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. Peary 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.

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**SEVENTY-SECOND DAY**

*(Friday, May 26, 1961)*

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

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

Mr. Speaker: Barnes

Adams of Lubbock: Bartram

Adams of Titus: Bas

Alans: Bell

Allen: Berry

Andrews: Bale

Atwell: Bell

Baird: Bridge

Ballman: Buchanan

Baughfield, Mrs.: Burgess

Barlow: Butler

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**Present**

Harrington: Preston

Haynes: Price

Hinson: Rapp

Husker: Ratcliff

Hughes: Richards

Hughes of Grayson: Richardson

Hughes of Dallas: Ross

James: Rosson

Jamison: Rendahl

Johnson of Bexar: Shannon

Johnson of Bell: Shipley

Jones of Dallas: Slab

Jones of Travis: Sluder

Kennard: Smith of Jefferson

Kipkiche: Seelson

Koeha: Spears

Koroth: Spellman

Lack: Springs

Lary: Stewart

Longoria: of Galveston

McCorpin: Stewart

McGregor of El Paso: Struve

Martin: Thurman

Miller: Thurmond

Moore: Townsend

Mullican: Trevor

Murphy: Tunnell

Niemeyer: Walker

Oliver: Wheatley

Parrs: Whitesell

Pearce: Wilson of Trinity

Peeler: Wilson of Potter

Pieratt: Woods

Pipkin: Nye

Allen: Healy

Andrews: Hollowell

Bell: Isaacs, Miss

Berry: Jarvis

Blaine: Johnson of Dallas

Boyens: Latimer

Budder: Balle of Valles

Cole of Harris: Lewis

Cory: McClanahan

Cotton: Markgraf

Cowen: Matychuk

Cowles: Nungesser

Crain: Osborn

Fletcher: Read

Gladden: Schram

Green: Ward

Grover: Watson

Harding: Wells

Haring: Tenak

Absent:

Alans: Petty

Atwell: Quilliam

Cole of Hunt: Roberts of Dawson

Leventon: Smith of Bexar

McGregor: of McLennan

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**Absent—Excused**

Barlow: Gibbens

Cannon: Roberts of Hill

Carrington: Rapp

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A quorum of the House was announced present.

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

"Heavenly Father, as we are facing the activities and opportunities of another day, may we be eager and not reluctant to do our duties. Keep us ever alert and make us willing to accept Thy divine guidance. Give us the will to keep our passions in control and the common sense to keep our bodies fit and healthy that we may be able to do what you have called us to do. Through Jesus Christ we ask this. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Thurman for today on motion of Mr. Collins.

Mr. Lary for today on motion of Mr. Green.

Mr. Cole of Hunt for today on motion of Mr. Price.

Mr. Jarvis for today on motion of Mr. Tunnell.

REMARKS ORDERED PRINTED IN JOURNAL

Mr. Hale moved that the remarks of Mr. Baldwin, in making a progress report to the House on H. B. No. 334, be printed in the Journal.

The motion prevailed by unanimous consent.

IN APPRECIATION OF COLLIER READ GRANBERRY

Mr. Ehrle offered the following resolution:

H. S. R. No. 749
Resolved, That the House of Representatives of the Fifty-seventh Legislature hereby expresses deep gratitude to Collier Read Granberry for his exceptional service as Parliamentarian and for his wonderful friendship which means so much to each Member: and, be it further Resolved, That an enrolled copy of this Resolution be given Collier Read Granberry with our awareness of his positive and constructive being, and his serene faith in us, both as individuals and as a concentrated power of courage and action.

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May 26, 1961

The motion prevailed.

TEXT OF SENATE AMENDMENTS
TO HOUSE BILL NO. 524

Senate Amendment No. 2

Amend H. B. 524 by striking all above the enacting clause and inserting in lieu thereof the following:

A BILL
To Be Entitled
"An Act amending Article 5436, Revised Civil Statutes of Texas, to provide for a Director and Librarian who shall be the executive and administrative officer of the Texas Library and Historical Commission; repealing Article 5440, Revised Civil Statutes of Texas; and declaring an emergency."

Senate Amendment No. 1

Strike all below the enacting clause in H. B. No. 524 and insert in lieu thereof the following:

Section 1. Article 5435, Revised Civil Statutes of Texas, is amended to read as follows:

"Art. 5435. The appointed members of the Commission shall be responsible for the adoption of all policies, rules and regulations so as to aid and encourage librarians, collect materials relating to the history of Texas and the adjoining states, preserve, classify and publish the manuscripts, archives and such other matters as it may deem proper, diffuse knowledge in regard to the history of Texas, encourage historical work and research, mark historic sites and houses and secure their preservation, and aid those who are studying the problems to be dealt with by legislation. The Commission shall appoint a Director and Librarian who shall perform all of the duties heretofore provided for the State Librarian, and all authority, rights and duties herefore assigned by statute to the State Librarian are hereby transferred to and shall be performed by the Director and Librarian. He shall be the Executive and Administrative Officer of the Commission and shall discharge all administrative and executive functions of the Commission. He shall have had at least two years training in library science or the equivalent thereof in library teaching or research experience and shall have had at least two years of administrative experience in library research or related fields. The Director and Librarian shall serve at the will of the Commission and shall give bond in the sum of $5,000 for the proper care of the State Library and its equipment. He shall be allowed his actual expenses when traveling in the service of the Commission on his sworn account showing such expenses in detail. The Director and Librarian shall appoint, subject to the approval of the Commission, an Assistant State Librarian, a State Archivist, and such other assistants and employees as are necessary for the maintenance of the Library and Archives of the State of Texas."

Sec. 2. Article 5440, Revised Civil Statutes of Texas, is repealed.

Sec. 3. The need to further delineate power and responsibilities of control and administration of the State Library and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend Caption to conform to body of bill.

TO NAME NANCY JANE LARY AS MASCOT OF THE HOUSE

Mr. Shannon offered the following resolution:

H. S. R. No. 747

Whereas, Nancy Jane Lary, born September 8, 1960, is a proper candidate for Mascot of the House of Representatives; and

Whereas, She is the delightful daughter of our most able fellow
Member, Yale Lary, and his lovely wife, Mary Jane, of Tarrant County, District 60, Place 1; and

Whereas, It is the desire of the House to give honor and recognition to the children of the Members of the House; now, therefore, be it

Resolved, That Nancy Jane Lary be declared Mascot of the House of Representatives of the Fifty-seventh Texas Legislature and that her picture be placed in the Panel with Members of the House.

The resolution was referred to the Committee on Rules.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 748, By Mr. Cannon: Congratulating Gene Byrd and Phyllis Helms.

H. S. R. No. 754, By Mr. Schram: Recognizing students of West End Elementary School, Taylor, Texas.

H. S. R. No. 754, By Mr. Schram: Recognizing students from St. Mary's Elementary School, Taylor, Texas.

H. S. R. No. 757, By Mr. Richards: Commending the San Antonio Police Department.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO MAKE CERTAIN STUDY RELATIVE TO THE TEACHING OF TEXAS AND AMERICAN HISTORY

Mr. McCoppin offered the following resolution:

H. S. R. No. 736

Whereas, There is a belief that there is not enough American History being taught to our students in their formative years, and many of the things being taught are not being followed to a final conclusion of thought, but in many cases are left dangling in the air; and

Whereas, There is need to return to the teaching of more Texas History, as well as American History, in order that our students may have an opportunity to fully understand the true meaning of American Liberty and the many freedoms that are inherent to our American way of life; and

Whereas, There is a need for study and recommendations on this important matter; now, therefore, be it

Resolved, That the Speaker of the House be instructed to appoint a committee of five members of the House of Representatives of the Fifty-seventh Legislature, at their own expense, to study this problem and to make any report they might agree upon to the Fifty-eighth Legislature with recommendations.

McCoppin, Bass.

The resolution was referred to the Committee on Rules.

H. S. R. No. 755, By Mr. Schram: SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 116

Mr. Jones of Dallas offered the following resolution:

H. C. R. No. 134

Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules be and the same are hereby suspended to allow either House to take up and consider Senate Bill No. 116 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 224

Mr. Preston offered the following resolution:

H. C. R. No. 135

Be it resolved by the House of Representatives, the Senate concurring, that the Joint Rules be and they are hereby suspended so that either House may take up and consider Senate Bill No. 224 at any time.

Preston, Hale.

The resolution was referred to the Committee on Rules.
May 26, 1961

TO EXPRESS POLICY OF THE HOUSE IN REGARD TO CERTAIN PROPOSED LEGISLATION IN CONGRESS

Mr. Dungan offered the following resolution:

H. S. R. No. 752

Whereas, On May 8th, 1961, Senator Clark of Pennsylvania and Representative Emanuel Celler of New York introduced in the U. S. Senate a series of six bills dealing with the Civil Rights question; and

Whereas, These bills represent a direct invasion of state's rights and local self-government; and

Whereas, The enactment of S. B. 1817 in particular, if enacted into law, could seriously disrupt the harmonious relations now existing between the different races, particularly in the South; and set progress back many years and could cause chaos, confusion and bloodshed, and prevent the accomplishment of the aims of the Democratic Party; and

Whereas, It is a fact that the local people are in much better position to handle their own school problems without interference from Washington; and

Whereas, It is believed that, if the Federal Government is allowed to enter into the public schools of the South as provided for in this bill, the local authorities would never regain control; and

Whereas, It is a proven fact that some of the ideas promulgated in this legislation would aid the communists in their efforts to weaken this nation by creating racial strife, internal discord and confusion and further weaken our country, thereby making it easier for them to carry out their plan of taking over, and

Whereas, The prestige of our nation among foreign nations has never been lower than at present, we feel that the Federal Government could better devote its time toward solving foreign problems rather than stirring up or creating more internal problems and now, therefore be it

Resolved, That the House of Representatives of the Texas Legislature so on record as opposing the passage of this legislation and be it further resolved that copies of this resolution be sent to all members of the Texas Delegation in Congress and to the President and Vice President and ask their support in defeating these bills.

Signed:


The resolution was referred to the Committee on Rules.

Mr. Dungan moved that all the necessary rules be suspended for the purpose of taking up and considering at this time H. S. R. No. 752.

A full reading of H. S. R. No. 752 was requested at this time.

The resolution was read.

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

The motion to suspend all necessary rules for the purpose of taking up and considering at this time H. S. R. No. 752 was lost by the following vote:

Yea-60

Adams of Lubbock, Healy
Adams of Titus, Allen
Atwell
Bailey
Ballman
Banfield, Mrs. Barnes
Bankfield, Mrs. Jarnes
Cannon
Chapman
Collins
Cowen
Cowles
Duff, Miss
Dungan
Ehrle
Fairchild
Glusing
Grover
Haynes

Nay-1

Hinson
Holliswell
Hughes
Grayson
James
Jamison
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Koliba
Lewis
Mc Coppin
Mc Gregor
McElhany
Mcintosh
Martin
Miller
The following House Bill was today laid before the House, read first time and referred to the appropriate Committee, as follows:

**HOUSE BILL ON FIRST READING**

Mr. LaValle (present), who would vote "Nay" with Mr. Thurman (absent), who would vote "Yea."

**REASON FOR VOTE**

This resolution was introduced about 20 minutes before we were called upon to vote. No opportunity was given to read the 6 bills which this resolution concerned. I voted to send these bills to committee so that I might have time to study the bills.

JAMES COTTEN,
JESSE M. OSBORN.

**REASON FOR VOTE**

H. S. R. 752—Reasons for voting: I voted "no" on suspension of rules for the purpose of considering H. S. R. 752 for several reasons. It is unreasonable to expect the House to consider six matters of legislation before the Congress without any opportunity to study them, especially at this late date in the session. Also, to use our time in memorializing Congress when no significance is attached to such action by Congress is the rankest violation of public trust for the sake of personal political gain.

NEIL CALDWELL.

**CONFERENCE COMMITTEE APPOINTED ON H. B. NO. 1103**

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 1103:

Mears, James, Chairman; Hughes of Dallas, Johnson of Dallas, Lewis and Ratcliff.

**HOUSE BILL ON FIRST READING**

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

H. B. No. 1136, A bill to be entitled "An Act defining the date upon which the annual salary of a member of the Texas House of Representatives shall commence: and declaring an emergency."

Referred to the Committee on Rules.

HOUSE BILL NO. 433 WITH SENATE AMENDMENTS

Mr. Cory moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendments to

H. B. No. 433, A bill to be entitled "An Act validating Calhoun County Drainage District No. 11 (eleven) and declaring the same to be a validly existing Conservation and Reclamation District under authority of Section 59, Article XVI, Constitution of Texas; providing said District shall be considered to be organized and existing for the sole purpose of reclamation and drainage of its overflowed lands and other lands needing drainage; etc., and declaring an emergency."

The motion prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 433

Senate Amendment No. 1

Amend H. B. 433 by deleting Section 5 thereof and substituting therefor the following:

Section 5. The management and control of the affairs of the District shall be vested in a Board of Drainage Commissioners, consisting of six members as hereinafter provided.

As soon as practicable after the effective date of this Act, the Commissioners Court of Calhoun County shall call an election by the qualified resident property paying voters of the District who have rendered their property for taxation in the election of six commissioners, who when elected and qualified shall constitute the governing body of the District. Such election shall be called and held as provided by the general law for the election of Directors of Water Control and Improvement Districts and the Commissioners Court of Calhoun County shall perform the same functions prescribed by the general law to be performed by Boards of Directors of such districts.

The two commissioners receiving the highest vote shall serve for six years. The two commissioners receiving the next highest vote shall serve for four years. The other two commissioners shall serve for two years. Upon the expiration of the respective terms of said commissioners, the successor of each and all of them shall be elected for a term of six years. All vacancies in the Board of Drainage Commissioners shall be filled by appointment of the Board of Drainage Commissioners for the unexpired term. In the event the number of commissioners shall be reduced to less than four, then the remaining commissioner or commissioners shall call a special election to fill said vacancies. Each Drainage Commissioner shall take the official oath of office and give a good and sufficient bond made payable to the District conditioned on the faithful performance of official duties of such commissioner in the amount of $5,000.00 within ten days after their election or appointment, and such bonds shall be approved by the Calhoun County Commissioners Court. The costs of such bonds shall be paid by Calhoun County, which shall be reimbursed when such District has funds available for such purpose.

Senate Amendment No. 2

Amend H. B. 433 by deleting Section 6 thereof and substituting therefor the following:

Section 6. The Drainage Commissioner for Place No. 1 must be a bona fide resident of and own land subject to taxation in that portion of Calhoun County Commissioners Precinct No. 1 which is included within the boundaries of the District. The Drainage Commissioner for Place No. 2 must be a bona fide resident of and own land subject to taxation in that portion of Calhoun County Commissioners Precinct No. 3 which is included within the boundaries of the District. The Drainage Commissioner for Place No. 3 shall be a commissioner-at-large and need only be a
Amend H. B. No. 433, as printed, by striking the figures 32,850 on line 66 of page 4 and substituting in lieu thereof the following: 33,700.

Amend H. B. No. 633, as printed, by striking the figures 59,150 on line 68, page 4 and substituting in lieu thereof the following: 37,500.

Amend caption to conform to body of bill.

SENATE BILL NO. 10 ON THIRD READING

Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 10 on third reading.

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 10, Relating to Taxation-General-Motor Fuel Tax; pertaining to refunds on motor fuel used for aircraft; and declaring an emergency.

S. B. No. 10 was read third time.

Mr. Collins moved the previous question on the passage of S. B. No. 10 and the main question was ordered.

S. B. No. 10 was then passed.

The Speaker announced that S. B. No. 10 was passed subject to the provisions of Section 19A, Article III of the Constitution.
Mr. Mullen moved to reconsider the vote by which B. B. No. 10 was passed and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE ON S. B. 10**

Senate Bill No. 10 which reallocates the tax on aviation gasoline one-fourth to the Available School Fund and three-fourths to the Texas Aeronautics Commission was today passed over my vote. Debate on the bill was cut off by the urging of the Speaker and a prompt motion for the previous question. Thus an amendment that was pending on the Speaker's desk was never considered and under this motion debate was not allowed.

I voted "no" because:

1. The State Aeronautics Commission requested in the Executive Budget submitted by the Governor a request for $78,400 each year for the next two years for its operation. This is a total of $156,800. The previous year the Commission had to struggle along with only $35,033 the first year and $35,573 the second, a total of $70,606. The Appropriations Committee of the House apparently did not think too much of the request since they submitted to the Appropriations bill an appropriation for 1962-63 of $43,246 each year for the next two years.

2. Of course, if the Aeronautics Commission can properly claim it should have these increases, then it must justify the expenditure of this money. Texas today has crying needs. Citizens of my district write me continually requesting training for deaf children, help with mentally retarded, increasing the quality of education by aiding the schools to secure and maintain adequate and well-trained teachers. Arguments have shown that our hospitals are antiquated, overcrowded and a disgrace to a State as powerful and wealthy as Texas. With this in mind let us see just what the Texas Aeronautics Commission contributes to our mutual welfare:

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<td>1. The State Aeronautics Commission operates at the teachers colleges and operates a mobile unit and lecture immediately one would wonder why the officials under the Federal Aid Airport Act and the municipal officials did not have sense enough to carry out this Act by themselves, but that is a moot question now. Now its functions are to:</td>
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<td>2. Represent the State before the Civil Aeronautics Board</td>
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<td>3. Distribute information, maps, etc., to those requesting them</td>
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<td>4. In agricultural aviation, it cooperates with the Federal Government for airways facilities</td>
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<td>5. Aids small airports to secure authorization, assesses, from the Federal Government for airways facilities</td>
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<tr>
<td>6. Promotes air-age education. It has used a mobile unit and a lecture at the teachers colleges to carry out this function and supplies material for use in elementary and secondary schools</td>
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<td>7. Charged with mobilizing civil aviation in a military emergency. I hope we never have to test them in this capacity but if ever we do, I would feel much safer in the hands of the United States Air Force</td>
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<td>8. Inventories pilots, planes and airstrips in Texas. Who for and what for is undisclosed</td>
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   To summarize, the sum total adds up to a little bit more than nothing, but not much. In the last two legislatures there has been a concerted effort to abolish this agency.

   The amendment I placed upon the Speaker's desk would have reallocated the yield from the unclaimed refunds of the aviation gasoline tax, 90% to the Available School Fund and 10% to the Aeronautics Commission.
HOUSE JOURNAL

Mr. Ratcliff moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Joint Resolution No. 6.

(Mr. Korloth in the Chair.)

The motion to suspend the rules prevailed by the necessary two-thirds vote.

