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. 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.

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Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
A quorum of the House was announced present.

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

"Heavenly Father, let us not be content to wait and see what will happen, but give us the determination to make the right things happen. While time is running out, save us from the kind of patience that is akin to cowardice. Give us the courage to fight for our convictions and to stand for something lest we fall for anything. In Jesus' Name we pray, Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Spears for today on motion of Mr. Caldwell.

Mr. McGregor of McLennan for today on motion of Mr. Woods.

Mr. Andrews for today on motion of Mr. Smith of Bexar.

Mr. Martin for today on motion of Mr. Boyesen.

Mr. Niemeyer for today on motion of Mr. Mutscher.

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

Mr. Roberts for today on motion of Mr. Johnson of Dallas.

Mr. Cook for today on motion of Mr. Petty.

Mr. Chapman for today on motion of Mr. McIlhany.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 763, By Mr. Nugent: Congratulating Rex McElroy.


H. S. R. No. 766, By Mr. Guffey: Congratulating Thomas Lane Pink.

H. S. R. No. 769, By Mr. Townsend: Congratulating C. M. Nalls.

H. S. R. No. 770, By Mr. Pieratt: Congratulating Miss Jean Porter.

H. S. R. No. 771, By Mr. Pieratt: Congratulating Miss LaVal See.

PROVIDING FOR A COMMITTEE TO MAKE CERTAIN STUDY REGARDING TEXTBOOKS ON AMERICAN HISTORY

Mr. Bass offered the following resolution:

"Whereas, The Texas Legislature takes cognizance of the great need in this time of peril and decision in the United States of America of true education of the youth of our Nation to the ideals of our wonderful American heritage; and

Whereas, There is a need for the textbooks used in the public schools of Texas to contain the teaching of the traditions and the philosophy of America in order to inspire young people to reverence our fundamental principles of this greatest country in all the world; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature expresses its desire that the American history courses in the public schools emphasize in the textbooks our glowing and throbbing history of hearts and souls inspired by wonderful American principles and traditions; and, be it further
Resolved, That the Speaker of the House of Representatives appoint a special committee of three members of the House of Representatives to study the contents of such textbooks at the personal expense of such three members, and that such committee of three report its findings to the House of Representatives at the earliest possible time and not later than the Regular Session of the Fifty-eighth Legislature.

The resolution was referred to the Committee on Rules.

TO REQUEST CERTAIN STUDY RE: GARDING THE WASHINGTON STATE PARK

Mr. Mutschler offered the following resolution:

H. S. R. No. 766

Whereas, Washington State Park at Washington-on-the-Brazos is located where the Texas Declaration of Independence was drafted and signed and upon the site of the first capitol of the State, and

Whereas, at this historic shrine, the Texas Independence Day Celebration is held each year; and

Whereas, hundreds of Texas school children and tourists, from out of state visit the Park annually because of its designation as the seat of Texas liberty; and

Whereas, The Park also has great potential as a scenic and recreational area, where camping, fishing, and picnic facilities have been provided on the Brazos River; and

Whereas, this same placid and beautiful stream becomes at flood stage a raging torrent, and its erosive effects, through the years have become so extensive as to impair the beauty of the Park and destroy roads and other facilities, thereby presenting a serious problem to the Parks Board and its employees; and

Whereas, structures and other facilities at the Park are in deplorable condition and should be repaired and restored due to the historical significance of the site and the Park's possibilities as a tourist attraction; and

Whereas, hundreds of descendants of the original fifty-nine signers of the Texas Declaration of Independence, by petition, have asked members of this Legislature to institute remedial measures for saving the Park and its shrines; now therefore be it

Resolved, By the House of Representatives of the Fifty-eighth Legislature, That the Texas Legislative Council be requested to make a study of the condition of the facilities at Washington State Park and of the erosion and other damages resulting from, ingress of the Brazos River and that the State Parks Board and its employees be requested to cooperate with the Council in this study, and be if further.

Resolved, That the Council make its report to the Regular Session of the Fifty-eighth Legislature and that the report contain findings and recommendations for the necessary repairs, additions and corrective measures, including estimates of cost involved, in the preservation and reclamation of this historic Park.

MUTSCHLER, CREWS.

The resolution was referred to the Committee on Rules.

MEMORIALIZING THE UNITED STATES CONGRESS RELATIVE TO CERTAIN TRADE WITH CUBA

Mr. Grover offered the following resolution:

H. S. R. No. 765

Whereas, Communist blackmail of the United States through ransom of United States tractors, prisoners of Premier Fidel Castro of Cuba is repugnant to the people of Texas who abhor submission to Communist banditry and to Texans who refuse to violate the American principles of freedom of choice and freedom of legitimate negotiations by the United States with any Communist or God and our Country; and

Whereas, Fidel Castro, deliberate blackmail and the official acquiescence by the United States Government, set an international precedent which could allow similar circumstances wherein United States officers or foreign soil could be kidnapped by bandits and held for ransom from the United States Government;
WHEREAS, The prestige of the United States will be irreparably damaged by the acceptance of Fidel Castro's disgraceful bargaining for tools of future power in his Communist fight against the United States. The honor of each United States citizen will be questioned throughout the world, but, more important, each United States citizen will doubt his own honor in the acceptance of such an intolerable situation of obnoxious cooperation with forces hostile to every possible foundation and tradition of the United States of America; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature requests the Congress of the United States to oppose the trading of tractors to Fidel Castro in exchange for Cuban insurgents and to oppose the concentrated efforts of the United States citizens who are cooperating and collecting the necessary money to buy the tractors and who are going to bargain with Fidel Castro on a personal basis in contrast to an official act of the United States which should be approved by the Congress of the United States as a voice of the entire citizenry of this Nation.

GROVER CREWS

The resolution was referred to the Committee on State Affairs.

PROVIDING FOR A COMMITTEE ON SAVING TAXES

Mr. Preston offered the following resolution:

H. S. R. No. 767

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

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

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

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

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

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

Resolved, That said Committee shall have the power to compel the attendance of witnesses, administer oaths, and compel the presentation before it of any and all records of State departments, agencies and institutions under investigation which it may deem necessary; and, be it further

Resolved, That said Committee shall have the power to employ stenographic, clerical and professional assistance and the assistance of the Texas Legislative Council, and the Legislative Budget Board, and to de-
Resolved, That the Committee hereby created shall in all manner cooperate with the Senate Committee on Government Investigating Committee; and, be it further
Resolved. That Members of the Committee shall be reimbursed only for their actual travel and other expenses incurred in attending meetings of the Committee, which may be held at such times and places as it may determine; and, be it further
Resolved. That the sum of Seven Thousand, Five Hundred Dollars ($7,500) is hereby set aside out of the Legislative Expense Fund of the Fifty-seventh Legislature, to defray the expenses of the Committee.

The resolution was referred to the Committee on Rules.

TO REQUEST THE GOVERNOR TO RETURN H. B. NO. 1095

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

S. C. R. No. 78

Whereas, House Bill No. 1095 has been passed by both the House and the Senate and is now in the office of the Governor and requires certain corrections to be made therein; now, therefore, be it
Resolved. By the Senate of Texas, and the House of Representatives concurring, that the Governor be and he is hereby requested to return House Bill No. 1095 to the Senate for correction.

The resolution was referred to the Committee on Rules.

PROVIDING FOR A STUDY COMMITTEE TO STUDY STATE-OWNED LANDS AND/OR ISLANDS

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

H. S. R. No. 726, Providing for a study committee to study State-owned lands and/or islands.

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

The resolution was adopted.
MESSAGE TO MEMBERS OF THE LEGISLATURE:

In these last hours when everyone is hoping that some compromise can be worked out to save the problem of State finances before midnight Monday, I sincerely regret that one of the leading morning newspapers contains a headline and interpretation story saying that 1, "in effect, blamed the Legislature in advance Friday if it fails to pass a satisfactory tax bill."

It is impossible for me to understand how this interpretation could be placed on my Friday statement, which I quote to you verbatim as follows:

"In answer to the question, whether there will be a special session this summer if a satisfactory tax bill is enacted before Monday night, but nothing is accomplished on the sales tax enforcement bill and Joan stark legislation, the Governor's reply was as follows:"

"If the Legislature passes a satisfactory tax bill before adjournment Monday night, there will be no special session this summer or anytime soon. A special session for the sales tax bill and other matters could best be timed for later in the year or early next year. I still have hope that the Senate conference will offer some type of compromise so that the tax problem, school programs, old age medical care financing, and the general appropriations bill can be enacted before midnight Monday."

I believe you will agree with me that nothing in this statement implies the Legislature for anything. Certainly, nothing of this nature was intended. I did express the hope that the Senate conference will offer or accept some type of compromise that can be enacted before midnight Monday, because the House conference has offered several compromises which would provide a solution.

Also, the same story says that my conversations with legislators indicate that I would veto the Senate version of the general sales tax one time at this regular session, and then let the same bill become law at a special session. I hope I have not left this impression with anyone, and so that there may be no misunderstanding about it, I want to make it clear that I would veto the Senate version of HB 284 (general retail sales tax on items above $5) in a special session the same as in the regular session. Anybody who refuses to work on a compromise in these last hours under the mistaken notion that I can be forced to take the pending bill or its counterpart at a special session, is making a serious error and wasting valuable time.

I appeal to all members of the Legislature, whether you agree with my views or not, to realize that I am under solemn campaign pledges and State Democratic Party platform pledges which I feel duty bound, to fight for and uphold, and I hope you will believe that I intended just that.

The Senate conference and I believe a majority of the House favor a compromise that I could sign, and so the Senate conference will yield as much as possible in order to pass a suitable compromise before midnight Monday instead of waiting to do the same thing at a special session. If this fails, and the Legislature with the pending version of HB 284 instead of providing an substantial revenue and privacy package will veto, I will then work with those who are left to try to reach a compromise that will be better than nothing at all.
being in the best interests of the people of Texas.

PRICE DANIEL, Governor.

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

The Chair laid before the House for consideration at this time, H. C. R. No. 129, Suspending the Joint Rules to consider H. B. No. 1059.

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

The resolution was read and was adopted.

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

The Chair laid before the House for consideration at this time, H. C. R. No. 129, Suspending the Joint Rules to consider H. B. No. 1059.

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

The resolution was read.

A record vote was requested on the adoption of the resolution.

The vote of the House was taken on the adoption of H. C. R. No. 129 and the vote was announced yeas 64, nays 64 and 3 present—not voting.

A verification of the vote was requested and was granted.

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

Texas—62
Adams of Lubbock
Atwell
Barfield, Mrs.
Barnes
Bartram
Bell
Boyesen
Curington
Dungan
Fairchild
Foreman
Gibbons
Glasing
Green
Guffey
Harrington
Hays
Hollaway
Hughes of Dallas
James
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kilpatrick
Leverton
McGregor
McMillan
McKeller
Mullen
Oliver
Paxton
Perry
Pettigrew
Pettigrew
Quilliam
Rutledge
Read
Richards
Rosson
Sandahl
Slocum
Smith of Bexar
Smith of Jefferson
Skelton
Springer
Stewart
of Wichita
Struse
Trevino
Tunnell
Watson
Wells
Wilson of Trinity

Nays—64
Adams of Titus
Alan
Allen
Bailey
Bass
Blaine
Buchanan
Carriker
Cole of Harris
Cotten
Cron
de la Garza
Dewey
Duff, Miss
Eckhardt
Ehrlle
Fletcher
Floyd
Garrison
Gibbs
Glor
Grover
Harding
Haring
Hinson
Hubbard
Ingersoll, Miss
Jamison
Jarvis
Kendall
Koliba
Lack
Collins
Hughes
of Grayson

Present—Not Voting
Adams of Titus
Aldine
Allen
Allen
Bailey
Bass
Blaine
Buchanan
Carriker
Cole of Harris
Cotten
Cron
de la Garza
Dewey
Duff, Miss
Eckhardt
Ehrlle
Fletcher
Floyd
Garrison
Gibbs
Glor
Grover
Harding
Haring
Hinson
Hubbard
Ingersoll, Miss
Jamison
Jarvis
Kendall
Koliba
Lack
Collins
Hughes
of Grayson

Present—Not Voting
In the Chair

Barry Lewis
Cole of Hunt Ross
Cowen Shipley
Gladden Spilman
Healy Stewart
Korloth of Galveston

PAIRED

Andrews Martin
Chapman Niemeyer
Cook Roberts of Dawson
Lary Spears
McGregor of McLennan

Mr. Hughes of Grayson (present), who would vote "nay" with Mr. Roberts of Dawson (absent), who would vote "yea."

The Chair stated that H.C.R. No. 139 was lost by the above vote.

REQUEST FOR COMMITTEE MEETING

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

There was objection offered.

COMMITTEE MEETING

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

There was no objection offered.

COMMITTEE MEETING

Mr. Ballman asked unanimous consent of the House that the Committee on Oil, Gas and Mining be permitted to meet at this time.

There was no objection offered.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. No. 400

Mr. McIlhany offered the following resolution:

H. C. R. No. 138

Be it Resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill No. 400 at any time.

The resolution was referred to the Committee on Rules.

RELATIVE TO S. B. No. 1

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

H. C. R. No. 132, Relative to S. B. No. 1.

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

The resolution was adopted.

GRANTING HAROLD E. KOUNOVS­KI, HERBERT J. GEHRER AND JOSEPH HONOMICHL PERMISSION TO SUE THE STATE

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

S. C. R. No. 57, Granting Harold E. Kounovski, Herbert J. Geiber and Joseph Honomichl permission to sue the State.

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

The resolution was adopted.

TO REQUEST A STUDY RELATIVE TO THE PAYMENT OF CERTAIN INSURANCE CLAIMS

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

H. C. R. No. 110, Requesting a study relative to the payment of certain insurance claims.

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

Mr. Preston offered the following Committee Amendment to the resolution:

Committee Amendment No. 1
WHEREAS, There are a large number of insurance companies doing business in Texas which are engaged in writing health, accident and hospitalization insurance and such insurance companies now total into the hundreds; and

WHEREAS, There have been many complaints about the health, accident and hospitalization insurance companies failing to pay their claims when presented; and

WHEREAS, Health, accident and hospitalization insurance companies and other groups are regulated by the State Board of Insurance but there is presently no regulating agency to see that the insurance companies pay their legitimate claims; and

WHEREAS, Texas being one of the States that desires to protect its people from its unscrupulous actions of companies which refuse to pay just claims and which do not afford the policy holders protection commensurate with the cost of the policies; now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that the Texas Legislative Council be requested to study the payment of claims of health, accident and hospitalization insurance and the method by which claims are determined to be paid, the cost of the policy in relation to the benefits provided, and whether it would be desirable to have some type of regulation to be made permanent, regulating companies in Texas and to administer the payment of such claims; and, be it further

Resolved, That the Council also be and is hereby requested to study and report on any and all group insurance policies now in force or which will be in effect at the convening of the 58th Legislature covering health, accident or hospitalization for any department; and, be it further

Resolved, That the Council be requested to report its findings, together with such recommendations as it may deem desirable, to the 58th Legislature.

The amendment was adopted.

H. C. R. No. 116, as amended, was adopted.

May 27, 1961

H. C. R. No. 116, as amended, was adopted.
S. B. No. 152, "An Act relating to petit juries in counties using the jury wheel; amending Article 2102 of the Revised Civil Statutes of Texas, 1925; providing that in any county of this state having a population in excess of nine hundred thousand (900,000) according to the last preceding or any future United States Census, two separate jury panels for the week may be drawn, one of which shall be drawn by and be in attendance upon those courts which have a criminal docket, and the other to be drawn by and be in attendance upon those courts which have a civil docket; and declaring an emergency."

