to any area from which Grade A pasteurized milk and/or Grade A raw milk for pasteurization is being imported or is sought to be imported into the State of Texas for pasteurization whether such milk is being produced under and in compliance with the statutes or ordinances providing standards as high as or higher than those provided in the Texas Milk Grading and Labeling Law, Chapter 172, Acts of the 46th Legislature, Regular Session, 1937, and that such milk is being produced under and in compliance with rules and regulations promulgated by the Texas State Department of Health thereunder, and providing standards as high as or higher than those provided in the rules and regulations promulgated by the Texas State Department of Health under authority of the Texas Milk Grading and Labeling Law and that such statutes or ordinances and rules and regulations promulgated thereunder are being interpreted and enforced in a manner reasonably and substantially equivalent to the interpretation and enforcement of the Texas State Department of Health for Grade A pasteurized milk and/or Grade A raw milk for pasteurization produced in Texas and that such milk meets the require-
ments for interstate movement of milk as specified in the United States Public Health Service Milk Ordinance and Code of 1963, as amended, and of the Federal Food, Drug and Cosmetic Act. Listings of regulations promulgated thereunder shall be transmitted to the Texas Department of Health under authority of the Texas Milk Ordinance and Labeling Law, and the Texas Department of Health is hereby authorized to issue authorizations for the interstate movement of Grade A pasteurized milk and/or Grade A raw milk for pasteurization produced in the State of Texas for human consumption, subject to and in compliance with the rules and regulations of that jurisdiction and that under such rules and regulations is producing Grade A pasteurized milk and Grade A raw milk for pasteurization, shall, if it is found that such milk is being produced under such statutes, ordinances, rules and regulations as high or higher than those governing the production of Grade A pasteur-

Section 3. The Texas Department of Health may be given full faith and credit shall be furnished by the Texas State Department of Health to all persons, officers, and inspectors authorized under the laws of this State or of any municipality within this State to approve, grant, or issue a permit for, or otherwise authorize Grade A pasteurized milk and/or Grade A raw milk for pasteurization to be imported into this State. Applications for permits authorizing the importation into the State of Texas of Grade A pasteur-
ized milk and/or Grade A raw milk for pasteurization may be made to any person, officer, or inspector authorized under the laws of this State or of any municipality within this State to grant or issue a per-
mit for or otherwise authorize Grade A pasteurized milk and/or Grade A raw milk for pasteurization to be imported into this State, provided, however, that all such permits or other authorizations shall be issued as certifications upon forms furnished by the Texas State Department of Health. Any permit issued either by a local officer or inspector may be revoked at any time by the Texas State Department of Health upon a finding by the Department that milk imported into the State of Texas for human consumption is not being produced under the require-
ments and conditions set out herein.

Section 4. Any person, officer, or inspector who shall issue a permit authorizing the importation of Grade A pasteurized milk and/or Grade A raw milk into the State of Texas for human consumption for pasteurization except upon the basis of the certification or affidavit of an au-
thorized inspector or officer of the State from which such milk is sought to be imported, who is approved by the Texas State Department of Health as being entitled to full faith and credit, that the applicant is sub-
ject to and is complying with the rules and regulations of that juris-
diction and that under such rules and regulations is producing Grade A pasteurized milk and Grade A raw milk for pasteurization, shall, if it is found that such milk is being produced under such statutes, ordi-

ances, rules and regulations as high or higher than those governing the production of Grade A pasteur-
ized milk and Grade A raw milk for pasteurization in Texas, be subject to the same fines and penalties to which he would be subjected for giving a false certificate with regard to milk being produced in Texas. No Grade A raw milk for pasteurization and/or no Grade A pasteurized milk shall be imported into this State under a certificate or authorization of a non-resident person, officer, or inspector unless such certification or authorization is signed by a person, officer or inspector of the State from which each milk is sought to be imported, who has been approved by the Texas State Department of Health; and the Texas State Department of Health shall use all presently existing powers and authority, as well as any authority conferred upon it under the provisions of this Act to ascertain and determine if milk imported, or sought to be imported into this State complies with the health standards provided for at any place herein, and to this end, shall whenever determined necessary periodically direct on the spot checking of any such milk whether produced outside or inside the State of Texas, or the area of production, in order to determine if such milk complies with the provisions of this Act and with the health standards, rules and regulations governing the production of milk in Texas.

Section 6. If any section, subsection, sentence, clause, phrase, word, or part of this Act or the applications thereof are for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act, and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, word, or part thereof despite the fact that one or more section, subsection, sentence, clause, phrase, word, or parts thereof be declared unconstitutional. The Legislature further declares that this Act shall not be in conflict with or repeal any provisions of the Texas Milk Grading and Labeling Law, Acts of the 46th Legislature, Regular Session, 1937 (codified as Article 166-3, Vernon's Annotated Civil Statutes).

Section 7. The effective date of this Act shall be October 1, 1961.

Section 8. The importance of this legislation and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after October 1, 1961, and it is so enacted.

Mr. McIlhaney moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 217.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on Senate Bill No. 217 prevailed.

COMMITTEE MEETING

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

There was no objection offered.

RECORD OF VOTE

Mr. Bailey requested to be recorded as voting "yea" on adoption of Conference Committee Report on S. B. No. 217.

RECORD OF VOTE

Mr. Latimer requested to be recorded as voting "yea" on adoption of Conference Committee Report on S. B. No. 217.

RECORD OF VOTE

Mr. Crain requested to be recorded as voting "yea" on the Conference Committee Report on S. B. No. 217.