The Chair laid before the House, on its second reading and passage, S. J. R. No. 6, providing that school taxes theretofore voted in any independent school district, and major portion of which is within Dallas County, shall not be abrogated, cancelled or invalidated by a change in the boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change.

The resolution was read second time.

S. J. R. No. 6 was passed by the following vote:

Yea—110

Adams of Lubbock Bridges
Adams of Titus Butler
Allen Caldwell
Andrews Cannon
Atwell Chapman
Ballman Connell
Barcas Cook
Bartram Cory
Bass Cowan
Bell Cowies
Berry Crain
Blaine Currington
Boysen de la Garza

Nays—10

Duff, Miss Dugan
Backard
Birle
Farnick
Fiecher
Ford
Foreman
Garrison
Gilhens
Giaddden
Glass
Glasing
Green
Grover
Guice
Hale
Harding
Harrington
Haynes
Heady
Hixon
Holowell
Hosbmer
Hughes
Hughes of Grayson
Hughes of Dallas
James
Jamison
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Klipatrick
Koliba
Korloth
Lack
Latham
Leaverton
Lewis
Longoria
McCoppin
McGregor
McGregor of McLennan
McGregor of El Paso
McIntire
McIntyre
Miller
Miller
Moore

Present—Not Voting

Yea

Alanta
Balley
Banfield

Nays

Banks

Absent

Banfield, Mrs. Buchanan
Mr. Ratcliff moved to reconsider the vote by which S. J. B. No. 6 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETINGS

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

There was no objection offered.

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.

SENATE BILL NO. 192 ON SECOND READING

Mr. Caldwell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 192.

The motion prevailed by the necessary two-thirds vote.

The Chair laid before the House, on its second reading and passage to third reading, S. B. No. 192, Providing county-wide elections in order for a majority of the electorate in certain counties to abolish the office of county superintendent; and declaring an emergency.

The bill was read second time.

Mr. Slider moved the previous question on the passage of Senate Bill No. 192 to third reading and the motion was lost.

Mr. Caldwell offered the following amendment to the bill:

Amend Section 4 of S. B. No. 192 by adding after the word “1961” and before the word “and,” the words “or any other Acts of the 57th Legislature, Regular Session, 1961.”

The amendment was adopted.

Mr. Caldwell offered the following amendment to the bill:

Amend S. B. No. 192 by adding in the caption after the word “severability,” the words “repealing all laws in conflict.”

The amendment was adopted.

Mr. Chapman offered the following amendment to the bill:

Amend Senate Bill No. 192 by striking out Subsection (c) of Section 1, and substituting in lieu thereof the following:

“(c) Where the majority of the qualified electors approve the abolition of the office of the ex officio county superintendent and county school board, the duties of such abolished offices as may still be required by law shall be and become the duties of the office of county judge of said county upon the expiration of the current term of office of the ex officio county superintendent, and said county judge shall be entitled to nor receive any additional compensation as a result of these additional duties.”

The amendment was adopted.

Mr. Caldwell moved the previous question on the passage of S. B. No. 192 to third reading and the main question was ordered.

A record vote was requested on the passage of S. B. No. 192 to third reading.

S. B. No. 192 was passed to third reading by the following vote:

Yeas—105

Adams of Lubbock Bridges Adams of Titus Buchaman Allen Caldwell Bailey Chapman Ballman, Mrs. Colllins Barlow Counce Barnes Cook Ball Cory Blaine Cotten Broyse Owies

Nays—3
MOTION TO PLACE SENATE BILL NO. 192 ON THIRD READING

Mr. Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 192 be placed on its third reading and final passage.

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

Year—108

Adams of Lubbock Grover
Adams of Titus Guffey
Alanae Hale
Allen Harding
Andrews Harrington
Bailey Harlington
Ballman Hayes
Banfield, Mrs. Healy
Barlow Hinson
Barnes Hollowell
Bell Huesker
Blaine Isaacks, Miss
Boyces James
Bridges Johnson of Bexar
Buchanan Johnson of Bell
Calodwell Kenard
Carriker Kilpatrick
Chapman Kortob
Cole of Harris Latimer
Collins La Vallee
Connell Leaverton
Cook Longoria
Cooten McCoppln
Cowen McGregor
Crowe of McLennan
Grain McGregor
Curington of El Paso
Duff, Miss Markgraf
Dungan Martin
Eckhardt Miller
Floyd Moore
Garrison Mullen
Gladden Murray
Glass Oliver
Gustafson Osborn
Green Peary

Nays—54

Andrews Jones of Dallas
Artwell Jones of Travis
Bartram Kolbe
Baas Lack
Bay Lewis
Burgess Mutchers
Butler Niemeier
Cannon Nugent
Daye Parsons
Dyer Piersall
Fairchild Ratliff
Fletcher Springer
Foreman Tunnell
Hughes of Grayson Thurmond
Hughes of Dallas Ward
Jamison Weadley
Johnson of Dallas Yeak

Absent

Cowen Smith of Jefferson
Healy Stewart
Roberts of Dawson of Wichita
Black

Absent—Excused

Cole of Hunt Lare
Jarvis Thurman
Mr. Spilman moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 165.

The motion prevailed by the necessary two-thirds vote.

The Chair laid before the House, on its second reading and passage to third reading, S. B. No. 165, Relating to investment of Permanent School Fund; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. 165, by adding a new paragraph (d) at the end of Section 1, to read as follows:

"(d) Notwithstanding any other law, or any other provision of this Act, each of the funds may be invested by the Board in first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States, as amended from time to time, or in any other first lien real estate mortgage securities guaranteed in whole or in part by the United States Government or any agency thereof. In the interest of diversification of investment of such funds it is hereby declared to be the intent of the Legislature and the Board is hereby directed to invest a portion of each of said funds in such first lien real estate mortgage securities."

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

Amend Committee Amendment No. 1 to Senate Bill 165 by deleting the last sentence of paragraph (d), Section 1.

The amendment was adopted.

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

S. B. No. 165 was then passed to third reading.

SENATE BILL NO. 165 ON THIRD READING

Mr. Spilman moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:
Yeas--129

Townsend Wells
Trieve Whitefield
Tunnell Wilson of Trinity
Walker Wilson of Potter
Ward Woods
Watson Yesk

Nays--4

Collins Nugent
Haring Roberts of Hill

Absent

Adams of Titus Niamsayer
Buchanan Ratliff
Cotten Roberts of Dawson
Heady Smith of Jefferson
Johnson of Dallas Wheatley

Absen—Excused

Cole of Hunt Larry
Jarvis Thurman

Mr. Spilman moved to reconsider the vote by which S. B. No. 185 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

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

There was no objection offered.

LEAVE OF ABSENCE GRANTED

Mr. Allen was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Adams of Titus.

HOUSE BILL NO. 1136 ON SECOND READING

Mr. Dungan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1136 be placed on its second reading and passage to engrossment and on its third reading and final passage.
<table>
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<td>The Chair laid before the House, on its second reading and passage to engrossment,</td>
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<td>H. B. No. 1136, A bill to be entitled</td>
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| "An Act defining the date upon which the annual salary of a member of the Texas House of Representatives shall commence, and declaring an emergency."
| The bill was read second time. |
| Mr. Preston offered the following amendment to the bill: |
| Amend H. B. No. 1136 by striking out all below the enacting clause and inserting the following: |
| "Section 1. A member of the Texas House of Representatives shall receive an annual salary of Four Thousand Eight Hundred Dollars ($4,800), as provided for in Section 24 of Article III of the Constitution of Texas, beginning on January 1 of the year following the year of his election at a General Election. The salary shall be paid in monthly installments of Four Hundred Dollars ($400), less any authorized deductions, on warrants issued by the Comptroller upon authorization of the Speaker of the House and the Chief Clerk of the House. |
Sec. 2. A member of the House of Representatives elected at a Special Election shall commence receiving his salary at the same rate as provided in Section 1 hereof upon being sworn into office.

Sec. 3. The fact that the date on which the annual salary of members of the House of Representatives should commence is uncertain creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

H. B. No. 1136 was passed to engrossment.

RECORD OF VOTE
Mr. Wells requested to be recorded as voting no on the passage of H. B. No. 1136 to engrossment.

HOUSE BILL NO. 1136 ON THIRD READING
The Chair laid before the House, on its third reading and final passage, H. B. No. 1136.

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

Yeas—110
Harding
Harrington
Hays
Healy
Hill
Hughes
Hughes of Dallas
Hutchins
James
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones
Kilpatrick
Kolbe
Koroth
Lack
Lairner
Leaverton
Lewis
Longoria
McCuypa
McGregor
McGregor of McLennan
McGregor of El Paso
Molthany
Martin
Miller
Moore
Mullen
Murray
Mutchor
Niemeyer
Oliver

Nays—31
Batley
Boysen
Butler
Caldwell
Cannon
Carriker
Cotten
Cowan
Crain
Foreman
Haring
Hollowell
Hoober
Jamison
Johnson of Dallas
Jones of Travis
La Valle

Absent

Allen

Affirmative—281

Allen of Hunt
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Mr. Dungan moved to reconsider the vote by which H. B. No. 1136 was passed and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE SENATE BILL NO. 400 ON SECOND READING

Mr. McLlhany moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 400.

The motion was lost, not receiving the necessary two-thirds vote, by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>82</td>
<td>46</td>
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</table>

Present—Not Voting

Crain
Teak
Absent

Bartram
Roberts of Dawson
Absent

Chapman
Black

Collins
Miller

Cowen
Oliver

Curington
Peele

de la Garza
Phipkin

Dungan
Quilliam

Eckhardt
Rapp

Elliott
Ratcliff

Fairchild
Red

Floyd
Richardson

Foerster
Richardson

Garrison
Roberts of Hill

Gladden
Sandahl

Gliick
Smith of Bexar

Gmage
Smith of Jefferson

Harding
Springer

Harrington
Stewart

Haynes
Stewart

Healy
of Wichita

Hines
Brave

Hollowell
Thurmond

Watson
Wilson of Trinity

Wheatley
Wilson of Trinity

Yeas—46

Andrews
Markgraf

Bush
Munroe

Blaine
Murray

Buchanan
Musecker

Chapman
Niemeyer

Cory
Nugent

Cotten
Pearcy

Crews
Petty

Dewey
Prescom

Duff, Miss
Price

Fletcher
Richards

Grover
Ross

Guiff
Schram

Haxing
Shannon

Hudson
Shipley

Hughes of Dallas
Silder

Isacks, Miss
Slocum

Jamison
Townsend

Johnson of Bell
Trevino

Kilpatrick
Ward

Koliba
Whitefield

McGregor of McLennan
Woods

Markgraf

Present—Excused

Allen
Crain

Lary
Note Voting

Of the House that the Committee on Revenue and Taxation be permitted to meet at this time. There was no objection offered.

MESSAGE FROM THE SENATE

Austin, 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 refused to concur in House Amendments to Senate Bill No. 249 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: Willis, Dies, Moore, Lane, Hardeman.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 385 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: Baker, Hardeman, Lane, Martin, Dies.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1049.

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

Senators: Owen, Ratliff, Roberts, Moore, Gonzales.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on H. B. No. 1049 by viva voce vote.

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

S. C. R. No. 75, To allow either House to take up S. B. No. 116 at any time.

S. C. R. No. 76, Requesting the Governor to return S. C. R. No. 80 to the Senate for correction.

S. C. R. No. 78, Recalling H. B. 1095 from the Governor's office.

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

BILLS SIGNED BY THE SPEAKER

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

S. B. No. 80, An Act 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.

S. B. No. 81, An Act amending Chapter 404, Acts of the 46th Legislature, Regular Session, 1937, (codified as Article 3771a, Vernon's Texas Civil Statutes) by adding a new section to be numbered 12a to provide for the certification of certain persons as an Engineer-in-Training; and declaring an emergency.

S. B. No. 107, An Act relating to liens for persons, firms, lumber dealers, or corporations, artisans, laborers, mechanics, subcontractors who labor, specially fabricate material or furnish labor or material for certain construction or repair works; creating liens to secure payment; defining the meaning of certain words and terms used in this Act; prescribing the manner of fixing and securing liens; establishing a lien for certain specially fabricated materials contracted for; establishing a procedure for the retention of funds and the payment of claims; providing for forms for claims; establishing a procedure for giving notice of claims; requiring the original contractor to defend certain suits; providing for the accrual of indebtedness; providing for the equity of liens and establishing a preference for liens of artisans and mechanics perfected as herein provided; permitting a bond to be filed for the payment of liens or claims and establishing the procedure for the filing of such bond and the perfecting and payment of claims; amending Articles 5452, 5453, 5454, 5455, 5456, 5457, 5458 and 5459 of Title 90 of the Revised Civil Statutes of Texas, 1935; repealing Articles 5455, 5456, 5457 and 5458 of Title 90 of the Revised Civil Statutes of Texas, 1935; etc., and declaring an emergency.

S. B. No. 115, An Act to amend Section 93 of House Bill No. 6, Acts of the 56th Legislature, Regular Session, so as to provide that all applica-
tion fees and license fees collected under this Act shall be deposited in the Treasury and there set apart subject to appropriation by the Legislature for uses and purposes prescribed by the Act; and declaring an emergency.

S. B. No. 164, An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957, as amended; providing for standards in the quality of eggs; providing for the licensing of egg retailers, dealer-wholesalers, processors and brokers; providing for the deposit of fees collected; making provisions relating to the administration of the Act; etc., providing for severability; and declaring an emergency.

S. B. No. 196, An Act amending Article 7322 of the Revised Civil Statutes of Texas, 1925, as amended, relating to attorney's fees in suits for delinquent taxes; and declaring an emergency.

S. B. No. 240, An Act providing that the remaining balance of the sum of money heretofore appropriated to the Department of Corrections in Item 92 of the appropriation to the Department of Corrections in House Bill No. 4, Acts of the 55th Legislature, Third Called Session, 1959, Chapter 23, may be expended by the Department of Corrections for the purposes stated in Item 92 of the appropriation to the Department of Corrections in House Bill No. 4, Acts of the 56th Legislature, Third Called Session, 1961, Chapter 23 in addition to the purposes stated in Item 92 of the appropriation to the Department of Corrections in House Bill No. 4, Acts of the 56th Legislature, Third Called Session, Chapter 23, etc., and declaring an emergency.

S. B. No. 225, An Act relating to the exemption of property owned by a church and used as the dwelling place for the ministry; amending Section 1 of Chapter 44, Acts 41st Leg., Reg. Sess., 1931 (which is compiled as Vernon's Texas Civil Statutes, Article 7150b); and declaring an emergency.

S. B. No. 224, An Act amending Subsection b of Section 4 of Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended, to provide for the inclusion of military duty in World War II in calculating retirement benefits; and declaring an emergency.

S. B. No. 267, An Act to provide that the taking and carrying away of merchantable timber of a value of less than One Hundred Dollars ($100) shall be subject to a fine and/or jail sentence; amending Article 1379 of the Penal Code of Texas, 1925, as amended; and declaring an emergency.

S. B. No. 268, An Act creating (Upper Leon River Municipal) Water District, a conservation District under Article XVI, Section 59 of the Constitution, comprising initially the territory contained within the cities of Comanche, DeLeon, Dublin, Gorman, Hamilton, Hico, and Stephenville, for the purpose of providing a source of water supply for municipal, domestic, and industrial uses and processing and transporting such water; authorizing provision of sewage treatment and disposal facilities as an aid to conservation of water; providing for the annexation of additional territory; providing for a Board of Directors for the government of the District; providing for elimination of 'Potential Cities' and defining status of 'Definitive Cities', etc., and declaring an emergency.

S. B. No. 275, An Act authorizing the county board of school trustees of any county over 100,000 population, according to the most recent Federal census to create a separate independent school district to contain any city assumed or controlled school district in the county where such district extends beyond the city limits; providing that when an independent school district is so created the city assumed or controlled school district in the county where such district extends beyond the city limits; providing that when an independent school district in so created the city assumed or controlled school district shall cease to exist; making provisions as to the assets and liabilities of such former city assumed or controlled school district; etc., and declaring an emergency.

S. B. No. 278, An Act amending Chapter I of H. B. 11, Article 20.01, Subsection b, Acts of 1959, Fifty-sixth Texas Legislature, 3rd Called Session, defining "component part" repealing all laws or parts of laws
S. B. No. 309, An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, to be known as the "Palo Pinto County Municipal Water District No. 1," for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial and mining uses and processing and transporting the same; etc., and declaring an emergency.

S. B. No. 309, An Act making it unlawful to obtain telecommunication service with the intent to defraud any individual, corporation or other person of the lawful charges, in whole or in part, therefore, through the use of false or unauthorized or fictitious telephone numbers or credit card numbers or a code or prearranged scheme or by any other trick, false representation or means; prescribing penalties for violation; providing venue; providing for severability and declaring an emergency.

S. B. No. 356, An Act relating to filing fees for candidates for all State-wide elections, amending Article 221 and Sub-article (b) of Article 192 of the Election Code of Texas, 1951, as amended, and declaring an emergency.

S. B. No. 352, An Act amending Section 8 of Chapter 69, page 94, Acts of the 48th Legislature, Regular Session, 1943, as amended, and codified as Article 1772a of Vernon's Civil Statutes, providing for the limiting of hours of labor and the prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency.

S. B. No. 376, An Act amending Sections 5 and 6 of Chapter 953, Acts of the 56th Legislature, Regular Session, 1959, which are codified respectively as Sections 6 and 8 of Article 6086d, Vernon's Texas Civil Statutes; relating to licenses for certain persons, activities and objects covered by the Act; and relating to the categories for assessing fees for such licenses; and declaring an emergency.

S. B. No. 424, An Act amending Section 21 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1959, as amended by Section 5 of Chapter 216, Acts of the 41st Legislature, Regular Session, 1959, (codified as Article 785-21, Vernon's Annotated Civil Statutes of Texas), by providing that all petitions for organization of a district must be accompanied by a deposit of Two Hundred and Fifty ($250.00) Dollars for the use of the State; that no part of such deposit shall be returned unless petitioners withdraw said petition prior to the hearing thereon; and declaring an emergency.

S. B. No. 435, An Act amending Section 1 of Chapter 351, Acts of 1953, Fifty-third Legislature, as amended by Chapter 418, Acts 1957, Fifty-fifth Legislature (which is codified in Vernon's Texas Civil Statutes as Article 2445c) so as to require the Governing Boards of the several state institutions of collegiate rank to follow rules, regulations, and interpretations of the Commission on Higher Education respecting non-resident student tuition or registration fees required by law; providing that copies of such rules, regulations, and interpretations prepared by said Commission shall be furnished to public junior colleges; authorizing the reclassification of a "non-resident" student twenty-one (21) years of age or over as a "resident student" upon conclusive evidence that he is in fact a legal resident of Texas; and declaring an emergency.