S. B. No. 155, "An Act relating to petit juries in counties using the jury wheel; amending Article 2102 of the Revised Civil Statutes of Texas, 1925; providing that in those counties which draw two separate jury panels for the week, the commissioners court shall provide a room or place for each panel and the sheriff shall assign a deputy to look after each panel; and declaring an emergency."

S. B. No. 159, "An Act to amend Article 2659 and Article 2673 of the Revised Civil Statutes of Texas, 1925, as amended, relating to the investment of the State Permanent School Fund by the State Board of Education; repealing all laws in conflict; providing for severability and declaring an emergency."

S. B. No. 213, "An Act amending Section 1 of Article 3.06 of the Insurance Code, Acts 1981, 52nd Legislature, Chapter 491, 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; defining and regulating wholesale, franchise and employee life insurance; and declaring an emergency."

S. B. No. 217, "An Act setting up health standards for Grade A pasteurized milk and/or Grade A raw milk for pasteurization produced outside the State of Texas to be imported to points within as high or higher than those required for the production of Grade A pasteurized milk and/or Grade A raw milk for pasteurization within the State of Texas; providing that persons authorizing the importation of such milk into Texas certify that each milk is produced in accordance with standards as high or higher than those governing the production of such milk in Texas; providing the basis upon which such permits may be issued; providing the duties of the Texas State Department of Health in connection therewith; providing for the approval of persons, officers and inspectors by the Texas State Department of Health; providing penalties; providing for severability; providing the effective date; and declaring an emergency."

S. B. No. 256, "An Act to amend Section (b), Article 1.06 of the Texas Insurance Code, as amended by Acts 1957, 55th Legislature, page 1457, Chapter 499, Section 2, to provide for an annual salary for the members of the State Board of Insurance; repealing Section (e), Article 1.04, Texas Insurance Code; and declaring an emergency."

S. B. No. 279, "An Act providing for an interim joint committee to study development of beach areas; and declaring an emergency."

S. B. No. 321, "An Act directing payment of certain miscellaneous claims and judgments out of the sum appropriated for that purpose in the General Appropriation Bill; making an appropriation for and directing payment of certain miscellaneous claims and judgments out of other funds designated herein; requiring approval of claims in the manner specified in the Act before payment is made; and declaring an emergency."
S. B. No. 327, "An Act to amend Article 17.05 of Acts 1959, 56th Legislature, 3rd Called Session, Chapter 1; and declaring an emergency."

S. B. No. 366, "An Act making it a misdemeanor to maliciously obstruct emergency telephone calls, to secure the use of a party line by falsely claiming an emergency; providing penalties and declaring an emergency."

S. B. No. 473, "An Act amending Article 6066, Revised Civil Statutes of Texas, 1925, as amended, so as to authorize transfer of monies collected pursuant to the provisions of Article 6060, Revised Civil Statutes of Texas, 1925, as amended, for the purpose of paying for the administration of the conservation laws of this state relating to the production of gas, which includes condensates and distillates, making other provisions thereto; and declaring an emergency."

S. J. R. No. 6, "Proposing an Amendment to Article VII of the Constitution of Texas by adding a Section thereto to be known as Section 3-b, providing that school taxes theretofore voted in any independent school district, the major portion of which is within Dallas County, shall not be abrogated, canceled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; authorizing the levy of taxes after such change without further election in the district as changed; providing for an election and the issuance of a proclamation therefor."

S. B. No. 477, "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; creating other provisions incidental and related to the subject; and declaring an emergency."

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 22

Mr. Ballman submitted the following Conference Committee Report on Senate Joint Resolution No. 22:

Austin, Texas, May 25, 1961
Hon. Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. J. R. No. 22, have met and have under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HAZLEWOOD, AIKIN, REAGAN, BAKER, COLOSON,
On the part of the Senate.

BALLMAN, OSBORN, JOHNSON of Bexar,
MARKGRAF, JOE N. CHAPMAN,
On the part of the House.

By: Hazlewood

Conference Committee Report on S. J. R. No. 22

A JOINT RESOLUTION

Proposing an amendment to Article IX of the Constitution of the State of Texas, by adding a new section thereto to be known and described as Section 11, providing that the Legislature may authorize the creation of hospital districts in Ochiltree, Castro, Hansford and Hopkins Counties, each district to be co-extensive with the limits of such County, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same; and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements; and further providing that any enabling Acts shall not be invalid because of their anticipatory character.
Be It Resolved By The Legislature of the State of Texas:

Section 1. Article IX of the Constitution of the State of Texas is amended by adding thereto a new section to read as follows:

"Section 11. The Legislature may by law authorize the creation of hospital districts in Ochiltree, Castro, Hansford and Hopkins Counties, each district to be co-extensive with the limits of such County.

"If any such district is created, it may be authorized to levy a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollar ($100) valuation of taxable property within the district; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified property-taxpaying voters who have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of Seventy-five Cents (75¢) per One Hundred Dollar ($100) valuation.

"If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the district may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the district shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient: to discharge obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said Seventy-five Cent (75¢) tax. The Legislature shall provide for transfer of title to properties to the district.

"Should the Legislature enact enabling laws in anticipation of the adoption of the amendment, such Act shall not be invalid because of their anticipatory character."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State on the first Tuesday after the first Monday in November, 1912, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to Article IX of the Constitution permitting the creation of hospital districts in Ochiltree, Castro, Hansford and Hopkins Counties, each district to be co-extensive with the limits of such County.

AGAINST the Amendment to Article IX of the Constitution permitting the creation of hospital districts in Ochiltree, Castro, Hansford and Hopkins Counties, each district to be co-extensive with the limits of such County."

Sec. 3. The Governor shall issue the necessary proclamation for said election and this amendment shall be published in the manner and for the length of time required by the Constitution and laws of this State.

Mr. Ballman moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on B. J. R. No. 11.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on B. J. R. No. 11 prevailed by the following vote (having received the necessary two-thirds vote):

Yea—122

Adams of Lubbock
Adams of Titus
Allen
Atwell
Bailey
Banfield, Mrs.
Barrow
Barnes
Barthuma
Bass
Bell
Bien
Beyers
Borden
Bridges
Buchanan
Burgess
Byers
Echols
May 27, 1961

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<td>Chapman</td>
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<th>ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 210</th>
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<td>Mr. Cannon submitted the following Conference Committee Report on Senate Bill No. 210:</td>
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<tr>
<td>Austin, Texas, May 26, 1961</td>
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<tr>
<td>Hon. Ben Ramsey, President of the Senate.</td>
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<tr>
<td>Hon. James A. Turman, Speaker of the House of Representatives.</td>
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<th>Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 210, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.</th>
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<tr>
<td>MARTIN, AIKIN, KAZEN, ROBERTS, MOFFETT,</td>
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<td>On the part of the Senate.</td>
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<td>CANNON, WHEATLEY, FLETCHER, SMITH of Bexar, WELLS,</td>
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<td>On the part of the House.</td>
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<th>CONFERENCE COMMITTEE REPORT</th>
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<td>Senate Bill 210</td>
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<td>A BILL</td>
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An Act amending Section 8, House Bill 109, Chapter 427, Acts of the 56th Legislature, Regular Session, 1967, providing for contracts in the conduct of research; and declaring an emergency.
Be It Enacted By The Legislature of the State of Texas:

Section 1. That Section 5, House Bill 169, Chapter 27, Acts of the Regular Session of the 55th Legislature, 1963, be and the same hereby amended so as to hereafter read as follows:

CONTRACTS

"Sec. 5. In conducting the research authorized by this Act, the Board shall make such contracts as it deems necessary to carry out such research. These contracts may be made with Jefferson Davis Hospital, operated jointly by the City of Houston and the County of Harris, and such other agencies as are necessary for research purposes; provided, however, the Board shall not be authorized to make a contract which will expire later than August 31, 1964."

Section 2. The fact that there are no provisions for making contracts for the conduct of research by the Board for Texas State Hospitals and Special Schools with private and public agencies 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 such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cannon moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 210.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on Senate Bill No. 210 prevailed by the following vote (having received the necessary two-thirds vote):

Yea—131

Adams of Lubbock Baxley, Mrs. Adams of Titus Barrow Allen Bartram Atwell Baskin Bailey Bell Balkman Blaine


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<td>Isaacks, Miss</td>
<td>McGregor</td>
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<td>of McLennan</td>
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LEAVE OF ABSENCE GRANTED

Mr. Rosas was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. McGregor of El Paso.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 27

Mr. Barlow submitted the following Conference Committee Report on Senate Bill No. 27:

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

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

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 27, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HENRY H. GONZALEZ, MOORE, KADEN, \nWILLIE, 

On the part of the Senate.

BARLOW, ROAS, PRESTON, SPEARS, ECKHARDT.

A Bill

To Be Entitled

An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Texas, or both, have been denied in the proceedings in which they were convicted, or who assert that their conviction was based, in whole or in part, on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given; and declaring an emergency.

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

Section 1. Any person imprisoned in the penitentiary for any offense who asserts that in the proceedings which resulted in his conviction there was a substantial denial of his rights under the Constitution of the United States or of the State of Texas, or both: or any person so confined who asserts that his conviction was based in whole or in part on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given, may institute a proceeding under this Act.

Sec. 2. Proceedings under this Act may be commenced by filing with the Clerk of the Court in which the conviction took place a petition verified by affidavit. A copy of the petition shall be served upon the District Attorney in the county where the conviction took place, The Judge of the Court in which the conviction took place may, upon presentation to him of the petition, set the same down for a hearing and ascertain the facts which shall be transmitted to the Court of Criminal Appeals for consideration and review.

Sec. 3. The petition shall identify the proceeding in which the petitioner was convicted, give the date of the rendition of the final judgment complained of, and shall clearly set forth the respects in which petitioner’s constitutional rights were violated. The petition shall have attached thereto affidavits, records, or other evidence supporting its allegations or shall state why the same are not attached. The petition shall identify...
any previous proceedings that the petitioner may have taken to secure relief from his conviction. Arguments and citations and discussion of authorities shall not be included in the petition. Any claim not raised in the original or an amended petition is waived unless the petitioner alleges facts showing that such omission was not due to his culpable negligence.

Sec. 4. If the petition alleges, that the petitioner is unable to pay the costs of the proceedings, the Court may order that the petitioner be permitted to proceed in forma pauperis. If the petitioner is without counsel and alleges that he is without means to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If an appointment of counsel is requested the Court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

Sec. 5. If the Judge of the Court in which the conviction took place shall for any reason refuse to consider such petition or to grant a hearing thereon, the petitioner may file said petition in the Court of Criminal Appeals. Upon the filing of said petition in the Court of Criminal Appeals, it shall be the duty of said Court to designate and direct any District Judge or Judges of this State to hear and ascertain the facts necessary for proper consideration of the issues involved.

Sec. 6. It shall be the duty of the official court reporter of the district in which such hearing is had to prepare forthwith a statement of facts in question and answer form of the facts adduced in evidence and transmit the same to the Clerk of the Court of Criminal Appeals within thirty (30) days of the date of such hearing. And it shall be the duty of the District Clerk of the county in which such hearing is had to make up a transcript of all pleadings in such case and transmit the same without delay to the Clerk of the Court of Criminal Appeals, provided that upon good cause shown the time may be extended by the Court of Criminal Appeals for filing of such narration of facts or transcript.

Sec. 7. The petitioner shall have the right to be present throughout such hearing in order to testify in his own behalf or to assist his attorney in conducting such hearing. The Judge of the Court in which such hearing is had shall cause to be issued a bench warrant for the petitioner in order to insure his presence in such hearing.

Sec. 8. Upon considering and reviewing the record the Court of Criminal Appeals shall enter its judgment, remanding the petitioner to custody, or ordering his release and granting him a new trial as the law and facts may justify, or enter any order which justice may require.

Sec. 9. No proceeding under this Act shall be commenced more than five (5) years after rendition of final judgment unless petitioner alleges facts showing that the delay was not due to his culpable negligence.

Sec. 10. This Act creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Barlow moved that the House adopt the Conference Committee Report on Senate Bill No. 27.

The motion prevailed.

Mr. Barlow moved to reconsider the vote by which the Conference Committee Report on S. B. No. 27 was adopted and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1949

Mr. McGregor of El Paso submitted the following Conference Committee Report on House Bill No. 1949:

AUSTIN, TEXAS, MAY 26, 1961

Hon. Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the dif-
The patents to the County of El Paso shall be issued upon receipt of a deed to the Permanent Free Public School Fund of all the interest now owned by the County of El Paso in the following described tracts of land, in Wit:

Section 42, Block 77, Township 4, Texas & Pacific Abstract 8893.
Section 44, Block 77, Township 4, Texas & Pacific Abstract 8894.
Section 6, Block 77, Township 5, Texas & Pacific Abstract 8895.

Section 2. The Commissioner of the General Land Office shall cause to be made an investigation of the property to be conveyed hereunder by the State of Texas to the County of El Paso and by the County of El Paso to the State of Texas in exchange therefor. No conveyance shall be made by the State of Texas until such time as the Commissioner of the General Land Office shall find that the property offered in exchange by the County of El Paso and the property to be conveyed by the State of Texas is of at least equal value and that the Permanent Free School Fund will benefit by the trade of said land. It is further provided that all oil, gas and other minerals shall be expressly reserved to the State of Texas and placed in the Permanent Free School Fund. The County of El Paso shall convey any property in exchange by good and sufficient warranty deed, warrant good and marketable title and warrant that there are no outstanding liens or encumbrances on the County of El Paso and shall pay the expense of all fees and necessary costs incident to said transaction. The County of El Paso shall convey all of its right title and interest in and to any land offered to the State of Texas in exchange due to the terms of this Act. Any conveyances made by the State of Texas shall contain appropriate language restricting the use of the property thereby conveyed to Public Park purposes and shall contain proper and appropriate reversion clause providing that in the event any portion of said property shall not be used for public parks and that in such event of it, the property shall revert to the State and in the event of reversion, the County of El Paso...
shall be without recourse as to the property previously conveyed by it to the State.

Section 3. The fact that the land being conveyed by patent to the County of El Paso is to be used for public use and benefit 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 such rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Mr. McGregor of El Paso moved that all necessary rules be suspended for the purpose of considering the Conference Committee Report on House Bill No. 1049.

The motion to suspend all necessary rules for the purpose of considering the Conference Committee Report on House Bill No. 1049 prevailed by unanimous consent.

Mr. McGregor of El Paso moved that the House adopt the Conference Committee Report on House Bill No. 1049.

The motion prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 995

Mr. Caldwell submitted the following Conference Committee Report on House Bill No. 995:

Austin, Texas, May 25, 1961

Hon. Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and House of Representatives on H. B. No. 995, have met and had under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWARTZ,
BAXTER,
CHARLES HERRING,
ROGERS,
SMITH,
On the part of the Senate.

Caldwell,
Wells,
La Valle,
MACO STEWART,
Cannon,
On the part of the House.