RECORD OF VOTE

Mr. Lewis requested to be recorded as voting "nay" on the Conference Committee Report on S. B. No. 217.

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.
HOUSE JOINT RESOLUTION NO. 30 ON PASSAGE

Mr. Dungan moved that all the necessary rules be suspended for the purpose of taking up and considering the resolution. The motion prevailed by the necessary two-thirds vote.

The Speaker told before the House, as postponed business, on its passage.

H. J. R. No. 30, A Joint Resolution "Proposing an amendment to Section 9 of Article 3 of the Constitution of the State of Texas to provide special assembly of members-elect of the House of Representatives for the purposes of taking the oath of office and the election of the Speaker."

The resolution was read second time on May 3 with an amendment offered by Mr. Dungan, and a substitute amendment for the amendment by Mr. Cotton, pending. Further consideration was postponed until May 3.

The pending amendments were withdrawn.

Mr. Dungan offered the following amendment to the resolution:

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

Strike out all below the resolving clause and substitute in lieu thereof, the following:

Section 1. That Section 9 of Article 3 of the Constitution of the State of Texas be amended to read as follows:

"Section 9. The Senate shall, at the beginning and close of each session, at such other times as may be necessary, elect one (1) of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The Secretary of State shall assemble the members and members-elect as they may be of the House of Representatives at high noon on the thirtieth (30th) day following each general election for the purpose of administering the oath of office, if necessary, and the election of the Speaker for the ensuing Legislature. The Secretary of State shall administer the official oath to representatives-elect whose certificates of election have been duly filed in accordance with law and who have not previously taken the prescribed oath of office, and shall conduct the election of the Speaker by secret written ballot. The Secretary of State shall declare elected, and administer the oath of office, as Speaker of the House to the member receiving a majority of the votes of the members voting. The Legislature shall make provisions for travel and other necessary expenses of members and members-elect, as they may be, attending this assembly at the call of the Secretary of State, each house of the Legislature shall choose its other officers at the beginning of each Regular Session."

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

"For the Constitutional Amendment providing for special assembly of the members and the members-elect, as they may be, of the House of Representatives for the purposes of taking the oath of office and the election of the Speaker."

"Against the Constitutional Amendment providing for special assembly of the members and members-elect, as they may be, of the House of Representatives for the purposes of taking the oath of office and the election of the Speaker."

Sec. 3. Should the Legislature enact legislation in anticipation of the adoption of this Amendment such legislation shall not be invalid by reason of its anticipatory character.

Sec. 4. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and the laws of this State.
Mr. Wells offered the following substitute amendment for the amendment by Mr. Dungan:

Amend the Dungan substitute by striking out all below the Resolving Clause and substituting in lieu thereof the following:

Section 1. That Section 9 of Article III of the Constitution of the State of Texas be amended to read as follows:

"Section 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one (1) of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disablement of that officer; and whereas the said office of Lieutenant Governor shall be vacant during the last week of any regular session, the House of Representatives shall elect a Speaker from its own members whose term of office as Speaker shall commence at the next general election. If the Speaker is unable to serve, the House of Representatives shall, when it first assembles, organize temporarily, and thereafter proceed to the election of a Speaker from its own members; and each House shall choose its other officers. This provision shall be self-enacting."

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

"FOR the Constitutional Amendment providing for a Speaker election during the last week of any Regular Session."

"AGAINST the Constitutional Amendment providing for a Speaker election during the last week of any Regular Session."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.
Mr. Dungan moved to reconsider the vote by which H. J. R. No. 30 was passed and to table the motion to reconsider.
May 25, 1961 HOUSE JOURNAL 2569

The motion to table prevailed.

TO REQUEST A STUDY RELATIVE TO TELEPHONE RATES

The Speaker laid before the House for consideration at this time, H. C. R. No. 108, To request a study relative to telephone rates.

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

A record vote was requested on the adoption of H. C. R. No. 108.

H. C. R. No. 108 was adopted by the following vote:

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Adams of Lubbock, Adams of Titus
the printed bill and substituting in lieu of this section the following:

"(6a) Allocation of unclaimed aircraft fuel refunds to Available School Fund. Each month the Comptroller, after making the deductions for refund purposes as provided in Article 9.15, Section (13) of this Chapter, shall determine as accurately as possible the number of gallons of motor fuel used in aircraft upon which motor fuel tax has been paid to the State, and upon which refund of the tax thereon has not been made and against which a six (6) months limitation has run for filing claim for refund of said tax (called 'unclaimed refunds'), and from the number of gallons so determined the comptroller shall compute the amount of taxes that would have been refunded under the law had claims for the same been filed in accordance with the law, and shall allocate and deposit such unclaimed refunds in the State Treasury, allocated, deposited, and set aside in such Treasury to the credit of the Available School Fund."

Mr. Pearcy moved the previous question on the pending amendment and the passage to third reading of S. B. No. 10.

A record vote was requested on the motion for the previous question. The motion for the previous question prevailed by the following vote:

Yea—100


Nay—13

May 25, 1961

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MOTION TO PLACE SENATE BILL NO. 10 ON THIRD READING

Mr. Cole of Hunt moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 10 be placed on its third reading and final passage.

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

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Mr. Cole of Hunt moved to reconsider the vote by which S. B. No. 10 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

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

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

Mr. Jones of Dallas moved that the House recess until 8:30 o'clock p.m. today.

Mr. Pearcy moved that the House adjourn until 10:30 o'clock a.m. tomorrow.

The motion to adjourn 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 adjourn the House at 7:11 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.