S. B. No. 432, An Act amending Article 342-104 of the Texas Banking Code of 1943, same being Acts of the Forty-eighth Legislature, Chapter 87, by changing the qualifications of certain members of the Finance Commission; and declaring an emergency.

S. B. No. 437, An Act amending Chapter 320, Acts of the 84th Legislature, Regular Session, 1959 (Article 2745c, Vernon's Texas Civil Statutes), to add a provision authorizing the use of voting machines for absentee voting for school trustees in counties where voting machines have been adopted; repealing conflicting laws to the extent...
of conflict; and declaring an emergency.

S. B. No. 444, An Act amending Section 1 of Chapter 37, Acts of the Forty-First Legislature, Second Called Session, 1929 (codified as Article 7257a, Vernon's Annotated Civil Statutes of Texas), to authorize the Board of Water Engineers of the State of Texas, to make studies and investigations of and reports on water-bearing formations and the sources, amount and quality of the underground water supply in Texas and on feasible methods to conserve, preserve, improve the quality of and supplement said supply; providing for exploration and investigation by coring or other mechanical or electrical means or by contracting therefor; providing severability; and declaring an emergency.

S. B. No. 447, An Act to amend Section 13 of Senate Bill No. 261, Acts of the 57th Legislature, Regular Session, 1961, relating to the filing and docketing of cases in the County Criminal Court of Tarrant County and County Criminal Court No. 1 of Tarrant County; the transferring of cases and authorizing an acting Judge in certain instances; and declaring an emergency.

S. B. No. 453, An Act amending Subsection (a) of Section 15 of Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, compiled as Subsection (a) of Section 15 of Article 4477-1, Vernon's Annotated Civil Statutes, so as to grant authority to the state Department of Health to approve additional methods of disinfectant to be maintained in public swimming pools; and declaring an emergency.

S. B. No. 461, An Act relating to recordation of subdivisions plats in certain counties; amending Section 1 of Chapter 436, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency.

S. B. No. 464, An Act amending Chapter 181, Sections 1, 2 and 3, Acts 1945, 49th Legislature, Regular Session, page 254 (codified as Article 7258a, Vernon's Annotated Civil Statutes), authorizing any Independent School District, heretofore created special law to select and designate its own school depository or depositories, assessor and collector of taxes, and to have the management of its school affairs subject to certain supervision and appellate jurisdiction; providing that this Act shall not affect, supersede, or change any of the provisions of Article 2763, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S. B. No. 465, An Act repealing Chapter 192, Acts of the 55th Legislature, 1957, which provides for the appointment of an assistant district attorney for the district attorneys of the 42nd and 104th Judicial Districts; and declaring an emergency.

COMMITTEE MEETING

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

There was no objection offered.

SENATE BILL NO. 212 ON THIRD READING

Mr. Bridges moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 212.

The motion prevailed by the necessary two-thirds vote.

The Chair laid before the House, on its third reading and final passage, S. B. No. 212, Relating to classes of group life insurance policies that may be delivered in this state, by adding thereto a provision for an additional class of policies for the benefit of certain employers and employees; and declaring an emergency.

The bill was read third time.

Mr. McGregor of El Paso offered the following amendment to the bill:

Amend Paragraph (4) (b) of Section 1 by changing the period at the end thereof to a semicolon, and adding thereafter the following:

"; or (3) the members of a credit union or credit unions covering at
The amendment was adopted.

Mr. Latimer offered the following amendment to the bill:

Amend Senate Bill No. 312 by adding thereto a new section to be numbered Section 2 and re-numbering the remaining Section.

Section 2. The Insurance Code of the State of Texas is hereby amended by adding immediately after Article 21.11 a new article to be known as Article 21.11-1 which shall read as follows:

"Article 21.11-1. Commissions to Resident Agents on Group Insurance Plans Written Out of State. Every insurer issuing through a nonresident agent or broker, a contract of group life, group endowment, group annuity, or group health or accident insurance, which insures the employees of a Texas unit shall have every certificate issued for delivery to any employee of the unit under the contract countersigned in Texas by a duly licensed bona fide resident agent of the State of Texas who is authorized to write the type of coverage being issued and who is not an officer, employee, or member of the group insured or an employee of the employer of the group insured. If the contract has been countersigned by such a resident agent, the counter-signature of each individual certificate is not required. The counter-signing agent shall receive a commission of not less than fifty percent (50%) of the agent’s first year and renewal commissions paid by the insurer because of the inclusion in the group of the employees of the Texas unit."

(Speaker In The Chair)

The amendment by Mr. Latimer was lost.

Mr. Peeler offered the following amendment to the bill:

Amend Senate Bill No. 312 by adding on Page Two (2), at Line 61, the following after the word "members":

"or (3) members and their employees of an association formed and operated in good faith primarily for the promotion of the best interests of its members and for purposes other than procuring insurance."

The amendment was lost.

Mr. Pipkin moved the previous question on the final passage of S. B. No. 312 and the main question was ordered.

S. B. No. 312 was then passed.

Mr. Bridges moved to reconsider the vote by which S. B. No. 312 was passed and to table the motion to reconsider.

The motion to table prevailed.

AUTHORIZING CERTAIN CORRECTION IN H. B. NO. 881

Mr. Mutcher offered the following resolution:

H. C. R. No. 186

Whereas, House Bill No. 881 has passed the House and was amended in the Senate; and

Whereas, For the purpose of clarification a certain correction is necessary in Senate Amendment No. 4; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the House Enrolling and Engrossing Clerk be, and is hereby, instructed to change the word “Act as it appears in Senate Amendment No. 4 to read “Section.”

The resolution was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 196, “An Act to relieve from liability for civil damages persons who render emergency care at the scene of an emergency; providing certain exceptions; and declaring an emergency.”
H. B. No. 1114, An Act authorizing power and authority to the City of Corpus Christi to lease certain submerged lands described herein which the State of Texas heretofore relinquished its right, title and interest to the City of Corpus Christi, without restriction as to private or public use, to any person, firm, or corporation, public or private, owning lands, land fill or shore area adjacent to the described submerged lands, for any period or term not to exceed fifty (50) years, and upon whatever terms, conditions and consideration as is deemed proper by the governing body of the City; declaring restrictions to be contained in lease instrument; re-serving to the public the use of waters, embraced in said lease; authorizing the lease of such submerged lands after election thereon, and repealing and superseding any conflicting charter provision, insofar as these certain submerged lands are concerned, or any existing conflicting Act; describing the submerged lands to which this Act applies; repealing any laws or provisions of City Charter in conflict herewith, and making this Act cumulative; providing that this Act shall not be construed to grant or convey to the City of Corpus Christi the title to any oil, gas or other mineral which was not already owned by such City; providing for conflict or unconstitutionality in this Act; repealing all laws in conflict; and declaring an emergency.

H. B. No. 142, "An Act amending Section 4, Section 27, Section 28 and Section 30 of the Texas Mental Health Code, Chapter 245, page 605, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, and compiled as Vernon's Revised Civil Statutes of Texas, Articles 5547-4, 5547-25 and 5541-50, respectively; providing severability; and declaring an emergency."

H. B. No. 167, "An Act to amend Section 7 of Chapter 228, page 494, Acts of the Forty-ninth Legislature, Regular Session, 1957, as amended by Section 1 of Chapter 244, page 645, Acts of the Fifty-fifth Legislature, Regular Session, 1959 (compiled as Article 1011g of Vernon's Texas Civil Statutes), to provide that all cases to be heard by the Board of Adjustment of a city, town, or village will always be heard by a minimum number of four (4) members; and declaring an emergency."

H. B. No. 168, "An Act to amend Subsection (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the Fifty-third Legislature, Regular Session, Chapter 391, page 764 (compiled as Subsection (2) of Article 46e-3 of Vernon's Texas Civil Statutes) to expressly empower any political subdivision in which there is located an airport owned or operated by a defense agency of the Federal government or the State of Texas and any political subdivision in which there exists any airport hazard area appertaining to such an airport to create a joint airport zoning board; and declaring an emergency."

H. B. No. 159, "An Act exempting Freestone, Medina and Zavala Counties from the Act providing for an open archery season for certain animals; amending Section 2A of Chapter 189, Acts of the Fifty-sixth Legislature, Regular Session, 1959, as amended; and declaring an emergency."

H. B. No. 263, "An Act amending Article 4001 of the Revised Civil Statutes of Texas, 1925, to provide that the term merchandise in the Bulk Sales Law shall be construed as including, but not limited to, meat and other edible foods furnished to restaurants, cafes and cafeteria; providing the Act shall not apply to pending litigation; and declaring an emergency."

H. B. No. 185, "An Act making proof by either party to a civil suit of the existence of, or alongside any public thoroughfare of any traffic control device prima facie proof that such device had been lawfully installed by competent authority at the place of its location; and declaring an emergency."

H. B. No. 254, "An Act amending Sections 1 and 12 of Chapter 159, Acts of the Fifty-fourth Legislature,
Regular Session, 1955, to enable counties having a population of one hundred twenty thousand ($120,000) or more to establish the office of Medical Examiner; and declaring an emergency."

H. B. No. 296, "An Act to amend Section 1, Article 1160, of the Texas Penal Code, 1935, as amended, relating to the offense of assault with intent to murder; and declaring an emergency."

H. B. No. 234, "An Act amending House Bill No. 501, Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 204, codified as Article 6877-1 of Vernon's Civil Statutes, so as to provide that when a county furnishes the sheriff or his deputies with motor vehicles pursuant to the provisions of Subsection (b) of Section 1 of this Act that the sheriff or his deputies shall be compensated at a rate not to exceed six cents ($6¢) per mile, while engaged in the performance of their official duties; providing that this Act shall not repeal Subsection (a) of Section 1 which authorizes the Commissioners Court to furnish the sheriff or his deputies adequate motor transportation, including all expenses incidental to the upkeep and operation of such motor vehicles; etc., and declaring an emergency."

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

H. B. No. 479, "An Act 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 procedure and filing incident thereto; providing that items budgeted shall be paid from the Foundation School Fund except where otherwise payable in whole or in part from Federal and/or other special funds appropriated; providing that amount budgeted shall not exceed a fixed percentage of the total cost of the Foundation School Program annually estimated for purposes of the Foundation School Program Act; providing authority of the State Board of Education to accept grants to discharge responsibilities assigned; providing a severability clause and declaring an emergency."

H. B. No. 503, "An Act authorizing the State Parks Board to enter into lease agreements with local units of government under certain conditions; providing that the State Parks Board may transfer to the State Highway Department any area under its control deemed suitable for use as a roadside park; providing a severability clause; and declaring an emergency."

H. B. No. 511, "An Act authorizing the Governor, upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the maintenance of any Federally owned or operated military installation or facility; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 513, "An Act authorizing the Governor, upon recommendation of the State Highway Commission, to convey certain of the State's interests in certain lands when such interests are necessary for the construction, operation or maintenance of flood control, river and harbor improvement, water conservation, or other civil works projects of the United States; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 527, "An Act providing annual salary of Sixteen Thousand, Five Hundred Dollars ($16,500) for district attorneys of all counties of a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 551, "An Act amending Section 9 of the Texas Probate Code so as to expressly provide for the probate of wills as Muniments of Title; and declaring an emergency."
H. B. No. 600, “An Act creating a Conservation and Reclamation District under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as ‘Angleton Municipal Utility District’, prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.”

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H. B. No. 640, “An Act relating to the taking and transportation of minnows in certain counties; amending Chapter 46, Acts of the Forty-fourth Legislature, 1935, as amended, by adding Ellis County to those counties to which this Act shall apply; and declaring an emergency.”

H. B. No. 674, “An Act amending House Bill No. 125, Chapter 47 of the General and Special Laws of the State of Texas, Fiftieth Legislature, 1947, relating to the operation of vending stands on State property by blind persons so as to enlarge the economic opportunities of the blind, by adding a new Section to be known as Section 1 (a) authorizing the State Commission for the Blind to negotiate with heads of departments, boards or commissions as divisions of departments, boards or commissions for certain proceeds accruing from vending machines operated for profit by departments, boards or commissions and/or divisions of departments, boards or commissions, to accrue to the blind vending stand operator in said buildings, and declaring an emergency.”

H. B. No. 687, “An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in the County of Walker, amending Section 1 of Chapter 215, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that Act applicable to such County; repealing certain laws and fixing an effective date of the repeal; providing for severability; and declaring an emergency.”

H. B. No. 706, “An Act to amend Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1957, 54th Legislature, Regular Session, Chapter 228, page 477; relating to fees which county clerks and clerks of county courts shall receive for their services in counties having one million two thousand (1,200,000) or more population, according to the latest Federal Census, subject to the adoption of this Act by the commissioners’ courts of a county otherwise qualified; providing for increased fees for certain instruments; etc.; containing a saving clause; and declaring an emergency.”

H. B. No. 880, “An Act amending Chapter 279 of the Acts of the Fifty-sixth Legislature, Regular Session, 1953, codified as Article 5340—228, Vernon’s Texas Civil Statutes (being the Act creating the ‘Red River Authority of Texas’); providing for severability; and declaring an emergency.”

H. B. No. 818, “An Act validating certain sales and conveyances of attempted sales and conveyances by counties and county-owned lands; and declaring an emergency.”

H. B. No. 913, “An Act amending Section 6 of Chapter 794, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to provide that antelopes, deer or doe deer shall not be hunted or taken without the written permission of the Game and Fish Commission, amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, by exempting Mason County from certain provisions of the Section; and declaring an emergency.”

H. B. No. 921, “An Act creating a conservation and reclamation district under Article XVI Section 59 of the Constitution of Texas comprising certain territory contained in Kerr County, Texas, to be known as Kerr County (Centerpoint) Water Control and Improvement District,” constituting the same a governmental agency and body politic and corporate and a municipal corporation; defining the boundaries thereof; and finding that all land and property therein except that excluded will be benefited; etc.; providing a severance clause; and declaring an emergency.”
H. B. No. 975, "An Act amending Section 2, Subsection (b) of Section 8, and Subsection (j) of Section 9 of Chapter 238, Acts of the Fifty-fifth Legislature, Regular Session, 1977, relating to the territory contained in Bostone Municipal Water Supply District; relating to membership of the Board of Directors; relating to liability of property annexed to said District for bonds issued by the District prior to the annexation of the property; and declaring an emergency."

H. B. No. 1054, "An Act authorizing the County Commissioners Court of any county having a population of not less than nine thousand, one hundred (9,100) and not more than nine thousand, three hundred (9,300) inhabitants according to the last preceding Federal Census to fix the salaries of the deputies, clerks and assistants of any district, county or precinct officer at a sum not to exceed Four Thousand, Two Hundred Dollars ($4,200) per year; etc., providing for severability; and declaring an emergency."

H. B. No. 1071, "An Act authorizing the Commissioners Courts of the Counties of the Thirty-fifth Judicial District and the Second Thirty-fifth Judicial District to supplement the salary of the District Attorneys of the Thirty-fifth Judicial District and the Second Thirty-fifth Judicial District; and declaring an emergency."

H. B. No. 1090, "An Act relating to Pension Systems for Policemen in certain cities; amending Section 9 of Chapter 26, Acts of the Fiftieth Legislature, as last amended, (codified as Section 9 of Article 444A of Vernon's Texas Civil Statutes), relating to eligible investments for surplus pension funds; providing for an investment Review Committee; and declaring an emergency."

H. B. No. 1095, "An Act providing an open season for hunting, taking, or killing quail in Jim Hogg County; fixing a penalty; and declaring an emergency."

H. B. No. 1096, "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of one million, two hundred thousand (1,200,000) or more, according to the last preceding Federal Census, as compensation to district and criminal district judges in such counties, providing for the compensation of substitute judges, providing the Commissioners Court of all counties having a population of one million (1,000,000) or more, according to the last preceding Federal Census, and having eight (8) or more civil district courts and three (3) or more criminal district courts, shall fix the amount of compensation to be paid the district attorney or criminal district attorney from county funds; and declaring an emergency."
H. B. No. 1092, "An Act limiting the provisions of this Act to Webb County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said county at any time; to take, kill or trap any fur-bearing animal in said county; to take or attempt to take any fresh-water fish or other aquatic life in said county by any means or methods, etc., and declaring an emergency."

H. B. No. 1097, "An Act amending Section 1 of Chapter 367, Acts of the 56th Legislature, Regular Session, 1959, relating to the open season for deer in Upshur and Wood Counties; and declaring an emergency."

H. B. No. 1098, "An Act amending Section 4 of Chapter 427, Acts of the 54th Legislature, Regular Session, 1955, as last amended, which is codified as Section 4 of Article 3883b, Vernon's Texas Civil Statutes, so as to provide higher compensation for county officials of certain counties with high assessed values for tax purposes; and declaring an emergency."

H. B. No. 1115, "An Act amending Sections 1, 2, 3, 4, and paragraph (d) of Section 5 of Chapter 9, Acts of the 56th Legislature, First Called Session, 1959, as amended by Chapter 61, Acts of the 57th Legislature, 1961, relating to the creation, administration and financing of the Hospital District co-extensive with County Commissioners Precinct No. 4 of Comanche County; and declaring an emergency."

H. B. No. 1126, "An Act to exclude certain described lands from Hidalgo County Water Improvement District No. 2; finding notice of intent to apply for passage of such Act to have been duly given; and declaring an emergency."

H. B. No. 1131, "An Act applicable to all cities contained in any county which has, in conjunction with an adjoining county, created a joint board of park commissioners or to such counties; providing the method of making such conveyance; enacting other provisions related to the subject; and declaring an emergency."

H. J. R. No. 25, "Proposing an amendment to Section 60 of Article III of the Constitution of the State of Texas to authorize all counties and other political subdivisions of this State to provide insurance for all employees; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof."

H. C. R. No. 89, To grant Walter John Szczurek permission to sue the State.

H. C. R. No. 92, To grant Myrtle Pope permission to sue the State.

H. C. R. No. 101, To grant permission to Solar Construction and Engineering Company to sue the State.

H. C. R. No. 105, To grant L. B. Nash permission to sue the State and the Liquor Control Board.

H. C. R. No. 116, Congratulating the Honorable Tom H. McCullough.

H. C. R. No. 122, To suspend the Joint Rules to consider S. B. No. 10 at any time.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 210

The Speaker announced the appointment of the following Conference Committee, on the part of the House on S. B. No. 210:

Messrs. Cannon, Chairman; Fletcher, Smith of Bexar, Wheatley and Wells.