H. B. No. 995

A BILL
TO BE ENTITLED
"An Act relating to the establishment of a hospital district coterminous with the Sweeny Independent School District and another coterminous with the West Columbia — Brazoria Independent School District, and the Damon Independent School District, except that land which formerly comprised the Brazoria School District prior to February 28, 1959, and being described herein by metes and bounds; providing that subsequent to the organization of each hospital district the qualified electorate of each district may elect to consolidate the district; providing funding; administration and procedure; repealing all laws in conflict therewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. The Commissioners Court of Brazoria County may establish a hospital district comprised of a district coterminous with the Sweeny Independent School District and another hospital district to be coterminous with the Damon Independent School District and the West Columbia — Brazoria Independent School District except the following described property which formerly comprised the 'old Brazoria School District' prior to February 28, 1959, to wit:

Beginning on the Brazos River, at the mouth of Buffalo Camp Bayou; Thence up Buffalo Camp Bayou to a point due East of the Southeast corner of the J. F. Cole Survey; Thence West to said South corner of said J. F. Cole Survey; and continuing West along the South line of said Survey to where
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said line intersects Middle Bayou; Thence up Middle Bayou to its intersection with the North line of the Asa Mitchell 1/2 League; Thence west along said North line of said Mitchell 1/2 League to the center of the bed of the Brazos River; Thence down stream along the center of the bed of the Brazos River with its meanders to a point in the center of said river from which line drawn due South will reach a point on the North line of the James Cummings Survey, one mile west from the northeast corner of said Cummings Survey; Thence due South to such point on the North line of said Cummings Survey, Thence west along the North line of said Cummings Survey to the East bank of the Sam Bernard River; Thence down the East Bank of the Sam Bernard River to a point directly East of the Southeast corner of the Jno. Cummings Survey; Thence West to the center of the bed of the San Bernard River; Thence downstream along the center of the bed of the San Bernard River with its meanders to a point 1000 feet in a Southwesterly direction from the Churchill bridge over the San Bernard River; Thence in a Northeasterly direction to the Northwest corner of the Palmer tract of land located near the Clemens State Farm Sugar Refinery; Thence North to a point on the North boundary line of the John McNeel League; Thence East along said line to the Southeast corner of said McNeel League; Thence North along the East line of the Wm. Cummings Survey to its Northeast corner; Thence due north across the S. F. Mitchell 1/2 Leagues to the center of the bed of the Brazos River; Thence downstream along the center of the bed of the Brazos River with its meanders to a point opposite the mouth of Buffalo Camp Bayou; Thence East to the East Bank of the Brazos River and also the center of the mouth of Buffalo Camp Bayou, the place of beginning.

The following provision shall apply to either of the districts severally, or to the district established by the merger of said districts provided by Section 32 of this Act:*

Sec. 2. When it is proposed to establish a public hospital district as above provided, a petition praying for an election therefor, signed by not less than five percent (5%) of the qualified taxing voters of the proposed territory, shall be presented to the Commissioners Court of the County in which the proposed district is situated, stating the boundaries of the proposed district, the public necessity thereof, and, designating a name for such district. Said petition may also incorporate therein a request for the Commissioners Court, in the event an election is ordered for the creation of such district, to submit at the same election the question of levying a tax for the construction, equipment, maintenance or purchase of hospital buildings and grounds for such district, and, if the event same is created, or the bonds to be issued for the construction or the acquisition of sites therefor, and to provide for the interest and sinking fund for such bonds by levying of such taxes as are authorized for such districts.

Sec. 3. Said petition shall be accompanied by Two Hundred Dollars ($200) in cash, which shall be deposited with the clerk of said court, and by him held until after the results of the election for the creation of the district and issuance of bonds is officially made known. If said election is in favor of the establishment of said district, the clerk shall return said deposit to the petitioners, their agent or attorney. If said election is against the establishment of such district, then the Clerk shall pay out of said deposit upon vouchers approved and signed by the County Judge, all costs and expenses pertaining to said proposed district up to and including said election, and the balance shall be returned to the petitioners, their agent or attorney.

Sec. 4. At the same session when said petition is presented, the court shall set said petition down for hearing at some regular or special session called for the purpose, not less than thirty (30) days nor more than sixty (60) days from the presentation of said petition, and shall order the Clerk to give notice of the date and place of said hearing by posting a copy of said petition.
and other order of the court thereon for twenty (20) days prior to the election in five (5) public places in said county, one (1) at the court house door, and four (4) within the limits of the district.

Sec. 5. If at the hearing, the court finds that such petition has been signed by the requisite number of qualified taxing voters, correctly describes the boundaries of the proposed district; and otherwise conforms to the provisions of this Act, then the court shall so find and shall enter an order for an election to be held in the proposed district within a time not less than twenty (20) days and not more than thirty (30) days after such order is issued, to determine whether or not such public hospital district shall be created and formed; and in the event the petition for the creation of such public hospital district was accompanied by a request to submit the question of levying of a tax for the construction, equipment, maintenance or purchase of hospital buildings and grounds for such district in the event same is created or bonds to be issued for the construction equipment of hospital buildings, or the acquisition of sites therefor, not to provide for the interest and sinking fund for such bonds by levy of such taxes as are authorized, for such districts, then such order shall also submit such question of levying such a tax and issuing bonds according to the terms of said petition. Such order shall contain a description of the metes and bounds of such public hospital district to be formed, and shall fix the date of such election. A majority vote of the qualified taxing voters in said district voting in said election shall determine the question or questions submitted in said order.

Sec. 6. Said Commissioners Court shall within ten (10) days after holding such election make a count of the returns and declare the results of the election. The court shall then enter an order in the minutes as to the results.

Sec. 7. Such public hospital district or districts shall be a body corporate and operate in a governmental capacity and shall be governed, administered and controlled by and under the direction of a Board of five (5) Public District Hospital Trustees elected at large from the public hospital district by the qualified voters of said district, it being provided that whenever an election is ordered for the creation of such district at the same election at which such district shall be determined the creation of such district, there shall also be submitted and voted upon the question of who shall be the Public District Hospital Trustees, in the event such district is created. The five (5) candidates for Public District Hospital Trustees receiving the highest number of votes at such election shall be declared the Trustees of such public district hospital. Such Trustees so elected, when duly qualified, hereunder, shall be the legal and rightful Public District Hospital Trustees for such district within the full meaning and purpose of this law. Such Trustees shall hold office until the next regular election for County and State officers and shall then and thereafter be elected every two (2) years at such general election. Any candidate desiring to be voted upon as such first Trustees shall present a petition to the Commissioners Court and not later than three (3) days before the order of the court voting the election is issued by the court, and shall be accompanied by a petition of not less than one hundred (100) of the qualified voters in such district, requiring that the name be placed on the ticket as a candidate for such Trustee. Said Board of Trustees shall adopt such rules, regulations, and by-laws as they may deem proper, and they shall have exclusive power to manage and govern said public district hospital and as such they shall constitute a body corporate by the name of "West Columbia-Brazoria, and Damon Hospital District" and said name may acquire and hold real and personal property, sue and be sued, and may receive bequests and donations or other moneys or funds coming legal-
Sec. 8. Before entering upon his duties, each Trustee shall take and subscribe before the County Judge an oath faithfully to discharge the duties of his office without favor or partiality, and to render a true account of his activities to the court whenever requested to do so. Such oath shall be filed by the Clerk of the court and preserved as a part of the district records.

Sec. 9. Each Trustee shall give a good and sufficient bond for Five Thousand Dollars ($5,000) payable to the County Judge for the use and benefit of the district, conditioned upon the faithful performance of his duties.

Sec. 10. The Trustee shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties hereunder. The Trustees shall organize by electing one (1) of their number chairman and one (1) treasurer, and such other officers as they may deem fit. Three (3) Trustees shall constitute a quorum which shall be sufficient in all matters pertaining to the business of said district. All proceedings of the Board of Trustees shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records. The Board of Trustees shall adopt an official seal.

Sec. 11. The Board of Trustees of such public hospital district shall appoint a superintendent and such other officers as they deem necessary and fix the salary or other compensation to be received by each of them. All such appointments shall be for an indefinite time and may be removable at the will of the Board of Trustees. The superintendent shall be the chief administrative officer of the public district hospital and shall have control of administrative functions of said hospital. He shall be responsible to the Board of Trustees for the efficient administration of all affairs of the hospital. In case of the absence or temporary disability of the superintendent a competent person shall be appointed by the Board of Trustees. The superintendent shall be entitled to attend all meetings of the Board of Trustees and its committees and to take part in the discussion of any matters pertaining to the duties of his department, but shall have no vote. Such public hospital district superintendent shall have power, and it shall be his duty:

1. To carry out the orders of the Board of Trustees, and to see that all the laws of the State pertaining to matters within the functions of his department are duly enforced;
2. To keep the Board of Trustees fully advised as to the financial condition and needs of the district.
3. To prepare each year, an estimate for the ensuing fiscal year of the probable expenses of his department, and to recommend to the Board of Trustees what development work should be undertaken, and what extensions and additions, if any, should be made, during the ensuing fiscal year, with an estimate of the costs of such development work, extensions and additions. To certify to the Board of Trustees all the bills, allowances and payrolls, including claims due contractors of public works. To recommend to the Board of Trustees salaries of the employees of his office and a scale of salaries or wages to be paid for the different classes of service required by the district.

Sec. 12. If the proceeds of the original bond issue shall be insufficient to complete the construction, equipment, maintenance or purchase of hospital buildings and grounds for such district, or if the Trustees determine to provide for additional construction, equipment, maintenance or purchase of hospital buildings and grounds, they shall certify to said court the necessity for an additional bond issue, stating the amount required, the purpose of same, the rate of interest of said bonds and the time for which they are to run. Said court shall thereupon order an election on the issuance of said bonds to be held within such district at the earliest possible legal time. The outstanding
bonds and the additional bonds so ordered shall not exceed in amount one-twentieth (1/20) of the assessed value of the real property in such district, as shown by the latest annual assessment thereof made for State and county taxation.

Sec. 13. After the issuance of bonds is authorized the Trustees may make changes in said proposed public district hospital, additions, or betterments thereto, extensions thereof, or equipment therefor, which will be of advantage to the public district hospital, which changes will not increase the cost of such proposed project beyond the amount of bonds authorized. Such changes may be made by the Trustees by entering on the minutes a notation of such changes. Notice of such change or changes shall be given by publication of such notation in the book and page number of the minutes for two (2) successive weeks in some newspaper of general circulation, published in the English language, within the county in which such district is situated.

Sec. 14. Before issuing any bonds hereunder, the court shall provide a well-bound book, in which a record shall be kept by the County Clerk of all bonds issued, with their numbers, amount, rate of interest and date of issue, when due, where payable and amount received for the same, and the annual rate of assessment made each year to pay the interest on said bonds and provide a sinking fund for their payment; and upon the payment of any bond an entry thereof shall be made in said book. Said book shall at all times be open to inspection of all parties interested in said district either as taxpayers or bondholders. The County Clerk shall receive for his services in recording all bonds and other instruments of the district the same fees as provided by law for other like records.

Sec. 15. All bonds issued hereunder shall be issued in the name of the district. Such bonds shall be issued in denominations of not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000) each, and shall bear interest at not exceeding six percent (6%) per annum, payable annually or semi-annually. Such bonds shall by their terms provide the time, place, manner and conditions of their payment, and the rate of interest thereon, as may be determined by the Trustees. No bonds shall be made payable more than thirty (30) years after the date thereof.

Sec. 16. Before any bonds are offered for sale, the district shall forward to the Attorney General a copy of the bonds to be issued, a certified copy of the proceedings relating thereto as to levying the tax to pay the interest and provide a sinking fund, and a statement of the total bonded indebtedness of such district, as such, including the series of bonds proposed, and the assessed value of property for the purpose of taxation as shown by the latest official assessment of the county, with such other information as the Attorney General may require. Such officer shall carefully examine said bonds, and if he shall find that they are issued in conformity with the Constitution and laws, and that they are valid and binding obligations upon such district, he shall so officially certify.

Sec. 17. When said bonds have been so approved, they shall be registered by the Comptroller in a book to be kept for that purpose, and the certificate of their approval shall be preserved of record for use in the event of litigation. Thereafter, said bonds shall be held prima facie valid and binding obligations in every action, suit or proceeding in which their validity is brought in question. In every suit to enforce the collection of said bonds, the certificate of the Attorney General, or a duly certified copy thereof, shall be admitted and received in evidence as prima facie proof of the validity of such bonds, together with the coupons attached thereto. The only defense that can be offered against the validity of such bonds shall be forgery or fraud.

Sec. 18. When the bonds have been registered, the Trustees shall advertise and sell such bonds on the best terms and for the best price possible, not less than the par value and accrued interest. All money re-
received from such sale shall be turned over as received to the District Depository. All funds in the district shall be disbursed by the treasurer only by warrants drawn and signed by himself and the Chairman of the Board of Trustees, or such other officer of the district as may be selected and designated by the Board of Trustees. The Treasurer shall maintain in the name of the public hospital district such funds as may be created by the Board of Trustees, and into which shall be placed such monies as the Board of Trustees may by its resolution direct. All such public hospital district funds shall be deposited with the district depositories under the same resolutions, contracts and securities as are provided by statute for county depositories, and all interest collected on such hospital funds shall belong to such public hospital district.

Sec. 19. When bonds have been voted, the court shall annually levy and cause to be assessed and collected taxes upon all property within the district, whether real, personal, or otherwise, and sufficient in amount to pay the interest on such bonds as it falls due, and to redeem bonds at maturity. Such taxes when so collected shall be placed in the interest and sinking fund.

Sec. 20. The Trustees shall annually, on or before the first day of June, prepare a full detailed report of the condition of the district hospital, with an estimate of the probable cost of maintenance, operation, and necessary repairs during the ensuing year, together with an inventory of all funds, effects, property and accounts belonging to such district; and a list of all lawful demands, debts, and obligations against the district. Such report shall be made available by the Trustees to the Commissioners Court.

Sec. 21. Following the investigation and consideration of said above report, the Commissioners Court shall cause to be assessed and collected a hospital district tax upon all property in the district, whether real, personal, or otherwise, sufficient to maintain, keep in repair, to preserve and operate the district hospital, and to pay all legal, just, and lawful debts, damages, and obligations against such district. Such levy shall never, in any one (1) year, exceed Twenty-five Cents ($25) on the One Hundred Dollars ($100) valuation of such district for such year. Such taxes when so collected shall be placed in the construction and maintenance fund.

Sec. 22. If any bonds remain which are not required for the purpose for which they were voted, such bonds or a part thereof may be sold and the proceeds of the sale thereof may be placed in the construction and maintenance fund and used for the purpose stated in the section next preceding.

Sec. 23. In the assessment and collection of the taxes authorized hereunder, and in all matters pertaining thereto or connected therewith, the County Tax Assessor and Collector shall have the same powers and shall be governed by the same rules, regulations, and proceedings as provided for the assessment and collection of State and county taxes, unless otherwise herein provided. The Commissioners Court shall constitute a board of equalization for such districts, and all laws governing boards of equalization for State and county taxing purposes shall govern such district board.

Sec. 24. The taxes authorized hereunder shall be a lien upon all property assessed therefor. The Commissioners Court shall, and it is empowered, to fix the time and determine the date when such taxes become due and payable; otherwise they shall become due and payable at the same time as State and county taxes. Upon the failure to pay such taxes when due, the same may be provided for by law for failure to pay State and county taxes at maturity shall in every respect apply to taxes hereunder.

Sec. 25. The Commissioners Court shall provide all necessary additional books for the use of the Assessor and Collector and the County Clerk of such district, and charge the cost of same to the district. When ordered by the Commissioners Court, the Assessor shall assess all property within the district and list the same
for taxation in the books or rolls furnished him by said Commissioners Court for said purposes, and return said books or rolls when he returns the State and county rolls for correction and approval. If said court finds them correct, it shall approve the same and direct the County Clerk to issue a warrant against the County Treasurer in favor of the Assessor to be paid from the district funds. The Assessor shall receive for said services such pay as the Commissioners Court deems proper. If the Assessor fails or refuses to comply with such order, he shall be suspended from the further discharge of his duties by the Commissioners Court, and removed from office in the mode prescribed by law for the removal of county officers.

Sec. 26. The County Tax Collector shall be charged by the Commissioners Court with the assessment rolls of the district, and shall be allowed such compensation for the collection of said taxes as is allowed for the collection of other taxes. The Commissioners Court shall require said officer to give an additional bond or security in such sum as they deem proper and safe to secure the collection of said taxes. If such officer fails or refuses to give such additional security when requested by the court within the time provided by law for such purpose, he shall be suspended from office by the Commissioners Court and immediately thereafter be removed from office in the manner prescribed by law.

Sec. 27. The collector shall make a certified list of all delinquent property upon which the public district hospital tax has not been paid, and return same to the Board of Trustees which shall proceed to have the same collected by the sale of such property in the same manner provided by law for the sale of property for the collection of State and county taxes.

Sec. 28. After the establishment of a district, and upon the petition of not less than five percent (5%) of the qualified taxpayers thereof the court may order an election to determine whether or not such district shall have a separate tax assessor, separate tax collector, and separate board of equalization for the assessment and collection of district taxes. Notice of such election shall be given as in the original election, and if said proposition carries by a two-thirds (2/3's) vote, the said Trustees shall appoint a suitable person as assessor and other such person as collector, and they shall give bond and exercise the same powers and perform the same duties as provided herein for the County Assessor and Collector; and the Trustees shall exercise all of the powers herein conferred upon said court with relation to the equalization of taxes, the general laws relating to the assessment, collection and equalization of taxes, insert as applicable, shall apply to the assessment, collection and equalization of district taxes.

Sec. 29. After the establishment of a public hospital district all legal and just expenses, debts, and obligations other than bonds and interest thereon arising and created after the filing of the original petition and necessarily incurred in the creation establishing, operation, and maintenance of such public district hospital shall be paid out of the construction and maintenance fund of such district, which fund shall consist of all money, effects, property, and proceeds received by the Board of Trustees from all sources, except that portion of the tax collections which shall be necessary to pay the interest on the bonded indebtedness as it falls due and the payment of bonds at maturity. Said tax collections shall be placed in and paid out of the interest and sinking fund of such district for such purposes, and such funds may be invested for the benefit of the district in such bonds and securities as the Board of Trustees may approve. Such funds shall be held for the respective purposes for which they were created.

Sec. 30. The public hospital district organized under the provisions of this Act shall have the power:
(a) To construct, condemn and purchase, purchase and acquire, lease, add to, maintain, operate, develop and regulate, and convert all lands, property, property rights, equipment, hospital facilities and
systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right to eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the Board of Trustees and constituted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the State of Texas in the acquisition of property rights. It is provided, however, that no public hospital district shall have the right of eminent domain and the power of condemnation against any hospital, clinic, or sanatorium operated as a charitable, non-profit establishment or against a hospital, clinic or sanatorium operated by a religious group or organization, or against any privately owned or operated hospital or clinic, corporate or otherwise, in said district;

(b) To lease existing hospitals and equipment or other property used in connection therewith, and to pay such rental therefor as the Trustees shall deem proper; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper; provided that it must at all times make adequate reservations for the needs of the district, and residents of said district shall have prior rights to the available facilities of said hospital, at rates set by the District Trustees;

(c) For the purposes aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance and operation of any such hospital, except as herein duly excepted in paragraph (a) of this section;

(d) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the public hospitals thereof, and to issue bonds as herein provided;

(e) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this Act;

(f) To sue and be sued in any court of competent jurisdiction; provided, that said public hospital district shall not be liable for negligence for any act of any officer, agent, or employee of said district; and provided that all suits against the public hospital district shall be brought in the county in which the public hospital district is located;

(g) To make contracts, employ superintendents, attorneys and other technical or professional assistants and all other employees; to print and publish information or literature and to do all other things necessary to carry out the provisions of this Act.

Sec. 31. Any contract of any nature whatsoever entered into by the Board of Trustees on behalf of said public hospital district in excess of Two Thousand Dollars ($2,000) shall be let to the lowest bidder after advertising the same in one (1) or more newspapers of general circulation in this State once a week for four (4) consecutive weeks, and by posting notices thereof for at least twenty-five (25) days in four (4) places in the county, one (1) at the courthouse door and at least two (2) within the district. Any person, firm or corporation desiring to bid on any such contract shall, upon application to the Trustees, be furnished with a copy of the plans and specifications or other data necessary in making said bid. All bids shall be in writing and sealed and delivered to the Chairman of the Board of Trustees, with a certified check for at least five percent (5%) of the total amount bid; which shall be forfeited to the district in case the bidder refuses
to enter into a proper contract if his bid is accepted. Any bid may be rejected if deemed too high. The contractor shall give bond in the amount of the contract price, payable to the Trustees, conditioned that he will faithfully perform the obligations, agreements, and covenants of the contract, and that in default thereof he will pay to said district all damages sustained by reason thereof. Said bond shall be approved by the Board of Trustees.

Sec. 32. The qualified electorate of the hospital districts as provided in Section 1, may, by majority vote of each such hospital district, consolidate the Sweeny Hospital District into the Damon, West Columbia, and Brazoria Hospital District at any time subsequent to the organization of the separate hospital districts. When it is proposed to consolidate the two districts, five percent (5%) of the qualified taxpaying voters of each district may, by petition, request the Commissioners Court to submit such a proposal to an election in each of the two hospital districts. By the same petition and at the same election there shall be an election of seven (7) trustees to serve the consolidated district. No more than one (1) such election may be held after each general election. Both districts must separately approve the merger to effect the consolidation.

Refunding bonds may be issued by the district to refund any outstanding bonds (whether issued by said district or assumed by the district upon merger and whether such outstanding bonds are original or refunding bonds). Additional funding may be as provided by this Act.

Sec. 33. This Act shall take effect and be in force from and after the approval of a Constitutional Amendment proposal to be voted upon by the electorate of the State at November, 1962.

Sec. 34. All laws and parts of laws in conflict with the provisions of this Act are repealed to the extent of the conflict.

Sec. 35. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and it is so enacted.

Mr. Caldwell moved that all necessary rules be suspended for the purpose of considering the Conference Committee Report on House Bill No. 995 prevailed by unanimous consent.

Mr. Caldwell moved that the House adopt the Conference Committee Report on House Bill No. 995.

The motion prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 318

Mr. Cory submitted the following Conference Committee Report on Senate Bill No. 318:

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

Sirs: We, you Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 318, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

REAGAN, PARKHOUSE, CRUMP, CALHOUN, Murray Watson, Neil Caldwell, Stanley Boyesen, On the part of the Senate.

R. H. CORY, BEN LEWIS, MURRAY WATSON, NEIL CALDWELL, STANLEY BOYSEN, On the part of the House.
Conference Committee Report
S. B. 318
A BILL
TO BE ENTITLED
"An Act to provide for more effective merger and consolidation of two or more insurance companies engaged in the same line of business, by revising and amending Article 21.25, Chapter 21, of the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491), as amended; by regulating the manner, procedure, and method of such merger or consolidation; by revising and amending Article 21.26 of such Chapter 21, to provide for and to regulate the manner, procedure and method for the approval of total assumption re-insurance agreements, by certain life insurance corporations; and by providing for severability of clauses in the event that a portion of said Act is declared unconstitutional and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 21.25, Chapter 21, of the Texas Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491) is amended to read as follows:

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

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

"Section 3. After such plan has been approved as provided in Section 2 hereof, it shall then be filed with the Commissioner of Insurance. The Commissioner shall hold a hearing within fifteen (15) days of filing the plan and shall then give approval in writing to each insurer involved within fifteen (15) days after the hearing unless he finds the plan contrary to law or that it would not be in the best interest of the policyholders affected by the plan and would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state or elsewhere. The Commissioner of Insurance may extend the fifteen (15) day period within which he may affirmatively approve or disapprove such plan when such action is contrary to law or that it would not be in the best interest of the policyholders affected by the plan; and such plan may be approved by the affirmative vote of the holders of two-thirds (2/3) of the shares of the capital stock of each of such corporations.

"Section 4. The new corporation to be issued a charter and license upon approval of the plan by all parties to the merger or consolidation. Whenever in the proposed plan of merger or consolidation there is a provision for the issuance of shares or capital stock of the new corporation, the issuance of such shares or capital stock shall be in consideration of the shares, capital stock, or obligations of the corporations being merged or consolidated, as provided in the plan; and the composition of the shares or capital stock shall be determined in the manner and proportions provided in the plan.

"Section 5. The proceeds from the purchase or acquisition of assets of the new corporation shall be deposited in a trust fund in such manner as the Commissioner may provide. Such proceeds shall be used to pay the expenses of the merger or consolidation and to pay the claims of the policyholders as provided in the plan, and any surplus remaining after such claims are paid shall be distributed to the policyholders as provided in the plan.

"Section 6. Any two or more life insurance companies may merge or consolidate as provided in Sections 1 to 5, inclusive, of this Act; provided that no two or more life insurance companies may merge or consolidate with each other for the purpose of reducing the number of such companies to less than the number of such companies then doing business in the state. The plan of merger or consolidation shall not be approved by the Commissioner unless it is in the best interest of the policyholders affected by the plan. The Commissioner shall hold a hearing on any plan of merger or consolidation, and the policyholders affected by the plan shall be given notice of the hearing and an opportunity to present their views at the hearing. The Commissioner may extend the fifteen (15) day period within which he may affirmatively approve or disapprove such plan when such action is contrary to law or that it would not be in the best interest of the policyholders affected by the plan.

"Section 7. An act of merger or consolidation shall be governed by the procedure now required for the issuance of a new charter, and proof that it has capital and surplus of not less than the amounts required by law for the issuance of a new charter, and proof that it has capital and surplus of not
less than the capital and surplus of the corporation involved in such consolidation having the largest capital and surplus, and it shall be effective upon such date of issuance. A merger or consolidation involving a corporation organized under the laws of another state shall not be effective until the merger or consolidation has been approved by the proper official of the domiciliary state of the out-of-state corporation, when such approval is required under the laws of such domiciliary state.

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

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

"Section 6. If, after any merger or consolidation is completed, the new or surviving corporation acquires its own shares as a result of distribution of shares to the shareholders of the other corporation or corporations which are being merged or consolidated, or acquires its own stock as a result of purchase of stock of the dissenting shareholders, such stock may be held as treasury stock for a period of one year, after which time such corporation shall retire and cancel such stock by proper charter amendment, if the same has not previously been reissued."

"Section 7. One insurance corporation may purchase or contract to purchase all or part of the outstanding stock of another insurance corporation as a part of a merger or consolidation. The provisions contained in Article 5 of the Insurance Code which limits investments in the corporate stock of another corporation shall not apply provided that such purchase or contract to purchase shall be subject to the following conditions or limitations:

(a) The intention to merge or consolidate is evidenced by a resolution adopted by the Board of Directors of the purchasing corporation at or prior to the purchase of such stock or the execution of a contract to purchase such stock; and

(b) The purchasing corporation shall initially purchase or contract..."
to purchase the number of shares of the stock of the other insurance corporation necessary to vote an approval of such merger or consolidation under the laws of the state in which such other insurance corporation was organized; and

(c) No purchase of stock in excess of the limits of Art. 3.39 of the Insurance Code may be made until such merger or consolidation has been approved by the appropriate regulatory authority of the domiciliary state of each of the corporations being so merged or consolidated, where the laws of such state require such an approval; nor shall any binding liability accrue on the contract to purchase such stock unless and until the merger or consolidation has been so approved; and

(d) The merger or consolidation becomes effective on or before December 31st in the year following the year in which the initial purchase of such stock is made or the initial offer to purchase is executed, whichever shall occur first; and

(e) In the event the purchasing company does not initially purchase or contract to purchase all of the stock of the corporation being merged or consolidated, such purchasing corporation shall at least fifteen (15) days prior to the effective date of such merger or consolidation offer to purchase the remaining shares at the price paid on the initial purchase or offered in any contract to purchase, under subparagraph (a) hereof, except, however, that if such offer is not accepted prior to the effective date of the merger or consolidation the non-acceptance of the offer shall not affect the merger or consolidation except as otherwise provided by law; and

(f) In no event shall such sums actually paid out for the purchase of stock include the minimum capital, minimum surplus, and policy reserves required by law for such corporations.

"Section 2. Nothing herein shall be construed as affecting, modifying, amending or repealing in any manner the Anti-Trust Statutes of this State."

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

"Article 21.26—Purchase of Stock for Total Assumption Re-insurance.

"Section 1. Nothing in this Act or in the Insurance Code shall be construed as in any way affecting or limiting the right of a life insurance corporation organized or operating under Chapter Three (3) or Chapter Eleven (11) of the Insurance Code of the State of Texas to purchase or to contract to purchase all or part of the outstanding shares of another life insurance corporation, domestic or foreign, doing a similar line of business for the purpose of reinsuring all of the business of such other insurance corporation and assuming all of the liabilities and taking over all of the assets of such other corporation. The provisions contained in Article 3.39 of the Insurance Code limiting investments in the purchase of the corporate shares of another corporation shall not apply to such purchase or contract to purchase provided that:

(a) The intention to reinsure is evidenced by a resolution adopted by the Board of Directors of the reinsuring corporation at or prior to the purchase of such stock or the execution of a contract to purchase such stock; and

(b) The reinsuring corporation shall initially purchase or contract to purchase the number of shares of the stock of the other insurance corporation necessary to vote an approval of a total assumption re-insurance agreement; and

(c) No purchase of stock in excess of the limits of Article 3.39 of the Insurance Code may be made until such reinsurance agreement has been approved by the appropriate regulatory authority of the domiciliary state of the corporation to be reinsured, where the laws of such state require such an approval; and

(d) The reinsurance agreement becomes effective on or before December 31st in the year following the year in which the initial purchase
of such stock is made or the initial contract to purchase is executed, whichever shall occur first; and

(e) In the event the reinsuring corporation does not initially purchase or contract to purchase all of the stock of the corporation to be reinsured, such reinsuring corporation shall at least fifteen (15) days prior to the effective date of such reinsurance agreement offer to purchase the remaining shares at the price paid on the initial purchase or offered in the initial contract to purchase, pursuant to sub-paragraph (a) hereof, except, however, that if such offer is not accepted prior to the effective date of the reinsurance agreement the non-acceptance of the offer shall not affect the reinsurance agreement except as otherwise provided by law; and

(f) In no event shall such sums actually paid out for the purchase of stock include the minimum capital, minimum surplus and policy reserves required by law of the reinsuring corporation.

"Section 2. All investments of such reinsured corporation shall be subject to Section 5 of Article 21.25 hereof, as if such corporation had been merged or consolidated.

"Section 3. Nothing herein shall be construed as affecting, modifying, amending or repealing in any manner the Anti-Trust Statutes of this State."

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

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

Mr. Cory moved that all necessary rules be suspended for the purpose of considering the Conference Committee Report on Senate Bill No. 318.

The motion to suspend all necessary rules for the purpose of considering the Conference Committee Report on Senate Bill No. 318 prevailed by unanimous consent.

Mr. Cory moved that the House adopt the Conference Committee Report on Senate Bill No. 318.