CONFERENCE COMMITTEE APPOINTED ON S. J. R. NO. 12

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. J. R. No. 12:

Messrs. Sandahl, Chairman; Bartram, Harding, Nugent and Sizemore.
MESSAGE FROM THE SENATE
Austin, 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. 327 by the following vote:

Yea 25, Nays 3, 1 present not voting.

Senate concurred in House amendments to S. B. 327 by viva voce vote.

Senate concurred in House amendments to S. B. 163 by viva voce vote.

Senate concurred in House amendments to S. B. 57 by the following vote: 30 yeas, 0 nays.

Senate concurred in House amendments to S. B. 152 by viva voce vote.

Senate concurred in House amendments to S. B. 366 by viva voce vote.

Senate concurred in House amendments to S. B. 57 by the following vote: 30 yeas, 0 nays.

Senate concurred in House amendments to S. B. 321 by viva voce vote.

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

H. B. No. 1043, Relating to the hunting and taking of wild turkey in Lamar County; and the hunting and taking of squirrel in Lamar County; and declaring an emergency.

H. B. No. 66, To provide that it shall be unlawful to sell, or offer for sale, knuckles made of any metal, or a switch blade knife; and declaring an emergency. (amendments)

H. B. No. 1118, To reappropriate any unexpended balance of the funds provided for the Runnels County Water Improvement District and declaring an emergency.

H. B. No. 409, To provide for the prevention of pollution of underground water by registering water well drillers and providing for administration and enforcement; and declaring an emergency. (amendments)

H. B. No. 860, To amend the subject matter of the Texas Unemployment Compensation Act; and declaring an emergency.

H. C. R. No. 120, Granting permission to Ed Tate and his wife, Norma Tate, to sue the State of Texas and the Texas Highway Department.

S. C. R. No. 77, Instructing the Enrolling and Engrossing Clerk of the House to make certain corrections.

H. C. R. No. 71, Requesting the Texas Legislative Council to conduct a study of the many extra, nonconstitutionally required duties of the Attorney General and the office of such duties.

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

RECESS
Senate concurred in House amendments to S. B. 57 by the following vote: 30 yeas, 0 nays.

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

The motion prevailed.

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

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

RELATIVE TO OFFICE SPACE FOR MEMBERS OF THE LEGISLATURE

The Speaker laid before the House for consideration at this time, H. C. R. No. 130, Relative to office space for Members of the Legislature.

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

The resolution was adopted.

SENATE BILL NO. 116 ON SECOND READING

Mr. Jones of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 116.

The motion prevailed by the necessary two-thirds vote.
May 26, 1961

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

S. B. No. 116, A bill to be entitled An Act to adopt and establish general statutory provisions and a definition applicable to real estate investment trusts; to provide for the formation and operation of a real estate investment trust; to provide for powers, duties, authorizations, liabilities and responsibilities of real estate investment trusts and their trust manager(s), officers and shareholders; to provide a manner for service of process on a real estate investment trust; provide for the payment and transfer of shares and the powers, duties and liabilities of shareholders; to provide for shareholders meetings and the conduct thereof; to provide the termination and liquidation of real estate investment trusts; providing the Anti-trust Laws of Texas shall not be affected under the provisions of this Act; containing a savings clause; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. No. 116 by striking out all below the enacting clause and inserting in lieu thereof the following:

Title 105 — Partnerships and Joint Stock Companies Chapter 3—Real Estate Investment Trusts

Art. 6138A — Texas Real Estate Investment Trust Act

Short Title.

Section 1. This Act shall be known and may be cited as the "Texas Real Estate Investment Trust Act."

Real Estate Investment Trust Defined

Sec. 2. A real estate investment trust is an unincorporated trust formed by one or more trust managers under the provisions of Section 3 of this Act and managed in accordance with the provisions of Section 4 of this Act.
(8) A statement that the trust manager(s) shall hold the money or property received for the issuance of shares for the benefit of the owners of such shares.

(9) A statement that the trust will not commence operations until the beneficial ownership is held by one hundred or more persons with no five persons owning more than fifty per cent of the total number of outstanding shares of beneficial interest. The word person as used herein shall not include corporations.

(10) Any provision, not inconsistent with law, including any provisions which under this Act is permitted to be set forth in the by-laws, which the trust manager(s) elect to set forth in the declaration of trust for the regulation of the Internal affairs of the trust.

(B) The declaration of trust shall be filed with the County Clerk of the County of the principal place of business of the trust.

Operation Of Real Estate Investment Trust

Sec. 4. (A) The control, operation, disposition, investment, reinvestment and management of the trust estate and whether included in the foregoing or not, all powers necessary or appropriate to effect any and all purposes for which the trust is organized shall be vested in the trust manager(s) named in the declaration of trust or successor(s) selected in accordance therewith; provided that naming successor trust manager(s) shall be considered an amendment to the declaration of trust. At least a majority of the trust managers must be natural persons and residents of the State of Texas and the other trust manager(s), if any, need not be residents of this State or shareholders of the trust unless the declaration of trust or by-laws so require. The declaration of trust or by-laws may prescribe other qualifications for the trust manager(s).

(B) Any vacancy occurring in the trust manager(s) may be filled by a two-thirds vote of the outstanding shares of the trust.

(C) If the trust is managed by three or more trust managers, a majority of the number of trust managers shall constitute a quorum for the transaction of business unless a greater number is required by the declaration of trust or the by-laws.

(D) The trust manager(s) may designate such of its members to constitute officers of the trust to the extent provided in the declaration of trust or in the by-laws of the trust, who shall exercise all of the authorities of the trust manager(s) in the business and affairs of the trust except where action of the trust manager(s) is specified by this Act or other applicable laws but the designation of such officers and the delegation thereto of authority shall not operate to relieve the trust manager(s), or any member thereof, of any responsibility imposed upon them or him by law. All officers and agents of the trust shall have such authority and perform such duties in the management of the trust as may be provided in the by-laws or as may be determined by the trust manager(s) not inconsistent with the by-laws. Any officer or agent elected or appointed by the trust manager(s) may be removed by the trust manager(s) whenever in their judgment the best interests of the trust will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

(E) The trust manager(s) or officers shall have the power and may exercise complete discretion with respect to the investment of the trust estate subject to the provisions of this Act that seventy-five per cent of the total trust assets shall be invested in real property (including fee ownership and co-ownership of land or improvements thereon and leaseholds of land or improvements thereon), interests in mortgages on real property, shares in other real estate investment trusts, cash and cash items (including receivables) and Government securities; provided, that the trust manager(s) or officers shall not have the power to invest in sevedel mineral, oil or gas royalty interests.

(F) The trust manager(s) and the officers of the trust shall re-
receive such compensation as may be provided in the declaration of trust, the by-laws or as determined by majority vote of the holders of all the outstanding shares.

Service of Process on Real Estate Investment Trust

Sec. 6. The resident trust manager(s) and any one of them if more than one and any officer of the trust shall be an agent of such trust upon whom any process, notice, or demand required or permitted by law to be served upon the trust may be served.

General Powers of Real Estate Investment Trust

Sec. 6. (A) Subject to the provisions of paragraphs (B) and (C) of this Section, each real estate investment trust shall have power:

(1) To have perpetual succession by its trust name unless a limited period of duration is stated in its declaration of trust.

(2) To sue and be sued, complain and defend, in its trust name.

(3) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in all or any part of real or personal property or any interest therein, wherever situated, as the purposes of the trust shall require.

(4) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(5) To purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, mortgage, lend, pledge, sell or otherwise dispose of, and otherwise use and deal in and with, securities, shares or other interests in, or obligations of, domestic or foreign corporations, associations, partnerships, other real estate investment trusts, or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, government district, or municipality, or of any instrumentality thereof.

(6) To make contracts, and incur liabilities, borrow money at such rates of interest as the trust may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income.

(7) To lend money for its trust purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(8) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any state, territory, district or possession of the United States, or in any foreign country.

(9) To elect or appoint officers and agents of the trust for such period of time as the trust may determine, and define their duties and fix their compensation.

(10) To make and alter by-laws, not inconsistent with its declaration of trust or with the laws of this State, for the administration and regulation of the affairs of the trust.

(11) To cease its trust activities and terminate its existence by voluntary dissolution.

(12) Whether included in the foregoing or not, to have and exercise, all powers necessary or appropriate to effect any or all of the purposes for which the trust is organized.

(B) Nothing in this Section grants any authority to officers or trust manager(s) of a real estate investment trust to perform any of the foregoing powers inconsistent with the limitations on any of the same which may be expressly set forth in this Act or in the declaration of trust or in any other law of this State. Authority of officers and trust manager(s) to act beyond the scope of the purpose or purposes of a real estate investment trust is not granted by any provision of this Section.

(C) Nothing contained in this Act shall be deemed to authorize any action in violation of the Anti-Trust Laws of this State as now existing or hereafter amended.

Consideration and Payment For Shares

Sec. 7. (A) Shares may be issued for such consideration expressed in dollars as shall be fixed from time to time by the trust manager(s).
(B) The consideration paid for the issuance of shares shall consist of money paid or property actually received. Shares may not be issued until the full amount of the consideration has been paid. When such consideration shall have been paid to the trust, the shares shall be deemed to have been issued, and the shareholder entitled to receive such shares shall be a shareholder with respect to such shares, and the shares shall be considered fully paid and non-assessable.

(C) Neither promissory notes nor the promise of future services, nor past services shall constitute payment or part payment for shares of a real estate investment trust.

(D) In the absence of fraud in the transaction, the judgment of the trust manager(s) or the shareholder, as the case may be, as to the value of the consideration received for shares shall be conclusive.

Liability of Shareholders

Sec. 8. (A) A holder of a certificate of shares shall not be personally or individually liable in any manner whatsoever for any debt, act, omission or obligation incurred by the trust or the trust manager(s) and shall be under no obligation to the trust or to its creditors with respect to such shares other than the obligation to pay to the trust the full amount of the consideration for which such shares were issued or to be issued.

(B) Any person becoming an assignee or transferee of a certificate of shares in good faith and without notice that the full consideration therefor has not been paid shall not be personally liable to the trust or its creditors for any unpaid portion of such consideration.

(C) An executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver, shall not be liable personally as a holder of shares of a trust, but the estate and funds in his hands shall be liable to pay to the trust the full amount of the consideration for which such shares were issued or to be issued.

(D) No pledges or other holder of shares as collateral security shall be personally liable as a shareholder.

(E) No real estate investment trust may impose restrictions on the sale or other disposition of shares and on the transfer thereof.

By-Laws

Sec. 9. The initial by-laws of the trust shall be adopted by shareholders in person or by proxy, and powers may be delegated by the shareholders to the trust manager(s). The by-laws may contain any provisions for the regulation and management of the affairs of the trust not inconsistent with law or the declaration of trust.

Meetings of Shareholders

Sec. 10. (A) Meetings of shareholders shall be held at such place, either within or without the State, as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held at the principal office of the trust.

(B) An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws. In the event the trust manager fails to call the annual meeting at the designated time, any shareholder may make demand that such meeting be held within a reasonable time, such demand to be in writing by registered mail directly to any officer or trust manager of the trust. If the annual meeting of the shareholders is not called within 60 days following such demand, any shareholder may compel the holding of such annual meeting by legal action directed against said trust manager(s), and all of the extraordinary writs of the common law and of a court of equity shall be available to such shareholder to compel the holding of such annual meeting. Each and every shareholder is hereby declared to have a justifiable interest sufficient to enable him to institute and prosecute such legal proceedings.

(C) Special meetings of the shareholders may be called by the trust manager(s), any officer of the trust, the holders of not less than one-tenth of all the shares entitled to vote at the meetings, or such other
persons as may be provided in the declaration of trust or the by-laws.

Notice of Shareholders' Meetings

Sec. 11. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the trust manager(s) or any officer or person calling the meeting, to each shareholder or record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States Mail addressed to the shareholder at his address as it appears on the books of the trust, with postage thereon prepaid.

Quorum of Shareholders

Sec. 12. Unless otherwise provided in the declaration of trust, the holders of a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of the holders of less than one-third of the shares entitled to vote and thus represented at such meeting. The vote of the holders of a majority of the shares entitled to vote and thus represented at a meeting at which a quorum is present, at which the act of the shareholders' meeting, unless the vote of a greater number is required by law, the declaration of trust or by-laws.

Voting of Shares

Sec. 13. (A) Each outstanding share shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders.

(B) A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. No proxy shall be valid after eleven months from the date of its execution unless otherwise provided in the proxy. Each proxy shall be revocable unless expressly provided therein to be irrevocable, but in no event shall it remain irrevocable for a period of more than eleven months.

(C) (1) At each election for trust manager(s) every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are trust manager(s) to be elected and for whose election he has a right to vote, or unless expressly prohibited by the declaration of trust, to cumulate his votes by giving one candidate as many votes as the number of such trust manager(s) multiplied by his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

(2) No amendment of the declaration of trust prohibiting the right of cumulative voting shall be effective unless at least sixty-six and two-thirds per cent (66 2/3%) of the outstanding shares entitled to vote upon such amendment shall have been voted in favor of such amendment.

(3) Any shareholder who intends to cumulate his votes as herein authorized shall give written notice of such intention to the trust manager(s) on or before the day preceding the election at which such shareholder intends to cumulate his votes.

Dividends

Sec. 14. (A) The trust manager(s) may from time to time declare and pay, dividends on its outstanding shares in cash, in property, or in its own kind of stock, to such amount as such trust manager(s) may from time to time, determine, and, subject to limitations on the authority of the trust manager(s) by provisions of law, or the declaration of trust or the by-laws, the trust manager(s) shall declare and provide for payment of such dividends of the profits from the business of the trust as such trust manager(s) shall deem expedient.
### Liability of Trust Manager(s)

**Sec. 15.** (A) In addition to any other liabilities imposed by law upon trust manager(s) of a real estate investment trust:

1. The trust manager(s) of a trust who vote for or assent to any distribution of assets of a trust to its shareholders during the liquidation of the trust without the payment and discharge of, or making adequate provisions for, all known debts, obligations and liabilities of the trust shall be jointly and severally liable to the trust for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the trust are not thereafter paid and discharged.

2. The trust manager(s) of a trust who vote for or assent to the making of a loan to an officer or trust manager(s) of the trust or the making of any loans secured by the shares of the trust, shall be jointly and severally liable to the trust for the amount of such loan until the repayment thereof.

3. If the trust shall commence operations before the beneficial ownership is held by one hundred or more persons with no five persons owning more than fifty per cent of the total number of outstanding shares of beneficial interest, the trust manager(s) who assent thereto shall be jointly and severally liable to the trust for all debts and obligations incurred by the trust prior to the time the beneficial ownership is so held, but such liability shall be terminated when the trust has actually issued the required number of shares.

(D) No trust manager shall be liable for any act, omission, loss, damage, or expense arising from the performance of his duty under a real estate investment trust, save only for his own willful misfeasance or malfeasance or negligence.

### Share As Personal Property

**Sec. 16.** A share of beneficial ownership in a real estate investment trust shall be considered personal property.

### Joiner of Shareholders

**Not Required**

**Sec. 17.** The joiner of shareholders in any sale, mortgage, lease, or other disposition of all or any part of assets of a real estate investment trust shall not be required.

### Books and Records

**Sec. 18.** (A) Each trust shall keep complete and correct books of account and shall keep minutes of the proceedings of its shareholders and trust manager(s) and shall keep at its principal office or place of business a record of its shareholders giving the names and addresses of all shareholders and the number of shares held by each.

(B) Any person who shall have been a shareholder of record for at least six months immediately preceding his demand, or who shall be the holder of record of at least five per cent of all the outstanding shares of a trust, upon written demand, stating the purpose thereof shall have the right to examine, in person or by agent or attorney, at any reasonable time or times, for any proper purpose, its books and records of account, minutes and record of shareholders, and shall be entitled to make extracts therefrom.

(C) Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which such shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him to compel production, for examination by such shareholder, of the books and records of account, minutes, and record of shareholders of a trust.
Transfer of Shares

Sec. 19. The shares of ownership shall be transferable by an appropriate instrument in writing and by the surrender of the shares of ownership to the trust manager(s) or to the persons designated by them, but no transfer shall be of any effect as against the trust or the trust manager(s) until it has been recorded upon the books of the trust kept for that purpose.

Termination and Liquidation

Sec. 20. A real estate investment trust may be dissolved by the affirmative vote of two-thirds of the owners of shares of the trust. Upon receiving such vote, the trust manager(s) shall liquidate the trust and distribute the remaining property and assets of the trust among its shareholders in accordance with their respective rights and interests after applying such property as far as it will go to the just and equitable payment of the liabilities and obligations of the trust. Upon the filing by the trust manager(s) of a withdrawal of assumed name certificate as provided by law, the trust shall cease to carry on its business, except insofar as may be necessary for the winding up thereof.

Greater Voting Requirements

Sec. 21. Whenever, with respect to any action taken by the shareholders of a trust, the declaration of trust requires the vote or concurrence of the holders of a greater portion of the shares than is required by this Act, with respect to such action, the provisions of the declaration of trust shall control.

Waiver of Notice

Sec. 22. Whenever any notice is required to be given to any shareholder of a trust under the provisions of this Act or under the provisions of the declaration of trust or by-laws of the trust, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Right to Amend Declaration of Trust

Sec. 23. A real estate investment trust may amend its declaration of trust, from time to time, in any and as many respects as may be desired, so long as its declaration of trust as amended contains only such provisions as may be lawfully contained in original declaration of trust at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification, or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation. The declaration of trust may be amended upon receipt of the affirmative vote of the holders of at least two-thirds of the outstanding shares of the trust. Any and all amendments to the declaration of trust shall be made of record in the same manner as the original declaration of trust.

Cases Not Provided For

Sec. 24. In any case not provided for in this Act, the rules of law and equity, including the law of merger, shall govern. For purposes of the Texas Trust Act and this Act, a real estate investment trust created hereunder shall be considered a "business trust." Any unincorporated trust which does not meet the requirements of this Act shall be treated as an unincorporated association pursuant to Chapter 2 of this Title 10.

Partial Invalidity, Severability

Sec. 25. The provisions of this Act are severable, and in the event that any provision thereof should be declared void or unconstitutional, it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect, and said Section shall remain in full force and effect.

Emergency Clause

Sec. 26. The fact that the members of an unincorporated trust or an unincorporated association in Texas are jointly and severally liable for the debts of the unincorporated trust or unincorporated association whereas in many other states such liability may be limited as provided by so-called "Massachusetts Trusts" or
similar business trusts; and the fact that the Congress of the United States enacted three new sections to the Internal Revenue Code of 1964 to provide a new preferential method for taxing real estate investment trusts for taxable years beginning after 1960; and the fact that such preferential tax treatment is available to citizens of other states but denied to citizens of Texas because of the type of liability which would be incurred if such real estate investment trusts were organized in Texas; create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended and said Rule is hereby suspended; and require that this Act take effect and be in force from and after the date of its enactment, and it is so enacted.

Mr. Barlow moved that further consideration of Senate Bill No. 116 be postponed until 11:00 o'clock a.m. tomorrow.

The motion to postpone was lost.

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

Amend Comm. Amend. No. 1 to S. B. No. 116 by striking the following language on lines 24 and 25 of page 5 of printed bill:

"but such power may be delegated by the shareholders to the trust managers"

NUGENT, YEZAK.

The amendment was adopted.

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

A record vote was requested on the passage of S. B. No. 116 to third reading.

S. B. No. 116 was passed to third reading by the following vote:

Yeaa—72

Adams of Lubbock Bass
Adams of Titus Bell
Andrews Blaine
Atwell Boyce
Banfield, Mrs. Bridges
Bartrae Connell

Cory McGregor
Cowen of El Paso
Gree of El Paso
Duff, Miss Burke
Fairchild Ford
Foreman Garrison
Gladden Glassing
Gulf
Hale Harding
Haynes Hardy
Hulson
Hollowell
Huebner
Hughes of Dallas James
Johnson of Dallas Johnson of Bell
Jones of Dallas Jones of Travis
Kennard Kollis
LaValle Leaverton
Lewis Longoria

Naya—43

Alanis Kilpatrick
Barlow Korth
Barnes Latimer
Buchanan McCollum
Burgess McGuffin
Butler Markgraf
Caldwell Martin
Cannon Mulen
Carriker Mutscher
Cole of Harris Newmet
Collins Osborn
Cook Parsons
Cotten Petty
Grain Preston
Curington Richardson
Dewey Roberts of Hill
Dungan Rosas
Eckhardt Rosson
Fletcher Schram
Gibbens Slack
Green Slifer
Grover Snelson
Hartig Spears
Hartmgtg
Hughes Springs Struve
Hughes of Grayson
Isacks, Miss Townsend
Johnson of Bexar Trevino
Mr. Jones of Dallas moved to reconsider the vote by which S. B. No. 116 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, 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 granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1103.

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

Senators: Parkhouse, Ratliff, Hardeman, Lane, Creighton.

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

H. B. No. 177, Creating a conservation and reclamation district under the provisions of Section 69, Article XVI of the Constitution to be known as “Rio Grande Palms Water District”; defining the boundaries; defining its powers, etc., and declaring an emergency.

H. B. No. 284, Amending Art. 1016 and 1019 R. C. S., to authorize the governing body of certain cities or towns to vacate, abandon, and close streets and alleys; and declaring an emergency. (with amendments)

H. B. No. 897, Amending a portion of the Texas Liquor Control Act to more clearly define “outdoor advertising”; and declaring an emergency.

H. B. No. 921, Amending Article 1334 of the Penal Code of Texas, 1925, to provide for the inclusion of electrical transmission lines in addition to others specified therein; providing the Act shall not apply to pending litigation; and declaring an emergency.

H. C. R. No. 54, Directing the House Enrolling and Engrossing Clerk to make certain corrections in Senate Amendment No. 4 to House Bill No. 341.

S. C. R. No. 59, Providing for an interim joint committee to study all matters pertaining to the development and use of the bays and inlets of the State of Texas.

S. C. R. No. 74, Granting permission to Central Power and Light Company to sue the State of Texas.

Sir:

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

H. B. No. 284, Amending Art. 1016 and 1019 R. C. S., to authorize the governing body of certain cities or towns to vacate, abandon, and close streets and alleys; and declaring an emergency. (with amendments)

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

H. B. No. 197, “An Act relating to the re-employment of retired teachers; amending Section 1, Chapter 28, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to extend the period allowed for re-employment of retired teachers to eighty (80) days in a single school year; providing a penalty for employment in excess of eighty (80) days; and providing that certain persons receiving retirement may teach on a one-third time basis in State-supported colleges and universities; and declaring an emergency.”

H. B. No. 288, “An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 118th Judicial Dis-
trict of Texas; and declaring an emergency.

H. B. No. 415, "An Act regulating the taking, transporting, and selling of minnows in Zavala County; providing that minnows may be transported into Zavala County from outside said County; providing penalties; and declaring an emergency."

H. B. No. 509, "An Act relating to fishing in Rusk and Houston Counties; amending Section 1 of Chapter 297, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended, to make provisions of Act inapplicable to the Neches River wherever it borders on Houston County; and declaring an emergency."

H. B. No. 596, "An Act authorizing and providing the issuance of tax bonds and revenue bonds for the purpose of providing funds for any of such improvements and facilities, and containing provisions relating to said bonds and said improvements and facilities and the revenues or income thereof; authorizing and providing for the placing of the management and control of such improvements and facilities in the governing body of the city or in a board of trustees; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws; validating revenue bonds heretofore issued but excepting from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

H. B. No. 810, "An Act amending Section 1 of Chapter 140, Acts of the Forty-third Legislature, Regular Session, 1933, as amended, to provide that consolidated trust depositories issued by the Federal Intermediate Credit Bank and by the Bank of Cooperatives are lawful investments for fiduciary and trust funds in this State, and eligible security for public deposits where authorized, and declaring an emergency."


H. B. No. 1017, "An Act applying to certain incorporated cities and towns located on the coast of the Gulf of Mexico, or any channel, canal, bay, or inlet connected therewith owning and operating port facilities (referred to hereafter as 'city'); authorizing such city to build, construct, purchase, acquire, improve, enlarge, extend, repair, maintain, or replace any and all improvements and facilities which the governing body thereof deems to be necessary or convenient to the proper operation of the ports or harbors of such city, and providing certain things that said improvements and facilities shall include; authorizing the issuance of tax bonds and revenue bonds for the purpose of providing funds for any of such improvements and facilities, and containing provisions relating to said bonds and said improvements and facilities and the revenues or income thereof; authorizing and providing for the placing of the management and control of such improvements and facilities in the governing body of the city or in a board of trustees; authorizing the issuance of tax refunding bonds and revenue refunding bonds, and containing provisions relating thereto; providing that this Act is cumulative of existing laws, but providing that the provisions of this Act shall govern and prevail over such existing laws; validating revenue bonds heretofore issued but excepting from such validation certain pending litigation; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

H. B. No. 1037, "An Act amending Section 6 of Chapter 177, General laws of the State of Texas, Acts of the 42nd Legislature, Regular Session, 1931, compiled as Article 46a of Vernon's Revised Civil Statutes of Texas, as last amended by Chapter 249, Acts of the 42d Legislature, 1951, so as to clarify the adoption procedure in the case of the children of parents whose parental rights have been terminated by the Juvenile Court or other court of competent jurisdiction; and declaring an emergency."

H. B. No. 1045, "An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess any game animal on that portion of Matagorda
Island lying to the North and East of the Northeast line of the Powers and Hawitson Grant No. 2 as recorded in the State General Land Office, Austin, Texas, and is shown on the map entitled 'San Antonio Bay and vicinity,' Aransas and Calhoun Counties, August 1, 1948, to take, kill, or trap any fur-bearing animal on said lands; prescribing the legislative policies with respect to the wildlife resources of said lands; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said lands; requiring the Game and Fish Commission to make investigations with respect to depletion and waste of the wildlife resources of said lands; requiring the Game and Fish Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said lands; defining depletion and waste; providing for the issuance of the antlerless deer permits; providing for the adoption of the proclamations, orders, rules, or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; etc., and declaring an emergency ... 

H. J. R. No. 36, "Proposing an Amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of the State of Texas so as to authorize for elected and appointive officers and employees who serve in such capacity for twelve (12) or more years in any county or other political subdivision, a Retirement, Disability and Death Compensation Program."

REQUEST OF SENATE GRANTED
On motion of Mr. Stewart of Galveston the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 135.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 135
The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 135:

Messrs. Stewart of Galveston, Garrison, Huebner, LaValle and Ward.

REQUEST OF SENATE GRANTED
On motion of Mr. Bailey the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 249.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 249
The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 249:

Messrs. Bailey, Chairman; Barlow, Cole of Hunt, Johnson of Bexar and Richardson.

REQUEST OF SENATE GRANTED
On motion of Mr. Cole of Harris the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 385.
CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 385

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 385:

Messrs. Cole of Harris, Chairman; Glass, Jarvis, Kilpatrick and Moore.

COMMITTEE MEETINGS

Unanimous consent of the House was requested that the Committee on Livestock and Stock Raising be permitted to meet at this time.

There was no objection offered.

Unanimous consent of the House was requested that the Committee on Examination of Comptroller's and Treasurer's Accounts be permitted to meet at this time.

There was no objection offered.

SENATE BILL NO. 473 ON SECOND READING

Mr. Latimer moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 473.

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 473, Authorizing the transfer of monies collected pursuant to the provisions of Article 6060, Revised Civil Statutes of Texas, 1925, to pay for certain administration of oil and gas laws; and declaring an emergency.

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

SENATE BILL NO. 473 ON THIRD READING

Mr. Latimer moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—113

Adams of Lubbock Jones of Travis
Adams of Titus Keenard
Andrews Atwell Kerenth
Barley Lack
Baldwin Latimer
Barrow Leaverton
Barnes Longoria
Barron McGregor
Bass McLeannan
Bee McElhaney
Bridges McClancy
Buchanan Martin
Burgess Miller
Butler Moore
Caldwell Mullen
Cannon Murray
Carriker Osborn
Cole of Harris Parsons
Collins Peeler
Cory Preston
Cotlen Price
Cowley Quillian
Crews Rapp
Curlington Ratcliff
de la Garza Read
Dewey Richards
Duff, Mrs. Roberts of Hill
Dungan Roosa
Eckhardt Rosson
Eckhardt
Forschild Shannon
Fletcher Shipley
Fleming Slider
Floyd
Foran Smith of Bexar
Garrison Smith of Jefferson
Gibbens Spears
Gilcrease Splyman
Gleason Springer
Green Stewart
Greer Stewart
Green of Galveston
Greeley Stuard
Hale of Wichita
Harding Thurmond
Harley Thurmond
Harrington Townsend
Haynes Trevino
Hollowell Tunnell
Hubner Ward
Hughes of Dallas Watson
Ishak, Miss Wheatley
James Whitfield
Jackson Wilson of Potter
Johnson of Bexar Woods
Johnson of Bell

Nays—23

Alanis Banfield, Mrs.

Following vote:
The Speaker then laid Senate Bill No. 473 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Latimer moved to reconsider the vote by which S. B. No. 473 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 76 ON SECOND READING

Mr. Mullen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 76.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 76, Relative to powers and duties of Texas Aeronautics Commission; and declaring an emergency.

The bill was read second time.

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

Amend Senate Bill No. 76 by inserting a new Section 2 to read as follows and renumber the succeeding sections accordingly:

Section 2. That House Bill No. 309, Acts 1945, Regular Session, 49th Leg., p. 549, Chapter 344, Section 3, (codified as Art. 46c-3, Vernon's Texas Civil Statutes) be amended to read as follows:

"Art. 46c, Sec. 3. Aeronautics Commission - Reorganization - Membership:

The Texas Aeronautics Commission, created in 1945, consisting of three (3) Commissioners shall hereafter consist of six (6) members though the present three (3) Commissioners shall continue to serve the balance of their terms. The three (3) new Commissioners shall be appointed by the Governor and confirmed by the Senate. The Governor shall appoint successors for the three (3) existing Commissioners who may be re-appointed) at the expiration of their present terms, subject to confirmation by the Senate. The Commissioners shall continue in office, as designated by the Governor at the time of appointment, through the last day of the second, fourth, and sixth calendar years respectively, following the passage of this Act. The successors of the members initially appointed shall be appointed for terms of six (6) years in the same manner as the members originally appointed under this Act, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and the qualification of his successor. All members of the Commission shall be citizens and bona fide residents of the State. Each member shall be reimbursed for actual and necessary expenses incurred by him in the performance of his duties. Each member may be paid the sum of Ten Dollars ($10.00) per diem, or part thereof, spent in attending to his duties as Commissioner, but no member shall receive more than the sum of Six Hundred Dollars ($600) in any one year as per diem.

To qualify for appointment to the Commission by the Governor, an appointee must have the following
minimum qualifications in addition to those set out herein:

(a) — Bona fide continuous residence in the State for the ten (10) years immediately previous.

(b) — Ten (10) years of successful experience in business, professional or governmental activities.

(c) — Five (5) years experience in aeronautical activities, including either general aviation, agricultural aviation, airport management, or air carrier operation."

The amendment was adopted.

S. B. No. 76 was passed to third reading.

On motion of Mr. Wilson of Potter and by unanimous consent of the House, the caption of Senate Bill No. 76 was ordered amended to conform with the body of the bill.

SENATE BILL NO. 76 ON THIRD READING

Mr. Mullen moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea's-108

Adams of Lubbock de la Garza
Adams of Titus Dewey
Baird Doff, Miss
Ballman Duncan
Banks, Mrs. Eckhardt
Barret Ehrle
Bartram Faithchild
Bell Floyd
Berry Foreman
Blaine Garrison
Bridges Gibson
Burges Glusing
Buxton Green
Calvert Guiffey
Cannon Harrington
Carrith Haynes
Collins Hinson
Connell Husner
Cory Hughes
Coven Hughes of Grayson
Cowles Hughes of Dallas
Cowley Inbanks, Miss
Crews James

Nays-24

Jamison Quillian
Johnson of Bexar Rapp
Johnson of Bell Raiford
Jones of Dallas Richards
Jones of Travis Roberts of Hill
Kennard Ross
Kilpatrick Rosson
Koroth Scharm
Lack Shannon
La Valle Shipley
Leaverton Black
Longoria Smith of Jefferson
McCoppin Sghel
McGregor Sliman
McIlhany Springer
McKennon Storvart
McLean of Galveston
McPherson of Wichita
Mckinney Straw
Miller Struthers
Moore Townsend
Mullen Trevino
Mutscheller Tunnell
Niehans Walker
Oborn Watson
Parsons Wheatley
Peeler Whitfield
Potter Wilson of Trinity
Pieratt Wilson of Potter
Pipkin Woods
Preston Yeak

Present--Not Voting

Price

Price

Absent

Allen Peavoy
Buchanan Richardson
Chapman Roberts of Dawson
Hale Sandahl
Healy Smith of Bexar
Oliver

Absent—Excused

Allen Lary
Cole of Hunt Thurman
Jarvis

Present

Absent

Atwell

Present

Bradburn

Present

Brown

Present

Buchanan

Present

Butler

Present

Calvert

Present

Carrith

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May 26, 1961

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PAIRED

Mr. Price (present), who would vote "Nay" with Mr. Cole of Hunt (absent), who would vote "Yea."

The Speaker then laid Senate Bill No. 76 before the House on third reading and final passage.

The bill was read third time.

Mr. Cotten raised a point of order on further consideration of Senate Bill No. 76 on the ground that there was not a quorum present when the Committee on Aeronautics voted the Bill out of Committee.

The Speaker overruled the point of order.

Senate Bill No. 76 was then passed.

Mr. Mullen moved to reconsider the vote by which S. B. No. 76 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON S. B. 76

I voted "no" on this bill for the reasons set out explaining my vote on S. B. 10. If we don't need three commissioners we now have we certainly don't need six of them.

In my opinion this is a waste of the State's money and a purely political proposition.

JAMES E. BARLOW

SENATE BILL NO. 477 ON SECOND READING

Mr. Petty moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 477.

The motion prevailed by unanimous consent.

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

S. B. No. 477, A bill to be entitled "An Act authorizing eligible counties, as defined therein, to issue certificates of indebtedness for a stated purpose; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates and interest thereon; providing for the issuance of refunding bonds; enacting other provisions incident and related to the subject; and declaring an emergency."

S. B. No. 477 was read second time and was passed to third reading.

SENATE BILL NO. 477 ON THIRD READING

Mr. Petty moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128
Adams of Lubbock Garrison
Adams of Titus
Andrews
Atwell
Bailey
Ballman
Balford, Mrs.
Barlow
Barnes
Barr
Bash
Bell
Bilans
Blaine
Boyd
Boyer
Bridges
Buchanan
Butler
Caldwell
Cannon
Carothers
Chapman
Chandler
Cole of Harris
Collins
Cook
Cory
Cowan
Cowles
Crews
Curington
de la Garza
Dewar
Ditt, Miss
Duncan
Eckhardt
Ehrle
Fairchild
Floyd
Foreman

MISS

James
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
KoUba
Korloth
Lack
Laird
La Valle
LeaVerton
Lewis
Longoria
McCopla
McGregor
of McLennan

Adams of Titus
Gibbens
Gladden
Glass
Glusing
Green
Grover
Guffey
Hale
Harding
Harrington
Haynes
Hayson
Hollowell
Huebner
Hughes
Hughes of Dallas
Isaacs, Miss
James
Jaxson
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
KoUba
Korloth
Lack
Laird
La Valle
LeaVerton
Lewis
Longoria
McCopla
McGregor
of McLennan
The Speaker then laid Senate Bill No. 477 before the House on third reading and final passage.

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

**Yeas—132**

Adams of Lubbock
Adams of Titus
Albias
Andrews
Atwell
Bailey
Balthman
Barfield, Mrs.
Barlow

**Nays—6**

McGregor of El Paso
McIlhaney
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutscher
Niemeyer
Osborn
Parsons
Pearcy
Peele
Petty
Pickin
Preston
Price
Quilliam
Richardson
Roberts of Hill
Rosen

**Nays—6**

Berry
Brennan
Haring

**Absent**

Allen
Alman
Connell
Cotten
Fletcher
Kennard

**Absent—Excused**

Allen
Cole of Hunt
Jarvis

Caldwell
Carrick
Chapman
Cole of Harris
Collins
Cook
Cory
Crow
Crow
Crews
Curtin
de la Garza
Dewar
Duff, Miss
Dungan
Echardt
Ehrin
Farrington
Fletcher
Floyd
Foreman
Garrett
Gibbons
Glass
Gustafson
Hamilton
Harrington
Hays
Healy
Hines
Hollowell
Huebner
Hughes
Hughes of Grayson
Hughes of Dallas
Hughes of Rusk
James
Jameson
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Travis
Kennard
Kilpatrick
Kolba
Kortoth
Lack
Lattimer
La Vale
Leaverton
Lewis
Longoria
Mc Coppin
McGregor
McNeel

**Yeas—132**

Adams of Lubbock
Adams of Titus
Albias
Andrews
Atwell
Bailey
Balthman
Barfield, Mrs.
Barlow

**Nays—4**

Berry
Cotten
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Mr. Petty moved to reconsider the vote by which S. B. No. 477 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 22 ON SECOND READING

Mr. Hughes of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 22.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 22, To authorize the establishment of special county-wide day schools for deaf scholastics between the scholastic age of six and twenty-one, in all counties having a population of three hundred thousand inhabitants; and declaring an emergency.