The motion prevailed.

Mr. Cory moved to reconsider the vote by which the Conference Committee Report on Senate Bill No. 318 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 120 WITH SENATE AMENDMENT

Mr. Bridges moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to,

H. B. No. 120, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees in certain fields during their junior and senior years, and to award degrees in such fields; providing that funds herebefore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; requiring an election to authorize the exercise of the powers herein granted; containing a savings clause; and declaring an emergency."

The motion prevailed by the following vote:

Yea-s-116
Adams of Lubbock Blaine
Adams of Titus Boyson
Adams of Titus Burns
Allen Bridges
Allen Buchan
Barnes Burgess
Barnfield, Mrs. Butler
Barney Caldwell
Bass Cannon
Bell Carrizales

The motion to table prevailed.

HOUSE BILL NO. 318 PREVIOUSLY DEFERRED

Mr. Allen moved that Senate Bill No. 318 be now taken up and amended on its second reading:

"An Act requiring bills to be read on three several days in each house be suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Allen moved that Senate Bill No. 318 be now taken up and amended on its second reading:

The motion prevailed.

Mr. Allen moved that Senate Bill No. 318 be now taken up and amended on its second reading:

The motion prevailed.

Mr. Allen moved that Senate Bill No. 318 be now taken up and amended on its second reading:

The motion prevailed.

Mr. Allen moved that Senate Bill No. 318 be now taken up and amended on its second reading:

The motion prevailed.
TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 120

In Section 3, delete the word "residing" in the third sentence and substitute in lieu thereof the following:

"who have duly rendered property for taxation."

HOUSE BILL NO. 731 WITH SENATE AMENDMENT

Mr. Hinson moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to,

H. B. No. 731, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; describing the manner of sale and disposition of proceeds; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—95

Adams of Titus
Cowles
Crail
Crews
DeWey
Duff, Miss
Jones of Dallas
Jennings
McCPop

Nays—17

Atwell
Cowles
Craw
Crow
Dewey
Duff, Miss
Jones of Dallas
Jones of Dallas

In The Chair

Yeas—95

Adams of Titus
Cowles
Crail
Crews
DeWey
Duff, Miss
Jones of Dallas
Jennings
McCPop

Nays—17

Atwell
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Craw
Crow
Dewey
Duff, Miss
Jones of Dallas
Jennings
McCPop

In The Chair
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<td>Absent—Excused</td>
</tr>
</tbody>
</table>

Mr. Hinson moved that the House concur in the Senate Amendment to H. B. No. 721.

The motion prevailed by the following vote:
Mr. Townsend moved that the House adjourn until 10:00 o'clock p.m. next Monday.

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

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

The motions to adjourn were severally lost.

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

The motion to recess until 2:30 o'clock p.m. today prevailed.

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

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

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

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

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

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

Mr. Townsend moved that the House adjourn until 10:00 o'clock p.m. next Monday.

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

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

The motions to adjourn were severally lost.

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

The motion to recess until 2:30 o'clock p.m. today prevailed.

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

ADDRESS BY THE HONORABLE TOM JAMES

The following address by the Honorable Tom James was ordered printed in the Journal:

Since last week many of you have received telegrams and letters from motion picture operators and theatre owners in your district questioning your favorable support of H. B. No. 441, which we have named the Obscenity Act. I want to make the following report so that you may have before you the facts regarding this important legislation and so that you might explain to your constituents why you voted as you did:

The bill that was passed through the House on a Local and Uncontested Calendar by unanimous vote was an extensive revision of our existing law. It was a codification of decisions made since 1937 by the U. S. Supreme Court. It went as far as the court has allowed Legislatures to go in meeting the growing problem of traffic in obscene literature, photographs, motion pictures and phonograph records. It adopted the approved definition for "obscene", now: whether to the average person...
The motion picture, "The Game of Love," was held to be outside the definition in spite of its portrayal of adulterous affairs by a teenage boy who appeared in the nude. Also struck down was a conviction for advertising a collection of imported nudist and art student publications containing many nude photos.

"Sunshine and Health" and "Sun" magazines were sustained on the ground that they did not treat sex in a manner appealing to the prurient interest. The French motion picture version of "Lady Chatterly's Lover" was denied a license in New York. The New York Board was reversed on the ground that the adultery was not presented in an obscene manner. The magazine "One—the Magazine for Homosexuals" was held by the Supreme Court to be privileged matter under the Constitution and not obscene under the Roth Case definition. From the line of cases it was obvious that no legitimate enterprise, be it a motion picture theatre, a magazine, or a newspaper, would ever fall within the definition of obscenity. The specific exemption in the original bill for newspapers was omitted in the final draft of the bill because I concluded that this would merely be a loophole for those who would publish obscene material under a newspaper format.

Three days before the Senate hearing I received the following telegram from Grover Hartt, Jr., and Edwin Tobolowsky, attorneys for the Texas Drive-In Theatres Association. It confirmed a conversation we had had earlier following their meeting with the representatives of the closed theatre chains:

If the sentence "also for the purpose of this Article the term "contemporary community standards shall in no case involve a territory or a geographical area less than the State of Texas" is added to section three of H. B. 441, as amended, the Texas Drive-In Theatres Association has no objection to the bill in the form in which it passed the House of Representatives on May 17. Without this language we feel that the bill is oppressive to every aspect of the theatre industry and in violation of established rights under the State and Federal Constitutions.

The suggested amendment was adopted in the Senate Committee with my concurrence before the bill was shunted into a subcommittee. Mr. Hartt, who has assured me he would testify in favor of the bill, attended the hearing but stood mute when called upon to testify. He denied that the bill was acceptable to his group after the hearing until I confronted him with the telegram. He had no further explanation for the inconsistency.

Mr. John Reed, attorney-lobbyist for the Council of Motion Picture Organizations, testified against the bill saying it was a dangerous measure for his clients and one that would place every theatre operator in jeopardy. In view of the cases cited above, his testimony is ridiculous. One senator, who had personally accompanied me to each member of the Senate Local and Uncontested Calendar Committee to obtaining their agreement in placing this "uncontested bill" on the calendar for consideration, reversed his position after the testimony by Mr. Reed and following his lead another senator at the suggestion of the Jurisprudence Committee Chairman, moved to send the bill to subcommittee.

The situation is particularly serious because our present statute, article 527, is probably unconstitutional. This opinion was expressed by Dean William B. Lockhart of the University of Minnesota Law School in an article written by him and Robert C. McClure in the November edition of the Minnesota Law Review. His opinion is based on the Supreme Court's decision in the Butler Case, decided in 1957:

Still other states acted as if the Butler Case had never been decided. Vermont and West Virginia amended Butler-type statutes to increase the penalties for violation without troubling to remove their consulta-
tional infirmities, while Iowa, South Carolina, Texas and Utah have apparently done nothing at all about their unconstitutional statutes.

The traffic in obscenity is a multi-million dollar racket in this State. The peddlers of filth have found ready markets in our high schools. The failure of the State Senate to recognize the problem and to be so easily misled by a single misinformed lobbyist is disappointing, not only to me but to the Texas Congress of PTA, the Optimist Clubs of this State, the National Council of Catholic Men and the National Council of Catholic Women, and many other groups.

It is my feeling that the action by COMPO was irresponsible and that the very least they could have done under the circumstances was to suggest amendments to alleviate their imagined problems. Their action leaves the State virtually at the mercy of those perverted purveyors of filth and pornography. It is my sincere hope that should this Legislature be called into Special Session that Governor Price Daniel will submit this and other needed law enforcement measures to us for consideration.

HOUSE BILL NO. 289 WITH SENATE AMENDMENTS

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

H. B. No. 289, A bill to be entitled "An Act to be known and cited as the Legislative Reorganization Act of 1961, providing for the selection, functions, meetings and powers of standing committees in each House, providing for special committees in each House and joint committees of the two Houses; authorizing the administration of oaths; requiring oaths of all witnesses; authorizing process from all witnesses; prohibiting witnesses from refusing to testify and making provisions therefor; providing for contempt of the Legislature and directing prosecutions therefor; etc., and declaring an emergency."

The motion prevailed by the following vote:

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<th>Yeas</th>
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any paper, respecting which he shall be examined by either House creating such committee and determining by the committee, all committee meetings shall be in Austin, but such committee may meet elsewhere within the State of Texas if authorized by Resolution of the House creating such committee and if deemed necessary by the committee for the orderly transaction of its business.”
Amend House Bill 289 by striking out Sections 21 and 22 and substituting the following for Section 21, and renumbering the remaining sections:

"Sec. 21. Contingent Expenses. Each House of the Legislature is hereby authorized to provide for the contingent expenses of its members for the entire term of office for which they have been elected, and it is also authorized to appropriate such money as may be necessary to pay all salaries, per diem and other expenditures authorized by law. Provided, however, that the appropriation shall specify separate appropriations for the House of Representatives and the Senate, and the Comptroller shall keep the accounts separate and distinct and no money may be transferred from one account to the other except by law."

Amend House Bill 289, Section 8, subsection (2) on page 6 of the Senate-printed bill by changing the period to a comma after the word "Committee" on line 19, and adding the following clause immediately thereafter:

"which are not inconsistent with Section 13 of this Act".

Amend House Bill 289, Section 8, by adding the following sentence at the end of subsection (6):

"However, it is expressly provided that no employment or compensation shall be authorized until it has been first submitted to the Speaker of the House or the President of the Senate, as the case may be, and he has authorized it in writing."

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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. 441, Providing criminal penalties for certain acts involving certain obscene articles; and declaring an emergency. (with amendments)

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. 214.

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


I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 76 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. 78, Granting the House of Representatives permission to suspend all Joint Rules to take up and consider Senate Bill No. 206 at any time.

S. C. R. No. 80, Authorizing the Lieutenant Governor and the Speaker of the House of Representatives to appoint members of the Legislature to work with the Turnpike Commission.

S. C. R. No. 81, Recall of Senate Bill No. 255.

Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate.
ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 12

Mr. Sandahl submitted the following Conference Committee Report on Senate Joint Resolution No. 12:

Austin, Texas, May 26, 1961
Hon. Ben Ramsey, President of the Senate.
Hon. James A. Turman, Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
Be it Resolved By The Legislature of the State of Texas:

Section 1. That Section 23 of Article XVI of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 23. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person, for salary or compensation as agent, officer or employee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution. Provided, that this restriction as to the drawing or paying of warrants upon the Treasury shall not apply to officers of the National Guard of Texas, the National Guard Reserve, the Officers Reserve Corps of the United States, nor to enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserve of the United States, nor to retired officers of the United States Army, Navy, Marine Corps, Air Force and Coast Guard, and retired warrant officers and retired enlisted men of the United States Army, Navy, Marine Corps, Air Force and Coast Guard. It is further provided that state employees may serve in an advisory capacity or be appointed to serve as a consultant or on an advisory committee, or as a member of a Public School Board provided they are not members of the teaching profession, and may receive reimbursement of expenses, with other agencies of this State, or any political subdivision thereof, and of the Federal Government, with the approval of the administrative head of the state department or agency or the governing board of the institution in which such employee is employed and provided there is no conflict of interest. Provided, however, that in no event may any person hold two elective offices in this state at the same time."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at the General Election to be held the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon:

"FOR the constitutional amendment permitting state employees to serve as a consultant or on an advisory committee, or as a member of a Public School Board provided they are not members of the teaching profession, with a state agency, or any political subdivision thereof, or the Federal Government, if approved by administrative head or governing board of such employee and there is no conflict of interest."
Mr. Sandahl moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. J. R. No. 12.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on S. J. R. No. 12 prevailed by the following vote (having received the necessary two-thirds vote):

Yea's—117
Adams of Lubbock Dungan
Adams of Titus Eckhardt
Alamia Chris
Atwell Fairchild
Bailey Fletcher
Ballman Floyd
Bancroft, Mrs. Foreman
Barlow Garrison
Barrow Gibbons
Bartram Gladwin
Bass Glass
Bell Glant
Berry Green
Blaine Grover
Boyse Gwynn
Bridges Hale
Buchanan Harding
Burges Harrington
Butler Haynes
Calwell Healy
Carricker Hinson
Cole of Hunt Husbsey
Collins Hughes of Dallas
Connel James
Cozy Jameson
Cowies Johnson of Dallas
Crews Johnson of Bexar
Curtin Johnson of Bell
Dewey Jones of Dallas
Duff, Miss Jones of Travis
Kennard Head
Kilpatrick Richards
Koliba Richardson
Lack Roberts of Hill
Lattimer Rosson
La Valle Sandahl
Leaverton Schram
Lewis Shannon
Langoria Shipley
McCorpin Black
McGregor of El Paso Smith of Bexar
McIffhan Sowell
McKnight Springer
Miller Moore
Mullen of Galveston
Murray Stewart
Mutchler of Wichita
Oliver Struve
Perry Thurmond
Peeler Towness
Petitt Trevino
Piggin Watson
Price Walls
Quilliam Wheatley
Rapp Whitfield
Ratliff Wilson of Trinity
Read Wilson of Potter
Yeak

Nay's—11
Allen Jarvis
Allen Cotten
Crain Nucsent
Haring Sliger
Harling Thurman
Hollowell Tunnell
Iannakis, Miss

Absent

Cannon Kordoth
Cole of Harris Osborn
Cohen Parsons
de la Garza Walker
Hughs Ward
of Grayson Woods

Absent—Excused

Andrews Martin
Andrews Chapman
Cook Roberts of Dawson
Cory Ross
McGregor of McLennan
Spears

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 249

Mr. Bailey submitted the following Conference Committee Report on Senate Bill No. 249:
Austin, Texas, May 27, 1941
Hon. Ben Ramsey, President of the Senate.

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

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 249, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WILLIS,
DIES,
MOORE,
LANE,
HARDIE,
On the part of the Senate.

BAILEY,
BARLOW,
COLE of Hunt,
JOHNSON of Bexar,
RICHARDSON,
On the part of the House.

CONFERENCE COMMITTEE REPORT

By: Willis
S. B. No. 249

A BILL
To Be Entitled
An Act making unlawful the stealing of any dog; making such offense a felony and prescribing punishment therefor; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Whoever shall steal any dog shall, upon conviction thereof, be guilty of a felony and shall be confined in the penitentiary for not more than two (2) years or shall be fined not more than Five Hundred Dollars ($500).

Sec. 2. The fact that the stealing of dogs in this State has become almost a business, with many valuable pets and working dogs stolen and sold each year, and even mongrel dogs, beloved pets of children, not being overlooked by the thieves, and the further fact that present law governing penalties for theft of personal property requires that such property have monitory value, thereby allowing many thieves of dogs to escape without penalty, 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 shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Bailey moved that all necessary rules be suspended for the purpose of considering the Conference Committee Report on S. B. No. 249. The motion to suspend all necessary rules for the purpose of considering the Conference Committee Report on S. B. No. 249 prevailed (having received the necessary two-thirds vote).

Mr. Bailey moved that the House adopt the Conference Committee Report on Senate Bill No. 249. The motion prevailed.

Mr. Bailey moved to reconsider the vote by which the House adopted the Conference Committee Report on S. B. No. 249 and to table the motion to reconsider. The motion to table prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 294

Mr. Shannon submitted the following Conference Committee Report on Senate Bill No. 294:

Austin, Texas, May 25, 1941
Hon. Ben Ramsey, President of the Senate.

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

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 294, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.
GONZALEZ, MOORE, PATMAN, REAGAN, WILLIS.
On the part of the Senate.
GLADDEN, KENNARD, SHANNON, RICHARDSON, COTTEN.
On the part of the House.