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

SENATE BILL NO. 22 ON THIRD READING

Mr. Hughes of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Adams of Lubbock
Andrews
Adams of Titus
Alwell

Bailey
Balman
Barrfield, Mrs.
Barlow
Barnes
Barron
Bell
Berry
Blaine
Blaine
Boyson
Bridge
Buchanan
Burgess
Butler
Calwell
Cannon
Carriker
Collins
Connell
Cook
Coffin
Cowen
Cowles
Cruen
Crew
Carrington de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gladden
Glaze
Golding
Green
Grover
Guffey
Hall
Harding
Haring
Harrington
Hayes
Healy
Hincon
Hollowell
Hubnicn
Hughes
Hughes of Grayson
Hughes of Dallas
Isaacks, Miss
James
Jamison
Johnson of Dallas
Johnson of Denton
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennan
Kilpatrick
Koliba
Koroth
Lack
Lattimer
La Valle
Leaverton
Lewis
Longoria
McCoppin
McGregor
McGregor
McGregor
of El Paso
McLanahan
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutscher
Niemeyer
Osborn
Parrs
Pearcy
Pewter
Petty
Pieratt
Preston
Price
Quinnim
Rapp
Ratcliff
Read
Richards
Richards
Richardson
Roberts of Hill
Robertson of Dawson
Rosas
Rosen
Schrack
Schaan
Shipley
Black
Siler
Smith of Bexar
Smith of Jefferson
Sneddon
Spears
Spillman
Springer
Stewart
Stewart
Stewart
of Galveston

Absent—Excused
Allen
Cole
of Hunt
Jarvia
Lary
Thurman

Mr. Hughes of Dallas moved that the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 22.
The Speaker then laid Senate Bill No. 22 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Hughes of Dallas moved to reconsider the vote by which S. B. No. 22 was passed and to table the motion to reconsider. The motion to table prevailed.

SENATE BILL NO. 452 ON SECOND READING

Mr. Slack moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 452.

The motion prevailed by the necessary two-thirds vote. The Speaker laid before the House on its second reading and passage to third reading.

S. B. No. 452, Allowing the cumulation of credits for "creditable service" of an employee employed by two or more participating departments, if certain conditions are met; and declaring an emergency.

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

SENATE BILL NO. 462 ON THIRD READING

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 462 be placed on its third reading and final passage. The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yea—134</th>
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Adams of Lubbock, Hughes of Dallas
Adams of Titus, Isacks, Miss
Alaniz, Johnson of Lubbock
Andrews, Johnson of Dallas
Atwell, Johnson of Bexar
Bailey, Jones of Bexar
Ballenger, Mrs. Jones of Travis
Barlow, Kenny
Barrett, Kishpatrick
Barram, Kortlock
Bass, Lack
Belt, Luthmer
Blaine, LaValle
Boyzen, Leaverton
Bridges, Lewis
Buchanan, Longoria
Burgess, McGregor
Butler, McGregor of McLennan
Caldwell, McGregor of El Paso
Cannon, McIlhany
Carriker, McIlhany
Chapman, Madison
Cole of Harris, Markgraf
Collins, Martin
Connell, Miller
Cook, Moore
Cory, Moore of Maltese
Cowles, Oliver
de la Garza, Osborn
Dewey, Pearcy
Duff, Miss Pedler
Duff, Miss Petty
Duff, Miss Pikey
Fairchild, Pipkin
Fletcher, Preston
Ford, Quillian
Foreman, Ray
Gibbons, Raffauf
Gladden, Ralston
Gladden, Red
Glass, Richards
Graeh, Richardson
Great, Roberts of Hill
Grover, Ross
Guiffey, Rossen
Harding, Sbram
Haring, Shannon
Harrington, Shibley
Haynes, Black
Healy, Smith of Bexar
Hinesm, Smith of Jefferson
Hobble, Snead
Husebner, Snead
Hughes of Grayson, Spears

Absex—Excused

Allen, Lary
Cole of Hunt, Tura
Jarvis
Mr. Hale offered the following amendment to the bill:

Amend Senate Bill No. 224 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The surface estate of that part of the following described lands situated in Kleberg, Kenedy, Willacy and Cameron Counties, to which the State of Texas has title or may acquire title or that have been acquired or that have become vested under any previous Act or Acts, which Congress in its good judgment may require for a National Seashore Area, shall hereby be established, dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known and designated as the "Padre Island National Seashore" which area is approximately described as follows:

Beginning at a point one (1) mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway, thence due east to a point on Padre Island one (1) mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico, a distance of about three and five-tenths (3.5) miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart number 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287 and 1288, for a distance of approximately eighty-five (85) miles; thence westerly crossing Padre Island to the easterly line of the Intracoastal Waterway at a point northerly of Three Island; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

Sec. 2. The Legislature of the State of Texas hereby withdraws from sale the surface estate of all State-owned lands in said area regardless of the purpose or purposes for which they are held and regardless of the instrumentality of the
so much of the surface of the land for park purposes only and this portion of the lands so ceded, so far as the mineral estate is concerned, shall become a part of the Padre Island National Seashore. The said surface rights hereby transferred and conveyed are conveyed in fee simple title, and the mineral estate with the right of occupation and use of so much of the surface as may be required for all purposes reasonably incident to the mining or removal of the minerals is hereby specifically reserved.

Sec. 3. The Commissioner of the General Land Office shall prepare a list of the lands now owned in said area by the State of Texas or its instrumentalities for any purpose and deliver a certified copy of such list to the Texas State Parks Board. The surface estate in said lands shall be for recreational park purposes and shall be under the supervision and control of the Texas State Parks Board.

Sec. 4. Immediately after enactment by the Congress of the United States of legislation authorizing the creation of a National Seashore Area on Padre Island, and in consideration of the United States agreeing to establish and maintain said area as a National Seashore Area, the School Land Board of the State of Texas is hereby authorized and directed to execute a deed of conveyance to the United States Government covering such part of the State-owned lands on Padre Island as may be included in the National Seashore Area, but not to exceed the area described in Section 1 hereof, for recreational park purposes, and to cede to the United States Government Jurisdiction over said lands in conformity with the provisions of Article 5247 Revised Civil Statutes of Texas of 1925. Said deed shall reserve the mineral interest to the State with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of the minerals. Said deed shall also reserve to the State of Texas the right to retain concurrent jurisdiction with the United States government over every portion of the lands so ceded, so that all process, civil and criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so ceded as the area for the Padre Island National Seashore, in like manner and like effect as if no such cession had taken place; and, reserving further to the State the right to levy and collect taxes on sales, use or gross receipts from sales of products or commodities upon which a tax is levied in this State, and to tax persons and corporations, their franchises, properties and incomes, on land or lands deeded and conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands deeded or conveyed, the right to vote at all elections within the counties in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America; and reserving further the right to lease (1) a reasonable number of acreages within the terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America; and reserving further the right to lease (1) a reasonable number of acreages within said area; and (2) reasonable easements for the transportation of such minerals, under such rules and regulations as may be prescribed by the United States Department of Interior.

Sec. 5. The United States Government, through the Secretary of the Interior or any other agency, is hereby authorized to purchase, condemn, receive, hold and acquire title to the surface estate of any land in the area above described as the Padre Island National Seashore for use as a recreational park: provided that the acquisition of lands in such area shall not affect the mineral estate in the lands so acquired, nor the right of ingress and access for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said lands and waters with the
right of housing employees for such purposes.

Sec. 6. The State of Texas requests the United States Government to construct a paved road from Corpus Christi to Port Isabel, and to construct a causeway from Port Mansfield to Padre Island, and to provide such ferries and other bridges as may be necessary in order to make the entire length of the National Seashore Area and adjacent lands accessible to the public; and full cooperation of the State of Texas is pledged in that regard.

Sec. 7. The State of Texas recognizes the lands, spoil banks, easements and rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District, and requests the United States Government to give every possible consideration to the rights and needs of this governmental unit, so long as such lands and other rights are used solely for public purposes.

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 10. The fact that the Department of Interior has recommended the creation of a National Seashore Area on part of Padre Island and surrounding submerged areas as a tourist attraction, a game preserve for migratory waterfowl, a spawning ground for fish, and a controlled area for the study of the sea and its inhabitants; and the fact that the State-owned submerged lands in said area are presently for sale to certain special districts for One Dollar ($1) per acre; and the fact that State legislation will encourage the National Congress to create the much needed park; and the fact that a National Park in such area would be of unlimited financial benefit to Texas; and the fact that the right of future generations to go down to the sea should be preserved create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Murray offered the following amendment to the amendment by Mr. Hail:

Amend Hail substitute to Senate Bill 224 by striking out all of Section 3 and inserting in lieu thereof the following:

Sec. 2. The Legislature of the State of Texas hereby withdraws from sale the surface estates of all State-owned lands in said area regardless of the purpose or purposes for which they are held and regardless of the instrumentality of the State for which they are held and hereby transfers and conveys the surface estates of that part of said above described tract which Congress may require for said park purposes to the State of Texas for park purposes only and title hereby vested in the State of Texas for park purposes only, and said surface estates shall become a part of the Padre Island National Seashore. The said surface estates hereby transferred and conveyed are conveyed in fee simple title, and the mineral estate with the right of occupation and use of so much of the surface as may be required for all purposes reasonably incident to the mining or removal of the minerals is hereby specifically reserved.

The amendment was adopted.

Mr. Murray offered the following amendment to the amendment by Mr. Hail:

Amend Hail substitute to Senate Bill 224 by striking out all of Section 5 and inserting in lieu thereof the following:

Sec. 5. The United States Government, through the Secretary of the Interior or any other agency, is here­by authorized to purchase, condemn, receive, hold and acquire title to the
surface estate of so much of the
land in the area above described as
shall be required by Congress as
the Padre Island National Seashore
for use as a recreational park; pro-
vided that the acquisition of lands
in such area shall not affect the
mineral estate
in the lands so ac-
quired, nor the right of ingress and
egress for the purpose of exploring
for, developing, processing, storing
and transporting minerals from be-
neath said lands and waters with the
right of housing employees for such
purposes.

The amendment was adopted.

Mr. Murray offered the following
amendment to the amendment by Mr.
Hale:

Amend Hale substitute to Senate
Bill 224 by adding a new Section
therto to be known as Section 6
and renumber the subsequent Sec-
tions. Said Section to read as fol-
lows:

"Section—the Legislature of the
State of Texas further requests that
the Federal Government permit the
leasing of sites on that portion of
Padre Island which may lie
within Padre Island National Sea-
shore, for the purpose of drilling direc-
tionally from Padre Island under the ad-
jointing submerged lands both in and
out of Padre Island National Sea-
shore, and that the Department of
Interior promulgate reasonable rules
and regulations as to the use of such
drilling sites, the length of time
permitted for removal of drilling
equipment upon completion, the con-
struction and maintenance of pump-
ing and storage facilities necessary
to remove oil from completed wells,
and the housing of employees for
such purposes."

The amendment was adopted.

The amendment by Mr. Hale, as
amended, was adopted.

S. B. No. 224 was passed to third
reading.

Mr. Preston moved that the con-
stitutional rule requiring bills to be
read on three several days be sus-
pended and that Senate Bill No. 224
be placed on its third reading and
final passage.

The motion prevailed by the fol-
lowing vote:

Year—127

Adams of Titus
Alaniz
Andrews
Atwell
Bailey
Balmer
Banfield, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Blaine
Boyaen
Bridges
Buchanan
Butler
Caldwell
Cannon
Carriker
Cole of Harris
Collins
Connell
Cook
Cory
Cotten
Coxen
Cowies
Crews
Culvington
de la Garza
Dewey
Duff, Miss
Duncan
Dunlap
Eckhardt
Fairchild
Fletcher
Floyd
Forrest
Garrison
Gibbons
Glenfeld
Glass
Gleising
Green
Grover
Guiffy
Hale
Harding
Haring
Harrington
Haynes
Hinson
Hoadley
Hughes
Hughes of Dallas
Jepsen, Mrs.
James
Jamison
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kendall
Kilpatrick
Koliba
Korioth
Lack
Lalimer
La Valle
Leaverton
Lewis
Longoria
McGregor
of El Paso
Methany
Markgraf
Martin
Miller
Moore
Mullen
Murray
Mutchler
Niemeyer
Oliver
Osborn
Parsons
Percy
Peeler
Pety
Pieratt
Pliskin
Ralph
Read
Richards
Richardson
Roberts of Hill
Ross
Rosson
Schram
Shipley
Slack

Yeas—127
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Smith of Bexar  Townsend
Smith of Jefferson  Trevino
Sims  Tunnell
Spears  Walker
Spliman  Ward
Spranger  Watson
Stewart  Wells
of Galveston  Wheatley
Stewart  Whitefield
of Wichita  Wilson of Trinity
Struve  Wilson of Potter
Thurmond  Yeak

Nays—7
Adams of Lubbock  Nugent
Berry  Shannon
Crain  Slider
Hollowell  McGregor

Absent
Burgess  McGregor of McLennan
Chapman  Price
Heal  Roberts of Dawson
McCoppin  Sandahl

Absent—Excused
Allen  Lary
Cole of Hunt  Thurman
Jarvis 

Mr. Nugent requested a verification of the above vote, and the request was not granted.

The Speaker then laid Senate Bill No. 224 before the House on third reading and final passage.

The bill was read third time.

Mr. Preston offered the following amendment to the bill:

Amend S. B. No. 224 as follows:

Strike out the last semi-colon and all thereafter in Sec. 4 and place in lieu thereof a period and add the following:

Said land shall not be conveyed unless the School Land Board is first satisfied that the mineral interest with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incidental to the mining, development, or removal of the minerals is protected and the deed to the Federal Government and Federal legislation establishing Padre Island as a National Seashore Area contains the following provisions, to-wit:

The Secretary of the Interior shall permit a reservation by the grantor of all oil, gas, and other minerals in such land or waters with the right of occupation and use of so much of the surface of the land or waters as may be required for the purposes of development of oil, gas and other minerals. Such permit shall be granted when requested by the Chairman of the School Land Board upon recommendation of the School Land Board of the State of Texas.

The amendment was adopted.

S. B. No. 224 was then passed.

Mr. Preston moved to reconsider the vote by which S. B. No. 224 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Hale and by unanimous consent of the House, the caption of Senate Bill No. 224 was ordered amended to conform with the body of the bill.

MESSAGE FROM THE SENATE
Austin, 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 passed the following:

S. B. No. 480, Creating Gregg-Upshur County Water Control and Improvement District No. 1; and declaring an emergency.

S. B. No. 132, An Act providing for the registration in the Department of Agriculture; and declaring an emergency.

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

LEAVE OF ABSENCE GRANTED

Mr. Stewart of Wichita was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Harrington.
SENATE BILL NO. 450 ON SECOND READING

Mr. Glusing moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 450.

The motion prevailed by unanimous consent.

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

S. B. No. 450, Relating to the ownership of land in Texas by a corporation; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. No. 450 by adding at the end of the first paragraph of the quoted Article 174, following the words "or equitably owned by" and preceding the colon, the following language:

"citizens of the United States, if any such stock is so owned, and by."

The amendment was adopted.

S. B. No. 450 was passed to third reading.

SENATE BILL NO. 450 ON THIRD READING

Mr. Glusing moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea-119
Adams of Lubbock
Adams of Travis
Andrews
Bailey
Ballman
Bartlett, Mrs.
Barrow
Bell
Berry
Cole of Harris
Collins
Cook
Cotten
Cowan
Crow
Curtis
de la Garza
Dewey
Duff, Miss
Dungan
Eikhardt
Elrle
Fairchild
Fletcher
Floyd
Foreman
Garrion
Gibbons
Gladden
Glass
Glusing
Green
Gruen
Suffey
Hale
Harding
Haring
Harrington
Haynes
Hinson
Holwell
Huebner
Hughes
Hughes of Grayson
Hutcheson of Dallas
Husak, Miss
James
Jamison
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Travis
Kennard
Kilpatrick
Koliba
Koroth
Lack
Lattimer
La Valle
Leaverton
Lewis
Longoria
McCoppin
McGregor
McLish
McNair
Mallet
Martin
Miller
Moore
Mullen
Murray
Mutscher
Niemeyer
Osborn
Parsons
Perry
Peeler
Petty
Pierce
Pipkin
Preston
Quilliam
Rapp
Ranciff
Richards
Roberts of Hill
Rosen
Schram
Shanzeo
Shipley
Smith of Bexar
Smith of Jefferson
Springer
Stewart
Spilman
Stewart
Tikale
Tippin
Tompkins
Tourney
Trevino
Watson
Watson
Wells
Whaley
Whittfield
Wilson of Trinity
Wilson of Potter
Yezak

Nays-9
Alanis
Crain
Jarvis
Nugent
Richardson
Atwell
Barnes

Absent

Barnes
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Bartram  Oliver
Bass  Price
Chapman  Read
Heatly  Roberts of Dawson
Jones of Dallas  Sandahl
McGregor  Slack
of McLennan  Woods

Absent—Excused
Allen  Stewart
Cole of Hunt  of Wichita
Lary  Thurman

The Speaker then laid Senate Bill No. 450 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Gluslng moved to reconsider the vote by which S. B. No. 450 was passed and to table the motion to reconsider.

The motion to table prevailed.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of the day on account of important business:

Mr. Lary for today on motion of Mr. James.
Mr. Gibbens for today on motion of Mr. James.
Mr. Collins for today on motion of Mr. James.
Mr. Roberts of Hill for today on motion of Mr. Hinson.
Mr. Martin for today on motion of Mr. Boyse.
Mr. Chapman for today on motion of Mr. Hinson.
Mr. Barnes for today on motion of Mr. Hughes of Grayson.

SENATE BILL NO. 143 ON SECOND READING

Mr. Fairchild moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 143.

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

The vote of the House was taken on the motion to suspend all necessary rules for the purpose of taking up and considering at this time S. B. No. 143, and the vote was announced: yeas 83, nays 40, and 1 present—not voting.

A verification of the vote was requested and was granted.

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

Yea—82
Adams of Lubbock  Jones of Dallas
Adams of Titus  Kilpatrick
Alanya  Koliba
Atwell  Lack
Bailey  Leaverton
Bakerfield, Mrs.  Lewis
Bartram  Longoria
Bass  Markgraf
Bass  Miller
Boyse  Moore
Buchanan  Murray
Burgess  Mutschler
Butler  Neimeyer
Connell  Niemeyer
Cowen  Nichols
Cowles  Oliver
Grain  Parsons
Curington  Petty
De la Garza  Petting
Dewey  Preston
Duff, Miss  Price
Dungan  Prue
Ehrle  Hairiff
Fletcher  Read
Fitcher  Richards
Garrison  Rosson
Glass  Shannan
Glasier  Shaw
Gluslng  Shipp
Groover  Shipp
Guffy  Snelson
Hale  Spear
Hinson  Spelman
Hollowell  Thurmood
Husner  Townsend
Hughes of Dallas  Trevino
Isaacks, Miss  Tunnell
James  Walker
Jamieson  Watson
Jarvis  Whitfield
Johnson of Dallas  Wilson of Trinity
Johnson of Bell  Wilson of Potter

Nay—39
Andrews  Berry
Ballman  Bridges
Barlow  Caldwell
A record vote was requested on the motion for the previous question.

The motion for the previous question prevailed by the following vote:

Yes—66

Adams of Lubbock Johnson of Dallas
Adams of Titus Johnson of Dallas
Atwell Jones of Dallas
Bailey Kolb
Banfield, Mrs. Lack
Bartram Leaverton
Bear Lewis
Bess Markgraf
Berry Miller
Blaine Murray
Buchanan Mulacher
Burgess Niemeyer
Butler Nischan
Creaves Nischan
Crews Odom
Curtin Parson
Dewey Preston
Duff, Miss Price
Dungan Ratcliff
Ehrle Read
Elkins Richards
Fairchild Henson
Fletcher Schram
Garrington Shannon
Glass Shipley
Grover Sider
Guicey Smith of Jefferson
Hinson Snellman
Hollowell Thurmond
Hastner Walker
Hughes of Dallas Watson
Inabinet, Miss Wilson of Trinity
James Wilson of Potter

Nay—55

Alais Harling
Andrews Harrington
Ballman Hansen
Barlow Hughes of Grayson
Boyens Jamison
Bridges Johnson of Dallas
Caldwell Jones of Dallas
Carriker Kennard
Carroll Le Valle
Cassell Longoria
Cassenville Longoria
Cave Longoria
Carroll Longoria
Crist McCombs
Dewing McCombs
Dewing of El Paso
Floyd McLain
Fournier Mullen
Gladden Osborn
Giudica Pearcy
Green Peeler
Hale Piersall
Hailey Popham

The Speaker stated that the motion to suspend all necessary rules for the purpose of taking up and considering at this time S. B. No. 143 prevailed by the above vote.

The Speaker said before the House on its second reading and passage to third reading.

S. B. No. 143, Providing that any person who begats or conceives more than one illegitimate child, as herein defined, shall be guilty of a misdemeanor; fixing a penalty; and declaring an emergency.

The bill was read second time.

Mr. Burgess moved the previous question on the passage of Senate Bill No. 143 to third reading.
Mr. de la Garza (present), who would vote "Nay" with Mr. Gibbens (absent), who would vote "Yea."

S. B. No. 143 was passed to third reading.

Mr. Stewart of Galveston moved that all the necessary rules be suspended in order that he might be permitted to speak on the motion to suspend the Constitutional Rule to place S. B. No. 143 on third reading and final passage.

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

LEAVE OF ABSSENCE GRANTED

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

MOTION TO PLACE SENATE BILL NO. 143 ON THIRD READING

Mr. Fairchild moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 143 be placed on its third reading and final passage.

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

Yea—79

Adams of Lubbock Jones of Dallas
Adams of Titus Kilpatrick Atwell
Alvarez Kollon Bailey
Banfield, Mrs. Lewerton
Barthram Lewis
Baugh Longoria
Bell Markgraf
Berry Miller
Blair Murray
Boyton Matcher
Buchanan Niswender
Burgess Oliver
Butler Parsons
Cannon Peavy
Connell Pipkin
Cotten Preston
Cowen Preston
Cowan Price
Crenshaw Ratliff
Crews Read
Curington Richards
Dewey Rosson
Duffy, Miss Schram
Dunham Shannon
Fairchild Shively
Fletcher Sluder
Garrison Smith of Jefferson
Glass Snelson
Groover Spilman
Guffey Tunnell
Hanes Trevino
Hinson Tunnell
Hollowell Walker
Huebner Ward
Hughes of Dallas Watson
James Wilson of Trinity
Jamison Wilson of Potter
Johnson of Dallas Yezak
Johnson of Bell

Nay—41

Alamitos Gladden
Andrews Glisling
Ballman Green
Barlow Hale
Bridges Harding
Bridges Harding
Calwell Harding
Carroll Harrington
Cole of Harris Hughes
Chandler Floyd
Foreman

of Grayson
of Bexar
of Travis
Mr. Quilliam moved to reconsider the vote by which S. B. No. 143 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON S. B. 143

I voted "no" on S. B. 143 because the passage of the bill would sanction and encourage the birth of one illegitimate child by any citizen and I am not in favor of illegitimacy.

JAMES E. BARLOW,
FRANKLIN SPEARS,
NEIL CALDWELL.
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would merely compound the tragedy for an innocent, unwed mother of less fortunate economic means.

This law as written did not affect the really hard-core professional mother of illegitimate children in her desire to live off the public dole. She would merely be fed in the County jail for up to 90 days and return to her preoccupation with producing more recipients for welfare aid by the State.

Section 8a of the Bill specifically provides that such a practice will continue.

The only solution to this hard-core problem of illegitimacy I believe to have been incorporated in an amendment which I sought to offer but was denied the right of presenting. This amendment would have provided that the punishment would have been to have the second and subsequent illegitimate children as required by this Bill.

H. B. No. 502, "An Act to amend Article 4889d of Vernon's Annotated Civil Statutes, Acts 1951, Fifty-third Legislature, page 56, Article 45, so as to compensate constables and deputy constables for transportation or furnish adequate transportation within the State, providing for sworn statements covering such transportation; providing that this Act shall be severable; providing for the repeal of Article 4889b of Vernon's Annotated Civil Statutes, Acts 1951, Fifty-second Legislature, page 434, Chapter 264; providing this Act be cumulative of all other existing laws; and declaring an emergency."

H. B. No. 671, "An Act confirming and validating sale of certain submerged and unsubmerged land in the 'Cayo Del Oro' to the City of Corpus Christi; retaining title to minerals in the State of Texas and prescribing terms for their development; providing for settlement of boundary conflicts with claimants of adjacent land; providing for improvement of such land by the City of Corpus Christi or its assigns by July 1, 1965, with reverter to the State of portions thereof not so improved, except portions devoted to channels, canals and waterways; prescribing certain terms and conditions for conveyance of all or any part of such lands by the City of Corpus Christi; repealing conflicting laws; providing a saving clause; and declaring an emergency."

H. B. No. 838, "An Act to amend the subject matter embraced in Section 17, Section 19(A) and Section 21, of Title 86, Article 5421m, as amended, Revised Civil Statutes of Texas, providing for an increase in interest rates; providing for resale of forfeited land; providing for an increase in fees for processing and servicing applications; providing for the severability of provisions; and declaring an emergency."

H. B. No. 951, "An Act amending Article 1106a of Vernon's Texas Penal Code, defining the word 'person' and providing that every di-
rector, officer, agent, employee, or member of any firm, copartnership, association, or corporation participating in, aiding, or authorizing any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill, or re-use the container, can, tank, pump, or other distributing device of any manufacturer, processor, or distributor, for the purpose of offering for sale or selling lubricating oils, greases, and similar products therefrom when said container, can, tank, pump, or distributing device bears the trade-mark, symbol, sign, or other distinguishing mark of said manufacturer, processor, or distributor, or of his products; providing that the possession or such refilled container, can, tank, pump, or distributing device shall be prima facie evidence of possession thereof for the purpose of sale; making it unlawful to imitate the design, symbol, or trade name of recognized brands of gasolines, motor fuels, lubricating oils, greases, or similar products or to expose for sale or sell gasolines, motor fuels, lubricating oils, greases, or similar products under any trade-mark, trade name, or other distinguishing mark, other than those of the manufacturer, processor, or distributor of such products, or to aid or assist any person in the violation of the Act; prescribing penalties; providing a saving clause; and declaring an emergency."

H. B. No. 1064, "An Act fixing the salaries to be paid certain officials in certain counties; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 1101, "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as El Paso County Water Control and Improvement District-Westway; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the General Laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for a severability clause; and declaring an emergency."

SUSPENDING THE JOINT RULES
TO CONSIDER S. B. NO. 116

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

S. C. R. No. 75

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of both Houses be suspended so as to allow either House to take up Senate Bill 116 at any time.

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

Mr. Jones of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Current Resolution No. 75.

A record vote was requested on the motion by Mr. Jones of Dallas.

The motion to suspend the rules to take up and consider at this time S. C. R. No. 75 was lost by the following vote: (not receiving the necessary two-thirds vote)

Yeas—68
Adams of Lubbock
Curtis
Adams of Titus
de la Garza
Andrews
Ehrle
Atwell
Fairchild
Ballman
Floyd
Bancroft, Mrs.
Foreman
Bartram
Garrison
Bell
Gladdens
Berry
Glass
Blaine
Glueck
Boyem
Grover
Boysen
Hale
Butler
Haynes
Caldwell
Huebner
Cowen
of Dallas
Crawford
Craws
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.

MESSAGE FROM THE SENATE

Austin, 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 passed the following:

H. B. No. 289, An act to be known and cited as the Legislative Reorganization Act of 1961; and declaring an emergency (With amendments)

H. B. No. 639, Exempting personal property of certain institutions from ad valorem taxation, and declaring an emergency.

H. B. No. 1105, Defining theft of a geological or geophysical map; and declaring an emergency (With amendments)

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

MESSAGE FROM THE SENATE

Austin, 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. 165 by Viva Voce vote.

Senate concurred in House amendments to S. B. 212 by viva voce vote.

Respectfully submitted,
CHARLES A. SCHNABEL, Secretary of the Senate.
MESSAGE FROM THE SENATE

Austin, 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 passed the following:

H. C. R. No. 72, Directing the Texas Education Agency to make a study for the purpose of the establishment of standards for a higher level high school diploma and to report its findings and recommendations to the Fifty-eighth Legislature.

H. C. R. No. 77, Granting permission to George T. Odem to sue the State of Texas and the Lower Colorado River Authority.

H. C. R. No. 80, Recommending that the Texas Education Agency make a survey to determine the practicability of the use of paperback textbooks in the public schools of Texas.

H. C. R. No. 88, Requesting the Texas Commission on Higher Education to make a special study of the over-all needs of the State in the field of public higher education.

H. C. R. No. 100, Granting H. N. Crow, et ux Willie Mae Crow, permission to sue the State of Texas and the Texas State Highway Department.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

SENATE BILL NO. 53 ON SECOND READING

Mr. McLhany moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 53.

The motion prevailed by the necessary two-thirds vote.

The Speaker said before the House on its second reading and passage to third reading.

S. B. No. 53. A bill to be entitled “An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon’s Texas Civil Statutes), by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of processing, marketing or storage of such agricultural products; by increasing the gross weight of exempt farm trailers and farm semi-trailers to twelve thousand (12,000) pounds; and by defining the term ‘gross weight,’ repealing conflicting laws; and declaring an emergency.”

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

SENATE BILL NO. 53 ON THIRD READING

Mr. McLhany moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—103
Adams of Lubbock
Addams of Titus
Andrews
Bailey
Barlow
Bartram
Bass
Blaine
Bynum
Bridges
Buchanan
Burgess
Butler
Calwell
Cannon
Carriker
Connell
Cotten
Cowen
Cox
Craig
Craw
Crews
Curington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrie

Nay—7
Albritton
Ashby
Austin
Barlow
Boutwell
Buchanan
Habersham
The Speaker then laid Senate Bill No. 53 before the House on third reading and final passage.

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

**Yea—109**

- Adams of Lubbock
- Kilpatrick
- Adams of Titus
- Koliba
- Andrews
- Kerchof
- Bailey
- Lack
- Banfield, Mrs.
- La Vaila
- Barlow
- Leaverton
- Bartram
- Loggins
- Bass
- McCoppin
- Blaine
- McGregor
- Bosnia
- Bridges
- McIlhany
- Buchanan
- Markgraf
- Burgess
- Miller
- Butler
- Moore
- Caldwell
- Mcllhany
- Cannon
- Murray
- Carricker
- Matecher
- Connell
- Niemeyer
- Cowen
- Nugent
- Cowins
- Osborn
- Crain
- Parsons
- Crow
- Pearson
- Crews
- Peeler
- Curington
- de la Garza
- Dewey
- Duff, Miss
- Dungan
- Eggleth
- Quilliam
- Ehrle
- Rapp
- Fairchild
- Read
- Fletcher
- Richards
- Ford
- Richardson
- Foreman
- Roson
- Garrison
- Gladden
- Sharram
- Glass
- Shannon
- Glutting
- Shiple
- Green
- Smith of Bexar
- Grover
- Smith of Jefferson
- Guffey
- Sabelson
- Hale
- Spilman
- Harrington
- Spring
- Haynes
- Stewart
- Hinson
- of Galveston
- Hollowell
- Stueve
- Hughes
- Thurmond
- Hughes of Grayson
- Townsend
- Hughes of Dallas
- Trevino
- Inaacks, Miss
- Ward
- James
- Wason
- Jarvis
- Wells
- Johnson of Bexar
- Wheatley
- Johnson of Bell
- White
- Jones of Travis
- Wilson of Trinity
- Kenard
- Yeak

**Nay—11**

- Allen
- Berry
- Atwell
- Johnson of Dallas
- Bell
- Jones of Dallas

Leaverton
- Richardson
- Adams of Lubbock
- Kilpatrick
- Longoria
- Roson
- Adams of Titus
- Koliba
- McGregor
- Schram
- Kerchof
- McCoppin
- Schrom
- Lack
- of El Paso
- Shiple
- Banfield, Mrs.
- La Vaila
- McLlhany
- Smith of Bexar
- Barlow
- Leaverton
- Morgan
- Smith of Jefferson
- Bartram
- Loggins
- Bass
- McIlhany
- Blaine
- McGregor
- Bosnia
- Bridges
- McIlhany
- Buchanan
- Markgraf
- Burgess
- Miller
- Butler
- Moore
- Caldwell
- Mcllhany
- Cannon
- Murray
- Carricker
- Matecher
- Connell
- Niemeyer
- Cowen
- Nugent
- Cowins
- Osborn
- Crain
- Parsons
- Crow
- Pearson
- Crews
- Peeler
- Curington
- de la Garza
- Dewey
- Duff, Miss
- Dungan
- Eggleth
- Quilliam
- Ehrle
- Rapp
- Fairchild
- Read
- Fletcher
- Richards
- Ford
- Richardson
- Foreman
- Roson
- Garrison
- Gladden
- Sharram
- Glass
- Shannon
- Glutting
- Shiple
- Green
- Smith of Bexar
- Grover
- Smith of Jefferson
- Guffey
- Sabelson
- Hale
- Spilman
- Harrington
- Spring
- Haynes
- Stewart
- Hinson
- of Galveston
- Hollowell
- Stueve
- Hughes
- Thurmond
- Hughes of Grayson
- Townsend
- Hughes of Dallas
- Trevino
- Inaacks, Miss
- Ward
- James
- Wason
- Jarvis
- Wells
- Johnson of Bexar
- Wheatley
- Johnson of Bell
- White
- Jones of Travis
- Wilson of Trinity
- Kenard
- Yeak

Absent
- Ballman
- Murray
- Allen
- Lary
- Barnes
- Martin
- Chapman
- Petty
- Cole of Harris
- Roberts of Dawson
- Cole
- Sandahl
- Cory
- Clark
- Latimer
- Wilson of Potez
- McGregor
- Woods
- of McLennan

Absent—Excused
- Allen
- Lary
- Barnes
- Martin
- Chapman
- Petty
- Cole of Harris
- Roberts of Hill
- Cole of Hunt
- Roberts of Hill
- Collins
- Stewart
- Gibbons
- of Wichita
- Healy
- Thurman

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

Lewis Oliver Ratcliff
Present—Not Voting
Harling Haring
Absent
Ballman Roberts of Dawson
Cole of Harris Sandahl
Cook Black
Cory Spears
Jamison Wilson of Potter
Latimer Woods
McGregor of McLennan
Absent—Excused
Allen Lary
Barnes Martin
Chapman Petty
Cole of Hunt Roberts of Hill
Collins Stewart
Gibbens of Wichita
Healy Thurman

PAIRED
Mr. Haring (present), who would vote "nay" with Mr. Cory (absent), who would vote "yea."
Mr. Walker (present), who would vote "nay" with Mr. Petty (absent), who would vote "yea."
Mr. McLhany moved to reconsider the vote by which S. B. No. 53 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1135 ON SECOND READING

Mr. McGregor of El Paso moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1135.

The motion prevailed by the necessary two-thirds vote.

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

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

HOUSE BILL NO. 1135 ON THIRD READING

Mr. McGregor of El Paso moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120
Adams of Lubbock
Adams of Titus
Aliansi
Andrews
Bailey
Banfield, Mrs.
Barlow
Bartram
Bass
Ball
Berry
Blaine
Boysen de la Garza
Brandes
Broom
Buchanan
Burgess
Butler
Ehlers

Nays—8
Adams of Titus
Carrick
Cole of Harris
Connor
Cotten
Cox
Cowles
Crawford
Crews
Curlington
da la Garza
Dewey
Duff, Miss
Dungan
Eschardt
Ehlers
<table>
<thead>
<tr>
<th>Absent</th>
<th><em>absent_text</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
<td>Barnes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Absent—Excused</th>
<th><em>absent_text</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Atwell</td>
<td>Roberts of Dawson</td>
</tr>
<tr>
<td>Ballard</td>
<td>San-Ash</td>
</tr>
<tr>
<td>Cook</td>
<td>Schram</td>
</tr>
<tr>
<td>Cory</td>
<td>Slack</td>
</tr>
<tr>
<td>Jarvis</td>
<td>Smith of Jefferson</td>
</tr>
<tr>
<td>Latimer</td>
<td>Wilson of Potter</td>
</tr>
<tr>
<td>Milburny</td>
<td>Woods</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yeas</th>
<th><em>yeas_text</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>122</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Yeas—1</th>
<th><em>yeas_text</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>113</td>
<td></td>
</tr>
</tbody>
</table>

The Speaker then laid House Bill No. 1135 before the House on third reading and final passage.
Mr. McGregor of El Paso moved to reconsider the vote by which H. B. No. 1135 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Roberts of Hill the House concurred in the Senate Amendments to H. B. No. 524 by the following vote:

<table>
<thead>
<tr>
<th>Yeas—110</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berry</td>
</tr>
<tr>
<td>Crain</td>
</tr>
<tr>
<td>Dewey</td>
</tr>
<tr>
<td>Hughes</td>
</tr>
<tr>
<td>Isakaca</td>
</tr>
<tr>
<td>Jarvis</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays—11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atwell</td>
</tr>
<tr>
<td>Ballman</td>
</tr>
</tbody>
</table>

The motion prevailed.