CONFERENCE COMMITTEE REPORT

By: Willis
A BILL
To Be Entitled
An Act relating to Tarrant County Water Control and Improvement District No. 1; authorizing the District to purchase, construct, improve and repair works and facilities necessary for transportation, treatment and disposal of sewage and industrial waste and effluent, and to issue bonds for such purposes and said District may make contracts with cities and others under which the District will transport, treat and dispose of sewage from such cities. The District may also make contracts with any city for the use of certain sewage transportation, treatment and disposal facilities owned by such city or by the District.

Sec. 2. Bonds issued under this law may be payable from the revenues under any contract or contracts or other income and, if authorized by an election, they may be made payable from taxes or from taxes and revenues. The provisions of Chapter 268, Acts of the Fifty-fifth Legislature relating to bonds issued by said District shall be applicable to bonds issued under this Act.

Sec. 3. (a) The District may have its bonds and sewer contracts approved by the Attorney General with the effect prescribed in said Section 268, or, in the discretion of its Board of Directors, may have them validated by a suit in the District Court in the manner and with the effect provided in Chapter 316, Acts of the Fifty-sixth Legislature, or may have the bonds and contracts validated by suit and approved. The interest rate and sale price of the bonds need not be fixed until after the termination of the validation proceedings or suit.

(b) If the proposed bonds recite that they are secured by a pledge of the proceeds of a contract or contracts theretofore made between the District and one or more cities the petition shall so allege and the notice of the suit shall mention such allegation and the city fund or revenues from which such contract or contracts are payable. Such suit shall be in the nature of a proceeding in rem. The judgment shall be res adjudicata as to the validity of such contractor contracts and the pledge of the revenues thereof.

Sec. 4. In the event that the District, in the exercise of any of the powers granted hereunder whether it be the power of eminent domain, the power of relocation, or any other power, makes necessary the relocation, raising, re-routing or changing
the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipelines, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility. The power of eminent domain exercised by the Tarrant County Water Control and Improvement District under this Act shall be limited to Tarrant County, Texas.

Sec. 5. The fact that the powers conferred by this Act are immediately and urgently needed to avoid delay in the District's cooperation in the over-all program of water conservation, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days be suspended, and said Rule is hereby suspended, and this Act as it may take effect from and after its passage, and it is so enacted.

Mr. Shannon moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 294.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on S. B. No. 294 prevailed by the following vote (having received the necessary two-thirds vote):

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<td>Adams of Titus</td>
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Mr. Shannon moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 294.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on S. B. No. 294 prevailed by the following vote (having received the necessary two-thirds vote):

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Mr. Shannon moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 294.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on S. B. No. 294 prevailed by the following vote (having received the necessary two-thirds vote):

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May 27, 1961  

**HOUSE JOURNAL 2689**

**Absent—Excused**

| Andrews | Nemesweth |
| Chapman | McGregor |
| Cook   | of McLennan |
| Lary   | Spears |

Mr. Shannon moved to reconsider the vote by which the Conference Committee Report on S. B. No. 294 was adopted and to table the motion to reconsider.

The motion to table prevailed.

**SENATE JOINT RESOLUTION NO. 7 ON SECOND READING**

Mr. Gladden moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Joint Resolution No. 7.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading, S. J. R. No. 7, Providing that the amount paid out of state funds for assistance payments to the totally and permanently disabled may never exceed Two Million Dollars per year.

The resolution was read second time.

Mr. McLlhany offered the following Committee Amendment to the resolution:

Committee Amendment No. 1

Amend S. J. R. No. 7 by striking the words and figures "Two Million Dollars ($2,000,000)" wherever it appears in the body of the bill and inserting in lieu thereof the words and figures "Three Million Dollars ($3,000,000)."

The amendment was adopted.

S. J. R. No. 7 was passed by the following vote:

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| Boysen   | La Valle |
| Breas    | Leaverton |
| Buchanan | Lewis   |
| Butler   | Longoria |
| Caldwell | Markgraf |
| Cannon   | Miller   |
| Carriker | Moore    |
| Cole of Harris | Mullin |
| Collins  | Murray   |
| Connell  | Mutschler |
| Cory     | Nguyen   |
| Cotten   | Oliver   |
| Cowles   | Osborn   |
| Crane    | Parsons  |
| Crews    | Peery    |
| Cushing  | Peeler   |
| de la Garza | Petty |
| Darrow   | Pettitt  |
| Duff, Miss | Pfeiffer |
| Ehrle    | Pfeiffer |
| Elrod    | Pickin   |
| Fitch    | Preston  |
| Floyd    | Quay     |
| Foreman  | Rapp     |
| Garrison | Ratcliff |
| Gibbens  | Read     |
| Gladden  | Richards |
| Glass    | Richardson |
| Glusing  | Roberts of Hill |
| Green    | Rosson   |
| Groover  | Sandahl  |
| Guey     | Schram   |
| Hale     | Shannon  |
| Harding  | Shipley  |
| Harring  | Slack    |
| Harrington | Sluder |
| Haynes   | Smith of Bexar |
| Heasty   | Smith of Jefferson |
| Hinson   | Snellen  |
| Hollowell | Springer |
| Huebner  | Stewart  |
| Hughes of Grayson | Stewart |
| Hughes of Dallas | of Wichita |
| Ianech, Mies | Strange |
| James    | Thurman  |
| Jamison  | Thurmond |
| Jarvis   | Townson  |
| Johnson of Dallas | Trevino |
| Johnson of Bexar | Trevar |
| Johnson of Bell | Ward |
| Jones of Dallas | Watson |
| Jones of Travis | Wells |
| Kennard  | Wheelley |
| Kilpatrick | Whitefield |
| Koliba   | Wilson of Trinity |
| Korich   | Yeak    |

| Lack     | Yezak    |
| La Valle | Adams of Lubbock |
| Leaverton| Allen    |
| Lewis    | Allen    |
| Longoria | Allen    |
| Markgraf | Allen    |
| Miller   | Allen    |
| Moore    | Allen    |
| Mullin   | Allen    |
| Murray   | Allen    |
| Mutschler| Allen    |
| Nguyen   | Allen    |
| Oliver   | Allen    |
| Osborn   | Allen    |
| Parsons  | Allen    |
| Peery    | Allen    |
| Pettitt  | Allen    |
| Pfeiffer | Allen    |
| Pickin   | Allen    |
| Preston  | Allen    |
| Quay     | Allen    |
| Rapp     | Allen    |
| Ratcliff | Allen    |
| Read     | Allen    |
| Richards | Allen    |
| Richardson| Allen    |
| Roberts of Hill | Allen    |
| Rosson   | Allen    |
| Sandahl  | Allen    |
| Schram   | Allen    |
| Shannon  | Allen    |
| Shipley  | Allen    |
| Slack    | Allen    |
| Sluder   | Allen    |
| Smith of Bexar | Allen |
| Smith of Jefferson | Allen |
| Snellen  | Allen    |
| Springer | Allen    |
| Stewart  | Allen    |
| Stewart  | Allen    |
| of Wichita | Allen    |
| Strange  | Allen    |
| Thurman  | Allen    |
| Thurmond | Allen    |
| Townson  | Allen    |
| Trevino  | Allen    |
| Trevar  | Allen    |
| Ward     | Allen    |
| Watson   | Allen    |
| Wells    | Allen    |
| Wheelley | Allen    |
| Whitefield | Allen |
| Wilson of Trinity | Allen |
| Yeak    | Allen    |
| Yezak   | Allen    |
Absent

Barlow
Cole of Hunt
Cowen
McGregor
of El Paso

Absent—Excused

Andrews
Chapman
Cook
McGregor
of McLennan

Mr. Gladden moved to reconsider the vote by which S. J. R. No. 7 was passed and to table the motion to reconsider.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

Mr. Walker was granted leave of absence temporarily for today on account of illness, on motion of Mr. Wilson of Trinity.

SENATE JOINT RESOLUTION NO. 9 ON SECOND READING

Mr. Kennard moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Joint Resolution No. 9.

The motion prevailed by unanimous consent.

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

S. J. R. No. 9, A Joint Resolution
Proposing an amendment to Section 51a of Article III of the Constitution of the State of Texas to raise the limit on use of state funds for financial assistance of the needy aged, needy blind, and needy children from Forty-seven Million Dollars ($47,000,000) a year to Fifty-two Million Dollars ($52,000,000) a year; providing for the necessary election, form of ballot, proclamation, and publication.

The resolution was read second time.

S. J. R. No. 9 was passed by the following vote:

S. J. R. No. 9 passed by the following vote:
Mr. Kennard moved to reconsider the vote by which S. J. R. No. 9 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 13 ON SECOND READING

Mr. Jamison moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Joint Resolution No. 13.

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. J. R. No. 13, Proposing amendment to Article III of the Constitution setting up succession to public offices so as to insure the continuity of governmental operations in periods of emergency, providing for the proclamation and publication of this proposed amendment by the Governor.

The resolution was read second time.

Mr. Townsend offered the following amendment to the resolution:

Amend S. J. R. 13 by adding the following words on line 40, printed resolution, after the commas: "except members of the Legislature" and adding the same words after the commas on line 44 and line 59.

The amendment was adopted.

S. J. R. No. 13 was passed by the following vote:

Yeas—118

Smith of Jefferson Woods
Wilson of Potter

Senators present: Arnel, Bailey, Barlow, Barros, Barron, Bass, Bell, Blaine, Boysen, Boydsen, Bridges, Buchanan, Burgess, Butler, Caldwell, Canno, Carrick, Cole of Harris, Collins, Cory, Cotlin, Cowen, Cowles, Crews, Curlington, de la Garza, Dever, Dr. Miss, Duncan, Eckhardt, Ehrle, Fairchild, Fletcher, Floyd, Foresman, Garrison, Gibbons, Gladden, Glass, Glasing, Green, Guffey, Hale, Harding, Harrington, Harron, Hays, Hinson, Hollewell, Hoehner, Hughes of Grayson, Hughes of Dallas

Nays—6


Senators absent: Mr. Pipkin of Potter

Mr. Townsend moved that an amendment be made to the resolution, after the commas: "except members of the Legislature" and adding the same words after the commas on line 44 and line 59.

The amendment was adopted.

S. J. R. No. 13 was passed by the following vote:

Yeas—118

Smith of Jefferson Woods
Wilson of Potter
Mr. Jamison moved to reconsider the vote by which S. J. R. No. 12 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1073 WITH SENATE AMENDMENT

Mr. McLennan moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to, "An Act providing for the sale of certain surveyed unsold school land to the City of Doddson, in the County of Collingsworth, upon payment of a fair market value, along with the usual and customary fees; reserving all oil, gas, and other minerals to the Permanent Free School Fund; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—124

Adams of Lubbock
Adams of Titus
Allen
Allen
Ballman
Barnes
Bartram
Bass
Blinke
Boyton
Bridges
Buchanan
Burgess
Caulk
Caulwell
Cannon
Carriker
Cole of Harris
Cole of Hunt
Collins
Connell
Corry
Cotten
Cown
Cowles
Crain
Curington
Dewey
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gladney
Glasure
Green
Grover
Guyfe
Harding
Haring
Harrington
Haynes
Healy
Hiseon
Hollowell
Husner
Hughes
Hurches of Dallas
Imack, Miss
James

Nays—15

Adams of Lubbock
Adams of Titus
Allen
Allen
Ballman
Banfield, Mrs.
Barnes
Bartram
Bass
Blinke
Boyton
Bridges
Buchanan
Burgess
Caulk
Caulwell
Cannon
Carriker
Cole of Harris
Cole of Hunt
Collins
Connell
Corry
Cotten
Cown
Cowles
Crain
Curington
Dewey
Dungan
Eckhardt
Ehrle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gladney
Glasure
Green
Grover
Guyfe
Harding
Haring
Harrington
Haynes
Healy
Hiseon
Hollowell
Husner
Hughes
Hurches of Dallas
Imack, Miss
James
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Wilson of Trinity  Yezak
Wilson of Potter
Nays—5
Berry  Slider
Tru, Miss
Nugent
In The Chair
Hale
Absent
Korioth  Murray
Lewis  Pickin
McCoppin  Shannon
McGregor of El Paso  Woods
Absent—Excused
Andrews  Martin
Chapman  Niemeyer
Cook  Roberts of Dawson
Lary  Roman
McGregor  Spears
of McLennan  Walker

The motion to suspend the rule prevailed by unanimous consent.

On the motion of Mr. Mutscher the House concurred in the Senate Amendments to H. B. No. 821.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 821

Amend H. B. 821 by adding a new section to be known as Sec. 2(a) to read as follows:

"Section 1(b) It is specifically provided, however, that the deed of conveyance shall so state, that should such land cease to be used by the grantee for the purpose for which it is herein authorized to be conveyed, then, in such event, the conveyance shall be null and void and said land and premises shall absolutely revert, without any necessity for suit or reentry, to the State of Texas. No act or omission on the part of the State of Texas or any agent or official thereof shall be a waiver of the operation or enforcement of such condition."

HOUSs BILL NO. 821 WITH SENATE AMENDMENTS

Mr. Mutscher moved that all necessary rules be suspended for the purpose of considering the Senate Amendments to:

H. B. No. 821, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second

Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, by adding in Section 15 of Article I of the Texas Liquor Control Act provisions and requirement for a nonresident brewer's permit; by adding in Section 3 of Article II of the Texas Liquor Control Act provision and requirement for a nonresident manufacturer's license; and by amending Section 23 in Article II of the Texas Liquor Control Act by adding to the requirements for label approval and fixing a fee therefor; repealing laws in conflict herewith: providing a saving clause: and declaring an emergency."

Mr. Mutscher moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to:
H. B. No. 568, A bill to be entitled "An Act amending Section 7, of Chapter 487, Page 1021, Acts of 1947, 50th Legislature, Regular Session, known as Article 8161b, to increase the salaries of Commissioners of Drainage Districts covered by the Act to a sum not to exceed $60.00 per month, and declaring an emergency."

The motion prevailed by the following vote:

**Yeas—118**
- Adams of Lubbock
- Adams of Tilles
- Alamin
- Atwell
- Bailey
- Hallman
- Bandyfield, Mrs.
- Barlow
- Barmea
- Bartram
- Bass
- Bell
- Berry
- Blaine
- Boyson
- Bridges
- Buchanan
- Burgess
- Butler
- Caldwell
- Cannon
- Carrick
- Cole of Harris
- Cole of Hunt
- Collins
- Comanell
- Cory
- Cowens
- Cowles
- Currington
- Dewey
- Dunn
- Duncan
- Eckhardt
- Ehrt
- Falchid
- Fletcher
- Floyd
- Forstman
- Garrison
- Gibbs
- Gladson
- Glass
- Gistmer
- Green
- Guertler
- Guyway
- Harding
- Harrington

**Nays—7**
- Allen
- Grin
- Crews
- de la Garza

**In The Chair**
- Hale
- Absent
- Cotton
- Haring
- Hinson
- Huebner
- Koirloth
- McConnel

**Absent—Excused**
- Andrews
- Chapman
- Cook
- Larry
- McGregor
- of McLean

**HOUSE BILL NO. 568 WITH SENATE AMENDMENTS**

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

H. B. No. 373, A bill to be entitled "An Act amending Art. 8161b of the Revised Civil Statutes of the State of Texas providing for the appointment of a stenographer by District Attorneys in judicial districts containing two or more counties, fixing the maximum salary to be paid such stenographers, providing for the approval and payment of the salary of such stenographer by the Commissioners Courts of the counties in such district, permitting such Commissioners Courts of each county to increase the salary per
Amendment No. 1
Amend House Bill No. 373 by striking out all above the enacting clause and in lieu thereof substituting the following:

"A Bill
To Be Entitled

An Act amending Section 1 of Chapter 385, Acts of the 52nd Legislature, Regular Session, 1951, codified as Article 126b-19, Vernon's Texas Civil Statutes, by fixing the amount of compensation for District Attorney's stenographers; and declaring an emergency."

Amendment No. 2
Amend House Bill No. 373 by striking out all below the enacting clause and in lieu thereof substituting the following:

"A Bill
To Be Entitled

An Act amending Article 126b-19, Vernon's Texas Civil Statutes, by changing the amount of compensation paid to District Attorney's stenographers; and declaring an emergency."

The motion prevailed by the following vote:

Yeas: 106
Adams of Lubbock
Hughes of Dallas
Allen
Jarvis
Bailey
Johnson of Bexar
Ballman
Johnson of Bell
Bansfield, Mrs.
Jones of Dallas
Barlow
Jones of Travis
Harmes
Kennard
Barram
Kilpatrick
Baas
Kolin
Nell
Lerk
Blaize
La Valle
Boyos
Leaverton
Bridges
Longoria
Buchanan
McGregor
Burgess
of El Paso
Butler
McIlhany
Caldwell
Markgraf
Cannon
Miller
Carriker
Moore
Cole of Harris
Mullen
Cole of Hunt
Mutcher
Collins
Osborn
Connell
Parsons
Cory
Pearce
Coven
Peeler
Cowles
Crews
de la Garza
Pietatt
Dewey
Pipkin
Dungan
Preston
Ehrle
Quilliam
Ehrle
Rays
Floyd
Read
Foreman
Richards
Garrison
Richardson
Gibbons
Roberts of Hill
Glass
Sandahl
Gladden
Schram
Gleason
Shannon
Groover
Shiple.
Greer
Smith of Bexar
Guest
Smith of Jefferson
Harding
Springer
Harrington
Stewart
Haynes
Stewart
Hastly
of Galveston
Hollaway
Hay
Wilson of Trinity
Townsend
Wilson of Potter
Wells
Wilson of Panhandle
Whitfield
Yes--50
Adams of Titus
Latimer
Allen
Lewis
Cotten
Nagent
Cred
Ratcliff
Curtin
Rosen
Duff, Miss
Safer
Haring
Trevino
Issacks, Miss
Tennell
James
Ward
Johnson of Dallas
Wison
Wheatley
Whitfield
Yeak

Nays: 20
Adams of Titus
Allen
Cotten
Cred
Duff, Miss
Haring
Issacks, Miss
James
Johnson of Dallas
Wison
Wheatley
Whitfield
Yeak

Absent-Excused
Andrews
Martin
Chapman
Niemeyer
Cook
Robert of Dawson
Lary
Rosen
McGregor
Spears
of McLennan
Walker

In The Chair

Hale
Absent
bill to be read on three several days in each house be suspended, and this Rule is hereby suspended and that the Act take effect and be in force from and after its passage, and it be so enacted.

HOUSE CONCURRENT RESOLUTION NO. 94 WITH SENATE AMENDMENT

Mr. Watson moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to,
### HOUSE BILL NO. 66 WITH SENATE AMENDMENT

Mr. Johnson of Bexar moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to

H. B. No. 66, A bill to be entitled

"An Act to provide that it shall be unlawful to sell, give or barter knuckles made of any metal or any hard substance, or a switch blade knife; spring blade knife or throw blade knife; providing for penalties; and declaring an emergency."

The motion prevailed by unanimous consent.

On motion of Mr. Johnson of Bexar the House concurred in the Senate Amendment to H. B. No. 66.

### TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 1109

Senate Floor Amendment To

H. B. 1109

Strike out the word "next" wherever it occurs in said bill and inserting in lieu thereof the word "last."

### HOUSE BILL NO. 66 WITH SENATE AMENDMENT

Amend H. B. 66 by striking Section 2 of this Act and substituting in lieu thereof the following:

"Section 2. Whoever shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor a pistol, dirk, dagger, slingshot, blackjack, hand chain, nightstick, pipe stick, sword cane, spear, Bowie knife or a knife with a blade over five and one-half (5½) inches in length, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, shall be fined not
less than Twenty-five and No/100 ($25.00) Dollars nor more than Two Hundred and No/100 ($200.00) Dollars, or be imprisoned in jail for a period of time not to exceed One (1) year or by both such fine and imprisonment.

HOUSE BILL NO. 770 WITH SENATE AMENDMENT

Mr. Kennard moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to,

H. B. No. 770, A bill to be entitled "An Act to amend Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 48), Acts of the 52nd Legislature, Regular Session (1951), page 865, as amended by Acts of 1957, 56th Legislature, Page 87, Chapter 41, Section 1) providing that the capital stock of a domestic insurance company with a nominal or par value shall be divided into shares of not less than one dollar ($1.00) each, and not more than one hundred dollars ($100.00) each, providing that at least fifty per cent of the authorized shares with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; and to amend paragraphs (a), (b), (c) and (d) of Article 3.03a, Insurance Code (Acts 1956, 54th Legislature, Page 516, Chapter 348, Section 4) providing that the capital stock of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than one dollar ($1.00) each, and not more than one hundred dollars ($100.00) each, providing that at least fifty per cent of the authorized shares shall be in good faith subscribed and paid for; and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency."

The motion prevailed by the following vote:

Ayes—122

Adams of Lubbock
Johnson of Beaz
Albritts
Johnson of Bell
Allen
Jones of Dallas
Atwell
Jones of Travis
Bailey
Kennard
Ballman
Kilpatrick
Bancil
Mrs. Koliba
Barnes
Leal
Bartram
Lea Valle
Baue
Leaveton
Bell
Lewis
Blaine
Longoria
Boysen
McGregor
Bridges
of El Paso
Buchanan
McLain
Burgess
Markgraf
Butler
Miller
Caldwell
Moore
Carrillo
Mullen
Cole of Harris
Metscher
Cole of Hunt
Nagert
Collins
Osburn
Conwell
Perry
Cory
Peters
Cowen
Rice
Cowles
Rippin
Cran
Preston
Crews
Price
Curtis
Quilliam
Cutshall
of Galveston
Dewey
Gutliff
Duff, Miss
Read
Duncan
Richards
Eckhardt
Richardson
Ehle
Robertson of Hill
Fetich
Rosen
Floyd
Sandahl
Foyd
Schram
Foreman
Shelby
Garrisons
Smith of Bexar
Gibbons
Smith of Jefferson
Glaude
Stedman
Glass
Stclson
Glasier
Springer
Gusting
Snead
Green
of Galveston
Grover
Steele
Guffey
of Wichita
Hargis
Struve
Harding
Harms
Heatly
Hollaway
Huebner
Hughes of Grayson
Tussell
Hughes of Dallas
Watson
imchen, Miss
Wells
James
Wilson of Trinity
Johnson of Dallas
Witthold
Johnson of Dallas
Wilson of Trinity
May 27, 1961

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Wilson of Potter Yeak
Nays—4
Adams of Titus Haring
Berry Slider
Hale
Absent
Cotten Parsons
Hilson Petty
Korloth Slack
McCoppin Spelman
Murray Woods
Oliver
Absent—Excused
Andrews Martin
Chapman Nielsoner
Cook Roberts of Dawson
Lary Rosas
McGregor Spears
of McLennan Walker

Mr. Watson moved to reconsider the vote by which the House concurred in the Senate Amendment to House Bill No. 770 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 770

A BILL TO BE ENTITLED

An Act to amend Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session (1951), page 868, as amended by Acts of 1967, 55th Legislature, page 87, Chapter 41, Section 1) providing that the shares of a domestic insurance company with a nominal or par value shall be divided into shares of not less than One ($1.00) Dollar each, and not more than One Hundred Dollars ($100.00) each, providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; to amend Section 5 of Article 2.07, Insurance Code (Section 5 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, page 868) to provide for allocation to capital or surplus, or both, upon sale of shares without a par value; and to amend paragraphs (a), (b), (c), and (d) of Article 3.02a, Insurance Code (Acts 1965, 54th Legislature, Page 516, Chapter 263, Section 4) providing that the shares of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than One Dollar ($1.00) each, and not more than One Hundred Dollars ($100.00) each, providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session (1951), page 868, as amended by Acts of 1967, 55th Legislature, page 87, Chapter 41, Section 1) is hereby amended to read and provide as follows:

"Section 1. Division.

(a) The shares of any insurance company organized under the laws of this State, if shares with a nominal or par value shall be divided into shares of not less than One Dollar ($1.00) each, and not more than One Hundred Dollars ($100.00) each providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; to amend Section 5 of Article 2.07, Insurance Code (Section 5 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, page 868) to provide for allocation to capital or surplus, or both, upon sale of shares without a par value; and to amend paragraphs (a), (b), (c), and (d) of Article 3.02a, Insurance Code (Acts 1965, 54th Legislature, Page 516, Chapter 263, Section 4) providing that the shares of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than One Dollar ($1.00) each, and not more than One Hundred Dollars ($100.00) each, providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session (1951), page 868, as amended by Acts of 1967, 55th Legislature, page 87, Chapter 41, Section 1) is hereby amended to read and provide as follows:

"Section 1. Division.

(a) The shares of any insurance company organized under the laws of this State, if shares with a nominal or par value shall be divided into shares of not less than One Dollar ($1.00) each, and not more than One Hundred Dollars ($100.00) each providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; to amend Section 5 of Article 2.07, Insurance Code (Section 5 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, page 868) to provide for allocation to capital or surplus, or both, upon sale of shares without a par value; and to amend paragraphs (a), (b), (c), and (d) of Article 3.02a, Insurance Code (Acts 1965, 54th Legislature, Page 516, Chapter 263, Section 4) providing that the shares of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than One Dollar ($1.00) each, and not more than One Hundred Dollars ($100.00) each, providing that shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency.
to subscribe and fully pay for shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value, before said company shall be charter ed or have its charter amended so as to authorize the issuance of shares with a nominal or par value. At the time of filing of an original charter or any amendment of an existing charter authorizing issuance of stock of a nominal or par value, the company shall file a statement under oath with the State Board of Insurance setting forth the aggregate number of shares with a nominal or par value, the company shall be fully paid for stock of a nominal or par value issued with a nominal or par value or have its charter amended so as to authorize the issuance of shares with a nominal or par value. If the company shall be authorized to issue shares with a nominal or par value, the company shall file a statement under oath with the Board of Insurance setting forth the number of such shares so authorized. Any and all powers and privileges conferred by this Article shall be conferred upon the company for such shares. Any and all such shares with a nominal or par value issued in accordance with the provisions of this section shall be fully paid stock and not liable to any further call or assessment thereon, nor shall the subscriber or holder be liable for any further payments. The consideration received for such shares shall constitute capital to the extent of the par value of such share, and the excess, if any, of such consideration shall constitute surplus. In no event shall the capital or surplus be less than the minimum required by this chapter. 

“(b) In the event all of the shares with a nominal or par value authorized by the original charter or any amendment, are not subscribed and paid for at the time the original charter is granted, or the amendment is filed, then when such remaining shares with nominal or par value are sold and issued, the company shall file with the State Board of Insurance, within ninety (90) days after the issuance of such shares a certificate authenticated by the majority of the directors setting forth the aggregate number of such additional shares so issued and the actual aggregate consideration received by the company for such shares. The consideration received for such shares shall constitute capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute surplus. All shares, with a nominal or par value issued by the company shall be fully paid for prior to issuance at a rate of not less than the par value thereof. No further act on the part of the company and no charter amendment shall be necessary to effect the increase in capital or surplus, or both, of the company.

“(a) The aggregate number of shares which the company has authority to issue may be increased or decreased from time to time by lawful charter amendment as long as shares representing at least fifty (50%) per cent of the aggregate par value of the shares authorized to be issued with a nominal or par value is in good faith subscribed and paid for in full.

“(d) The privileges and powers conferred by this Article shall be in addition to any and all powers and privileges conferred by any other law or laws, and not in restriction or limitation of any of the powers now permitted to such companies; provided, however, life, health, or accident insurance companies operating under Chapter 3 of this Code shall not utilize the provisions of this Article but shall comply with the provisions of Chapter 3 of this Code as amended.”

Section 1a. Section 5 of Article 2,07, Insurance Code (Section 5 of Article 2,07 of Chapter 431, Acts of the 53rd Legislature, Regular Session, 1951, page 948) is hereby amended to read as follows:

“Section 5. Certificate Covering Shares of Nominal or No Par Value Sold or Issued.—In the event all of the shares of stock without nominal or par value, authorized by the original charter or any amendment, are not subscribed and paid for at the time the original charter is granted, or the amendment is filed, then when such remaining shares of stock without nominal or par value are sold and issued, the company shall file with the Board, within ninety (90) days after the issuance of such shares a certificate authenticated by the majority of the directors setting forth the aggregate number of such shares so issued and the actual consideration received by the company for such shares. That portion of the consideration received by the company for such shares and fixed by the Board...
of Directors, unless the charter or articles of incorporation reserve to the shareholders the right to fix the consideration, shall constitute capital, and the excess, if any, of such consideration shall constitute surplus. No further action on the part of the company and no charter amendment shall be necessary to effect the increase in capital or surplus, or both, of the company. The consideration received for such shares shall be the same as that required by Article 3.03, Section 6 of this Code.”

Section 2. Paragraphs (a), (b), (c), and (d) of Article 3.02a, Insurance Code (Acts 1955, 54th Legislature, Page 916, Chapter 367, Section 4) is hereby amended to read and provide as follows:

“Article 3.02a. Shares of Stock.

(a) The shares of any life, health or accident insurance company organized or operating under the provisions of this chapter may be divided or converted into shares of either par value or no par value, or some of each, and all issued shares shall be fully paid and non-assessable. If divided or converted into shares of par value, each share shall be for not less than One Dollar ($1.00) nor more than One Hundred Dollars ($100.00) and the stockholders of any such company authorizing the issuance of its stock with a nominal or par value shall be required in good faith to subscribe and pay for at least fifty per cent (50%) of the authorized shares to be issued without nominal or par value, before said corporation shall be chartered or have its charter amended so as to authorize the issuance of shares without nominal or par value; and provided further, that in no event shall the amount so paid be less than Two Hundred Fifty Thousand Dollars ($250,000.00). The aggregate number of shares which the company has authority to issue may be increased or decreased from time to time by lawful charter amendment so long as at least fifty per cent (50%) of the aggregate number of the authorized shares to be issued without nominal or par value is in good faith subscribed and paid for and so long as shares representing at least fifty per cent (50%) of the aggregate par value of the shares authorized to be issued with a nominal or par value has been in good faith subscribed and paid for in full; provided that authorized but unissued shares shall not constitute capital stock or capital stock of such company.