Mr. Roberts of Hill moved to reconsider the vote by which H. B. No. 1135 was passed and to table the motion to reconsider.

The motion to table prevailed.
May 26, 1961

Mr. McLlhany moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 400.

A record vote was requested.

The vote of the House was taken on the motion to suspend all necessary rules to take up and consider at this time S. B. No. 400 and the vote was announced yeas 84, nays 36 and 1 present—not voting.

A verification of the vote was requested and was granted.

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

<table>
<thead>
<tr>
<th>Yeas—82</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Titus</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Bailey</td>
</tr>
<tr>
<td>Beanfield, Mrs.</td>
</tr>
<tr>
<td>Bartram</td>
</tr>
<tr>
<td>Bell</td>
</tr>
<tr>
<td>berry</td>
</tr>
<tr>
<td>Boykin</td>
</tr>
<tr>
<td>Buchanan</td>
</tr>
<tr>
<td>Buffen</td>
</tr>
<tr>
<td>Butler</td>
</tr>
<tr>
<td>Caldwell</td>
</tr>
<tr>
<td>Chanock</td>
</tr>
<tr>
<td>Carricker</td>
</tr>
<tr>
<td>Coal of Harris</td>
</tr>
<tr>
<td>Connell</td>
</tr>
<tr>
<td>Cowen</td>
</tr>
<tr>
<td>Cowens</td>
</tr>
<tr>
<td>Crain</td>
</tr>
<tr>
<td>Crews</td>
</tr>
<tr>
<td>Curington</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays—36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Lubbock</td>
</tr>
<tr>
<td>Barlow</td>
</tr>
<tr>
<td>Bass</td>
</tr>
<tr>
<td>Blaine</td>
</tr>
<tr>
<td>Dewey</td>
</tr>
<tr>
<td>Duff, Miss</td>
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<tr>
<td>Dungan</td>
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<tr>
<td>Guffey</td>
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<tr>
<td>Hargis</td>
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<tr>
<td>Haynes</td>
</tr>
<tr>
<td>Hubbard</td>
</tr>
<tr>
<td>Hughes of Dallas</td>
</tr>
<tr>
<td>James</td>
</tr>
<tr>
<td>Johnson of Bell</td>
</tr>
<tr>
<td>Jones of Dallas</td>
</tr>
<tr>
<td>Kolba</td>
</tr>
<tr>
<td>Leongoria</td>
</tr>
</tbody>
</table>

Present—Not Voting

Andrews

Abscent—Excused

| Allen | Gibbens |
| Barnes | Healy |
| Chapman | Lary |
| Cole of Hunt | Martin |
| Collins | Petty |
Mr. Andrews (present), who would vote "Nay" with Mr. Cory (absent), who would vote "Yea."

The Speaker stated that the motion to suspend all necessary rules to take up and consider at this time S. B. No. 400 prevailed by the above vote.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 400, Regulations grading and classification of rose plants by Commissioner of Agriculture; and declaring an emergency.

The bill was read second time.

MOTION TO ADJOURN

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

The motion was lost.

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

Committee Amendment No. 1

Amend S. B. 400 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. The purpose of this Act is to provide necessary authority for the Commissioner of Agriculture to prescribe rules, regulations and procedures for inspection, grading and labeling of all rose plants, cuttings, bushes, or shipments thereof, unless said rose plants, cuttings, bushes, or shipments thereof shall have been graded and labeled in accordance with the grades or classifications promulgated by the Commissioner of Agriculture pursuant to his authority herein granted, and he shall establish as one of such grades or classifications the grade or classification of "ungraded."

Section 2. The Commissioner of Agriculture, or his duly authorized representative under the supervision and control of the Commissioner, shall enforce the provisions of this Act; and any authorized representative of the Commissioner of Agriculture may enter any place of business, farm, shed or other location during ordinary business hours within the State where rose plants, cuttings, bushes, or shipments thereof are grown, sold, offered for sale or displayed, and shall inspect and verify the grade, or shall cause to be inspected and graded, such rose plants, cuttings, bushes, or shipments thereof as may be offered for sale, and such inspection may include the grading of said rose plants, cuttings, bushes, or shipments thereof into one of the grades provided for in his rules and regulations, and the Commissioner of Agriculture shall issue or cause to be issued a certificate of authority to the person, firm or corporation grading, selling or offering for sale the rose plants, cuttings, bushes, or shipments thereof. The certificates shall bear a number which shall be used by the certificate holder on all labels attached to rose plants, cuttings, bushes, or shipments thereof sold or offered for sale by the holder or under his direction.

Sec. 4a. The Commissioner of Agriculture, or his duly authorized representative, may, while enforcing
the provisions of this Act, issue and enforce a written or printed "Stop Sale" Order on any rose plants, cuttings, bushes, or shipments thereof offered for sale which shall not bear a label showing the proper classification or grade, and such "Stop Sale" Order shall prohibit further sales of such rose plants, cuttings, bushes, or shipments thereof until they shall be properly graded, classified and labeled.

Section 5. The Commissioner of Agriculture may accept the inspection, grading and labeling of rose plants, cuttings, bushes, or shipments thereof as performed in other states by the duly authorized authority in said state, provided the rose plant, cutting, bush or shipment thereof shall be plainly labeled with the grade indicated, or plainly marked that said rose plant, cutting, bush, or shipment thereof is ungraded, but in no event shall a rose plant, cutting, bush, or shipment thereof be sold or offered for sale that does not bear a label clearly showing its grade or classification, and such grade or classification must be at least equal to such grade or classification as promulgated by the Texas Department of Agriculture.

Section 6. The annual license fee for growers, dealers, wholesalers and processors shall be determined according to the actual amount of work done or time consumed by the Commissioner or under his direction and supervision, and the license year shall be twelve (12) months, or any fraction thereof, beginning on January 1 and ending on December 31, and any certificate of authority issued during the said year shall be for the remainder thereof and for no longer period. The annual license fee for the certificate of authority shall in no event be less than the following schedule:

(a) For growers, dealers, wholesalers or processors handling, selling, or offering for sale up to One Hundred Thousand ($100,000) rose plants, cuttings, or bushes for the calendar year $25.00

(b) For growers, dealers, wholesalers or processors handling, selling or offering for sale in excess of One Hundred Thousand ($100,000) rose plants, cuttings, or bushes for the calendar year $50.00

(c) For growers, dealers, wholesalers or processors handling, selling or offering for sale in excess of Five Hundred Thousand ($500,000) and less than One Million ($1,000,000) rose plants, cuttings or bushes for the calendar year $75.00

(d) For growers, dealers, wholesalers or processors handling, selling or offering for sale in excess of One Million ($1,000,000) rose plants, cuttings, or bushes for the calendar year $100.00

All fees collected hereunder shall be fees of office of the Commissioner of Agriculture and shall be deposited in the General Fund of the State of Texas, subject to appropriation by the Legislature. Persons, firms or corporations purchasing graded stock and not themselves determining or influencing the grade thereof, shall be exempt from the annual license fee for the certificate of authority.

Section 7. Any person, firm or corporation advertising for sale, selling or offering for sale rose plants, cuttings, bushes, or shipments thereof, that are not clearly and distinctly marked with a grade or classification and such grade or classification must be at least equal to such grade or classification as promulgated by the Texas Department of Agriculture, and after the effective date of this Act, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than Fifty Dollars nor more than One Hundred and No/100 ($50.00) Dollars, and each separate sale shall be a separate offense and violation.

Section 8. If any part of this Act shall be held void, such portion shall be deemed severable and the validity thereof shall not affect the remaining parts of this Act.

Section 9. The fact that there are presently being offered for sale throughout the State rose bushes of a very inferior grade which are publicized as being a typical Texas rose, and that such merchandise is a fraud
upon the consuming public creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days be suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.”

The amendment was adopted.

S. B. No. 400 was passed to third reading.

Mr. McLinany moved to reconsider the vote by which S. B. No. 400 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE SENATE BILL NO. 400 ON THIRD READING

Mr. McLinany moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 400 be placed on its third reading and final passage.

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

Yea—91

Adams of Lubbock Fletcher
Adams of TulsA
Alantis
Ball
Ballman
Bannister, Mrs. Barr
Bartram
Bass
Ball
Berry
Boyseen
Bridges
Burgess
Burrel
Caldwell
Chancellor
Carver
Connell
Cowen
Cox
Cowles
Crews
Cartwright
de la Garza
Edwards
Elkins
Fairchild
Lewis
Lea
Lennors
McAppich
McIlhaney
Markgraf
Miller
Moore
Murtacher
Oliver
Parsons
Pineau
Pipkin
Prentiss
Price
Quillian
Rapp
Read
Richards
Richardson
Robertson of Dallas
Robertson of Hico

Nay—56

Barlow
Bilmas of El Paso
Bivins
Claiborne
Clark
Dewey
Duff, Miss
Duncan
Haring
Haynes
Henry
Huebner
Hughes of Dallas
Jeans, Miss
James
Johnson of Bell
Johnson of Trinity
Jorgenson
Jordan of Bexar
Jordan of Galveston
Jordan of Hopkins
Jordan of Smith
Jordan of Travis
Jurek
Kilpatrick
Kolkoski
Koloth
Lash
Lea Valles
Leaverton
Lewis
Schram
Shipher
Smith of Reeves
Smith of Jefferson
Snell
Spelman
Springer
Stewart
Struve
Townsend
Tunnell
Walker
Watson
Wells
Whitfield
Wilson of Trinity
Woods
Yezak

Present—Not Voting

Andrews
Atwell
Buchanan of McLennan
Cole of Harris
Cook
Cory
Green
Harding
Jarvis
Kennard
Lattimer

Absent

McGregor
Murray
Oehser
Roses
Sandahl
Speer
Wilson of Potter

Absent—Excused

Allen
Barnes
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
Bates
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Bates
Bates
Mr. Andrews (present, who would vot. "nay" with Mr. Cory (absent), who would vote "aye."

AUTHORIZING CERTAIN CORRECTION IN H. B. NO. 423

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

S. C. R. No. 77

Whereas, House Bill No. 423 has passed the Senate and the House of Representatives and is now in the House Enrolling Room; and

Whereas, A minor error has been found in the text of the Act, and which description is set forth in Section 1 of said Bill, now, therefore, be it

Resolved by the Senate of Texas, the Senate of Representatives concurring, That the Enrolling and Engrossing Clerk of the House be and hereby instructed to correct the error by adding the word "South" after the word "Thence" and before "45°" in the 3rd paragraph preceding Section 2.

The resolution was read and was adopted.

TO REQUEST THE GOVERNOR TO RETURN S. C. R. NO. 60

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

S. C. R. No. 78

Whereas, Senate Concurrent Resolution No. 60 has passed the Senate and the House of Representatives and is now in the Governor's Office; and

Whereas, Senate Concurrent Resolution No. 60 needs to be returned to the Senate for correction; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Governor be and he is hereby requested to return Senate Concurrent Resolution No. 60 to the Senate; and be it further

Resolved, That the Enrolling Clerk of the Senate be and he is hereby directed to insert the words "allege that it" immediately following
State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Central Power and Light Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two years from the effective date of this resolution; and be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or any fact is made by this resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That no interest shall be paid to Central Power and Light Company in the event a final judgment is obtained by it for recovery of taxes paid under Articles 22.01-22.09, Acts 1959, 56th Leg. S.t. provided if a final judgment is obtained by Central Power and Light Company, all increases in rates obtained on the basis of taxes paid under said Act shall be refunded to all those having paid such rate increases.

The facts stated above create an emergency and an imperative public necessity that the Constitutional Rule requiring resolutions to be read on three several days in each House be suspended, and this resolution shall take effect from and after its passage.

The resolution was referred to the Committee on State Affairs.

ADJOURNMENT

Mr. Ratcliff moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

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

Mr. Bell moved that the House adjourn until 10:30 o'clock a.m. next Monday.

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

Mr. Berry moved that the House adjourn until 2:00 o'clock p.m. next Sunday.

Mr. Yezak moved that the House recess until 11:00 o'clock a.m. tomorrow.

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

Mr. Oliver moved that the House recess until 9:00 o'clock p.m. today.

Mr. Buchanan moved that the House adjourn until 9:00 o'clock a.m. tomorrow.

Mr. de la Garza moved that the House adjourn until 6:00 o'clock p.m. tomorrow.

A record vote was requested on the motion to adjourn until 9:00 o'clock a.m. tomorrow.

The motion to adjourn until 9:00 o'clock a.m. tomorrow was lost by the following vote:

Yes—40

Adams of Lubbock
Karloth
Bailey
Bartram
Bass
Buchanan
Burgess
Caldwell
Cannon
Cowie
Couttington
Dickhardt
Fletcher
Floyd
Foreman
Garrison
Gladden
Glass
Grover
Guyett
Hale
Harrington
Haynes
Iasona, Miss
Kenzard

Mr. Adams of Lubbock
Mr. Karloth
Mr. Bailey
Mr. Bartram
Mr. Bass
Mr. Buchanan
Mr. Burgess
Mr. Caldwell
Mr. Cannon
Mr. Cowie
Mr. Couttington
Mr. Dickhardt
Mr. Fletcher
Mr. Floyd
Mr. Foreman
Mr. Garrison
Mr. Gladden
Mr. Glass
Mr. Grover
Mr. Guyett
Mr. Hale
Mr. Harrington
Mr. Haynes
Miss Iasona
Miss Kenzard
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 7:22 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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


Banks and Banking: H. R. No. 125.


Counties: S. B. No. 417.

Revenue and Taxation: S. B. No. 206.


REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 25, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 708, a bill to be entitled "An Act relating to fees charged by the Texas Game and Fish Commission; providing a saving clause; repealing all laws in conflict; and declaring an emergency," has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

Hon. James A. Tarman, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 725, A bill to be entitled "An Act amending Article 1170, Revised Civil Statutes of Texas, 1925, pertaining to submission to the qualified voters of Home Rule City of amendments to an existing charter of such city, repealing Article 1171, Revised Civil Statutes of Texas: and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 725, A bill to be entitled "An Act to provide that no State agency or any political subdivision of the State shall deny employment to elderly job applicants solely because of their age, provided the applicant's attained age does not exceed sixty-five (65) years: providing certain exceptions: and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 899, A bill to be entitled "An Act amending Section 1 of Chapter 298, Acts of the Fiftieth 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."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

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

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sirs: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1105, A bill to be entitled

"An Act defining a geological or geophysical map; defining theft 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."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sirs: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1117, A bill to be entitled

"An Act fixing the date for any reclassification under any law requiring reclassification based on the Federal Decennial Population Census; establishing a moratorium for reclassification of certain laws according to the 1960 Federal Census; providing the mode for suspension of the moratorium; providing compilation of certain Statutes affected by each decennial census by the Legislative Council; providing for certain exceptions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sirs: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1118, A bill to be entitled

"An Act to reappropriate any unexpended balance of the funds provided for the Runnels County Water Improvement District by Chapter 444, Acts of the Fifty-fifth Legislature, Regular Session, 1957; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sirs: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1122, A bill to be entitled

"An Act providing for the creation of county-wide 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 county-wide hospital district; providing for the levy of a tax for the purpose of maintaining and operating the district, paying indebtedness assumed by such district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and equipment and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by a district shall be lawful investments and collateral for certain funds; providing for the transfer of title to any land, building, or equipment to such district by a county that owns or operates a hospital or hospital system or by a county, town, or city that jointly operates a hospital or hospital system, or by a city or town within such district that operates a hospital or hospital system; providing for the assumption of any bonds outstanding that may have been issued by a county, town, city within such district for hospital purposes; providing for the selection of a governing body of such
hospital district, their tenure of office and powers and duties in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain which power is conferred upon the district; prescribing a fiscal year; withdrawing authority for the levy of taxes and the sale of bonds for hospital purposes by a county, city or town located within the district established; enacting other provisions incident and related to the subject; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 24, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1128. A bill to be entitled "An Act validating Brazoria County Water Control and Improvement District No. 3 and declaring it to be a validly existing and operating conservation and reclamation district under Sections 58, Article XVI, Texas Constitution; validating the addition of lands to such District and the boundaries thereof; validating governmental proceedings and acts; validating One Hundred Thousand Dollars ($100,000) bonds voted in said District on March 11, 1961, and all proceedings had in connection therewith; finding and determining that the lands and other property within said District are, and will be, benefited by the District; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 24, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. J. R. No. 50, Proposing an Amendment to Section 3 of Article 3 of the Constitution of the State of Texas to provide special assembly of Members and Members-elect of the House of Representatives for the purpose of taking the oath of office and the election of the Speaker.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 22, Granting permission to Lavon Lakey to sue the State of Texas and the Texas Department of Public Safety.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 44, Granting permission to the Industrial Gas Supply Corporation to bring suit against the State of Texas for money extracted.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 63, Granting permission to Mattie Grace Phipka to sue the State of Texas or the Highway Department of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 63, Granting permission to Mattie Grace Phipka to sue the State of Texas or the Highway Department of Texas.
H. C. R. No. 71, Requesting the Texas Legislative Council to conduct a study of the many extra, non-constitutionally required duties of the Attorney General and the feasibility of relieving the Attorney General's office of such duties.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 100, Granting permission to H. N. Crow, et al., Willie Mae Crow, to sue the State of Texas, the State Highway Department, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 108, Requesting that the Texas Legislative Council study the telephone rates in Texas, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 123, Providing that the Joint Rules of the two Houses be suspended so that either House may take up and consider House Bill No. 73 at any time, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 125, Providing that the Joint Rules of the two Houses be suspended so that either House may take up and consider House Bill No. 73 at any time, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 127, Providing that the Joint Rules of the two Houses be suspended so that either House may take up and consider House Bill No. 73 at any time, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 129, Providing that the Joint Rules of the two Houses be suspended so that either House may take up and consider House Bill No. 73 at any time, has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 25, 1961

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 131, Providing that the Joint Rules of the two Houses be suspended so that either House may take up and consider House Bill No. 73 at any time, has carefully compared same and finds it correctly engrossed.

SEVENTY-THIRD DAY
(Saturday, May 27, 1961)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.