(b) Such companies may issue and dispose of their authorized shares having no nominal or par value for money or those notes, mortgages and stocks of which the law requires that capital stock of insurance companies shall consist. Any and all shares without nominal or par value issued for the consideration prescribed or fixed in accordance with the provisions of this article shall be fully paid stock and not liable to any further call or assessment thereon, nor shall the subscriber or holder be liable for
any further payments. The consideration received for shares with a nominal or par value shall constitute capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute surplus. In the case of issuance of shares without a nominal or par value, that portion of the consideration fixed by the board of directors, unless the charter or the articles of incorporation reserve to the shareholders the right to fix the consideration, shall constitute capital and the excess, if any, of such consideration shall constitute surplus. All shares with a nominal or par value issued by the company shall be fully paid for prior to issuance at a rate of not less than the par value thereof. In no event shall the capital or surplus be less than the minimum required by this chapter.

(c) In the event all of the shares without nominal or par value, authorized by the original charter or any amendment, are not subscribed and paid for at the time the original charter is granted, or the amendment is filed, then when such remaining shares without nominal or par value are sold and issued, the company shall file with the State Board of Insurance within ninety (90) days after the issuance of such shares, a certificate authenticated by a majority of the directors setting forth the number of such shares so issued and the actual consideration received by the company for such shares. In the event all of the shares with a nominal or par value, authorized by the original charter or any amendment, are not subscribed and paid for at the time the original charter is granted, or the amendment is filed, then when such remaining shares with a nominal or par value are sold and issued, the company shall file with the board, within ninety (90) days after the issuance of such shares, a certificate authenticated by a majority of the directors setting forth the aggregate number of shares so issued and the actual aggregate consideration received by the company for such shares. In the case of the issuance by a company of any of its authorized shares having a nominal or par value, the consideration received therefor shall constitute capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute surplus. In case of the issuance by a company of any of its authorized shares without a nominal or par value, that portion of the consideration fixed by the board of directors, unless the charter or articles of incorporation of the company reserve to the shareholders the right to fix the consideration, shall constitute capital, and the excess, if any, shall constitute surplus. All shares with a nominal or par value issued by the company shall be fully paid for prior to issuance at a rate of not less than the par value thereof. No further action on the part of the company and no charter amendment shall be necessary to effect the increase in capital or surplus, or both, of the company.

(d) Nothing herein contained shall be construed to impair the charter rights of companies hereafter authorized to issue stock of no par value or par value.

Section 3. All laws or parts of laws in conflict herewith are so that extent hereby repealed; and this Act shall prevail over any conflicting provisions of law.

Section 4. If any section, paragraph, sentence, clause or word of this Act is held to be unconstitutional, the remaining portion of the same, nevertheless, shall be valid; and the Legislature hereby declared that it would have enacted this Act without such unconstitutional portion.

Section 5. The fact that foreign insurance companies are now authorized to have authorized but unissued capital stock of a nominal or par value, placing domestic companies in a disadvantageous position, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.
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HOUSE BILL NO. 712 WITH SENATE AMENDMENT

Mr. Kennard moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to:

H. B. No. 712. A bill to be entitled "An Act amending Chapter 7, Title 12, of the Penal Code of Texas, 1925, as amended, by adding a new Article to be known as Article 751a pertaining to dentists and narcotic drugs; providing a severance clause; repealing all laws in conflict; and declaring an emergency."

The motion prevailed by the following vote:

YEAS—120
Adams of Lubbock
Gledden
Allen
Gissing
Allen
Gree
Bailey
Grove
Ballman
Guffey
Bancroft, Mrs.
Harding
Barlow
Harrington
Barram
Harr
Bass
Healy
Bell
Hollowell
Blaine
Hsueh
Boyes
Hughes
Bragg
Grayson
Buchanan
Hughes of Dallas
Burgess
Iaaiaka, Miss
Butler
James
Caldwell
Jamison
Cannon
Jarvis
Carroll
Johnson of Dallas
Cole of Harris
Johnson of Burleson
Cole of Hunt
Johnson of Bell
Collins
Jones of Dallas
Connell
Jones of Travis
Cory
Cowen
Kilpatrick
Cowles
Kollba
Craig
Stack
Crow
La Valle
de la Garza
Leaweston
Dewey
Lewis
Duff, Miss
Longoria
Dungan
McFerig
Durham
McFarland
Ehler
Ranchsplit
Fletcher
Miller
Floyd
Mullen
Foreman
Mynheer
Garrison
Gibbons
Nguyen

NAYS—5
Adams of Titus
Latimer
Berry
Glass

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 712

Chapter 7. Title 12, of the Penal Code
of Texas, 1925, as amended; amend­ing Article 4550a, Section 3, Re­vised Civil Statutes of Texas, 1925, as amended by Section 2 of H. B. 362, Chapter 371, General Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Article 4544, Revised Civil Statutes of Texas, 1925, as amended by Sec­tion 1 of H. B. No. 362, Chapter 371, General and Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Section 5 of S. B. 454, Acts Regular Session, 52nd Legislature, Page 843, Chapter 475, General and Special Laws of Texas; amending Article 4550a, Sec­tion 1, as last amended by Section 2 of Acts 1947, 50th Legislature, Page 752, Chapter 371; providing a severance clause; repealing all laws in conflict; and declaring an emer­gency."

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

Section 1. Amend Chapter 7, Title 13, of the Penal Code of Texas, 1925, as amended, by adding a new Article to be known as Article 751a to read as follows:

"Article 751a. Narcotic Drugs.

"It shall be unlawful for a dentist to prescribe, provide, obtain, order, administer, give, or deliver to or for any person, narcotic drugs not neces­sary or required, or where the use or possession of same would promote or further addiction therein, or to aid, abet, or cause any of same to be done in any manner."

Section 2. Amend Article 4550a, Section 3, Revised Civil Statutes of Texas, 1925, as amended, by Section 2 of House Bill 362, Chapter 371, General and Special Laws of Texas, 50th Legislature, Regular Session, 1947, and numbering the second paragraph as a new section 4, such sections to hereafter read as follows:

2. All annual registration fees collected by the State Board of Dental Examiners under this Act shall be placed in the State Treasury every thirty (30) days, as collected, to the credit of a special fund to be known as the "Dental Registration Fund," and all expenditures from this fund shall be on order of the State Board of Dental Examiners, on warrants issued by the State Comptroller for the purposes and in the amounts fixed by the Legislature in the gener­al appropriation bills. The State Board of Dental Examiners shall be authorized to employ and to compens­ate from such special funds em­ployee and such other persons as may be found necessary to assist the local prosecuting officers of any coun­ty in the enforcement of all laws of the State prohibiting the unlaw­ful practice of dentistry, and to carry out the other purposes for which said fund is hereby appro­priated. Provided, that all such pro­secutions shall be subject to the di­rection and control of the regularly and duly constituted prosecuting of­ficers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

4. To aid the Board in performing the duties prescribed in this Section, the Board is hereby authorized to employ an Executive Secretary who shall receive a salary to be fixed by the Board, and who shall make and file a surety bond in a sum not less than Five Thousand Dollars ($5,000) conditioned for the faith­ful performance of all the duties of his office and the safekeeping and proper disbursement of the 'Dental Registration Fund' and all other funds coming into his hands; such salary shall be paid out of said 'Dental Registration Fund' and shall be paid only out of the said 'Dental Registration Fund.' All dis­bursements from 'Dental Registration Fund' shall be made only upon the written approval of the President and Secretary of said Board. Provided further, warrants drawn by the Comptroller to be paid out of said fund."
It shall be the duty of the Board to examine all applicants for license to practice dentistry in this State, and the Board shall examine and grade all papers submitted by such applicants and report to such applicants within a reasonable time after the date of such examination, and said report shall give to each applicant the grades made by said applicant upon each and every subject which he or she was examined by said Board. Each person applying for an examination shall pay to said Board a fee of Fifty Dollars ($50) and shall be granted a license to practice dentistry in this State upon his satisfactorily passing an examination before said Board on subjects and operations pertaining to dentistry which shall include Anatomy, Physiology, Anaesthesia, Biochemistry, Dental Materials, Diagnosis, Treatment Planning, Ethics, Jurisprudence, Operative Dentistry, Oral Surgery, Orthodontia, Periodontology, Prosthetic Dentistry, Pathology, Microbiology, and such other subjects as are regularly taught in reputable Dental Schools as the Board may in its discretion require. The examination shall be taken by each applicant within a reasonable time after such examination, and each applicant who has satisfactorily passed all phases of the examination as determined by the Board shall be entitled to and shall be issued a certificate permitting such applicant to practice dental hygiene in the State of Texas as is defined and regulated by the law of this State.

Section 4. Amend Section 5 of Article 4550a, Acts 1938, 44th Legislature, Page 843, Chapter 475, General and Special Laws of Texas, codified as Article 4550a, Section 5, Vernon's Texas Civil Statutes, to hereafter read as follows:

"Section 5. Examination. The Texas State Board of Dental Examiners shall hold meetings at such times and places as the Board shall designate for the purpose of examining qualified applicants for certification as dental hygienists in this State. All applicants for examination shall pay a fee of Thirty-Five Dollars ($35) to said Board and shall apply upon forms furnished by the Board and shall furnish such other information as the Board may in its discretion require to determine any applicant's qualifications. The Board shall have authority to employ the services of such examiners and clerks as may be needed to aid the Board in the performance of such duties. The examination shall be taken by all applicants on such subjects and operations pertaining to dentistry and dental hygiene which shall include Dental Anatomy, Pharmacology, X-Ray, Ethics, Jurisprudence, and Hygiene, and such other subjects as are regularly taught in reputable schools of dentistry and dental hygiene, as the Board in its discretion may require. The examination shall be given orally or in writing, or by giving a practical demonstration of the applicant's skill or by any combination of such methods or subjects as the Board may in its discretion require. The Board shall grade each applicant within the various phases of the examination and shall report such grades to the applicant within a reasonable time after such examination, and each applicant who has satisfactorily passed all phases of the examination as determined by the Board shall be entitled to and shall be issued a certificate permitting such applicant to practice dental hygiene in the State of Texas as is defined and regulated by the law of this State."

Section 5. Amend Article 4550a, Section 1, Acts 1938, 44th Legislature, Page 606, Chapter 244, Section 9, as amended by Acts 1945, 45th Legislature, Page 576, Chapter 349, Section 3, as amended by Acts 1947, 50th Legislature, Page 752, Chapter 371, subsection 2, to hereafter read as follows:

"Article 4550a. Application, Registration, and Secretary:

"I. It shall be the duty of all persons now lawfully qualified and engaged in the practice of dentistry in this State, or who shall hereafter be licensed for such practice by the State Board of Dental Examiners, to annually apply and to be registered as such practitioners with the State Board of Dental Examiners on or before March first of each calen-
The sent showing or countee aha11 recorded emergency and an
and portions of Board titled the holder tr&tlon
violations has
t&al tttttlon to such Board, and every person so
registering shall file with said
Board a written application stating
forth such facts as the Board may
require. Upon receipt of such ap-
plications, accompanied by such fees,
said Board, after ascertaining either
from its records or other sources
deemed by it to be reliable, that
the applicant is duly licensed practi-
tioner of dentistry in this State, shall
issue to the applicant an annual
registration certificate or receipt
certifying that he has filed such ap-
plication and has paid the required
fee; provided, that the filing of such
application, the payment of such fee,
and the issuance of such receipt
thereof, shall not entitle the holder
thereof to lawfully practice dentistry
within the State of Texas unless he
has in fact been previously licensed as
such practitioner by the State
Board of Dental Examiners, as pro-
vided by this Law, and has duly
recorded his license in the county
or counties in which the same may
be required by law to be recorded,
and unless said license is in full force
and effect; and provided further, that
in any prosecution for the unlawful
practice of dentistry such receipt
showing payment of the annual regis-
tration fee required by this Chapter
shall not be treated as evidence that
the holder thereof is lawfully en-
titled to practice dentistry.

Section 6. If any section, clause,
phrase, word, or words of this Act
are held to be unconstitutional, such
decision shall not affect the remain-
ing portions of this Act.

Section 7. All laws or parts of laws
in conflict herewith are hereby ex-
pessly repealed.

Section 8. The fact that the pre-
rent laws are not sufficient to curb
violations or provide sufficient funds
for operation of the Board 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 sus-
ended, and said Rule is hereby sus-
pended; and that this Act shall take
effect and be in force and effect
from and after its passage, and it is
so enacted.

SUSPENDING THE JOINT RULES
TO CONSIDER S. B. NO. 277

Mr. Gladstone offered the following
resolution:

H. C. R. No. 139

Be it resolved, by the House of
Representatives, the Senate concur-
ing, That the Joint Rules of the two
Houses be, and they are hereby, sus-
pended so that either House may
take up and consider Senate Bill No.
277 at any time.

The resolution was referred to the
Committee on Rules.

SUSPENDING THE JOINT RULES
TO CONSIDER S. J. R. NO. 8

Mr. Gladstone offered the following
resolution:

H. C. R. No. 140

Be it resolved, by the House of
Representatives, the Senate concur-
ing, That the Joint Rules of the
two Houses be, and they are hereby,
suspended so that either House may
take up and consider Senate Joint
Resolution No. 8.

The resolution was referred to the
Committee on Rules.

SUSPENDING THE JOINT RULES
TO CONSIDER S. B. NO. 296

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

Senate Concurrent Resolution No. 79

Resolved, By the Senate of the
State of Texas, and the House of
Representatives concurring, that the
Joint Rules be and they are hereby
suspended in order that the House of
Representatives may take up Senate
Bill No. 296 at any time.

The resolution was referred to the
Committee on Rules.
May 27, 1961

HOUSE BILL NO. 912 WITH
SENATE AMENDMENT

Mr. Bass moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to:

H. B. No. 912, A bill to be entitled "An Act raising the maximum fees...persons according to the last preceding Federal census; repealing all laws in conflict; and declaring an emergency."

The motion prevailed by the following vote:

Yea-115

Adams of Lubbock
Gladden

Adams of Titus
Glass

Allen
Glashow

Atwell
Green

Bales
Grover

Ballman
Guffey

Bannister, Mrs.
Harding

Barnes
Harrington

Barrows
Haynes

Barthram
Hedley

Bass
Hollowell

Bell
Huebner

Blakes
Hugates

Boyson
of Grayson

Bridges
Hughes of Dallas

Buchanan
Isett, Miss

Burgess
James

Butler
Jenison

Caldwell
Jarvis

Cannon
Johnson of Bexar

Carroll
Johnson of Bell

Cole of Harris
Jones of Travis

Cole of Hunt
Kennard

Collins
Kilpatrick

Connell
Kolba

Cory
Lack

Crown
LaTanner

Cowles
LaValle

Crews
Leaverton

Curtis,
de la Garza
Longoria

Dewey
McGregor

Duff, Mims
McIntrye

Duncan
Markgraf

Dobbs
Miller

Durham
More

Elliott, Mrs.
Mullen

Fletcher
Mutchler

Ford
Garrion

Gibbons
Glass

Parsons
Peery

Pfeiffer
Pepper

Piggin
Pipher

Preston
Price

Quilliam
Rapp

Ratliff
Read

Riggs
Richards

Richison
Townsend

Roberts of Hill
Rosson

Sandahl
Schram

Shannon
Shipley

Smith of Bexar
Smith of Jefferson

Smith of Houston
Slyzager

Stewart
of Galveston

Stewart
of Wichita

Struse
Thurmond

Trevino
Tunsel

Wilson
Watson

Wells
Wheatley

Wilson of Potter
Ysake

Nays-7

Berry

Crain

Haring

Hunting

In the Chair

Hale

Absent

Alanis
Petty

Cotten
Black

Fairchild
Byrland

Hillman
Ward

Korich
Whitfield

McCoppin
Wilson of Trinity

Murray
Woods

Oliver

Absent—Excused

Andrews
Martin

Chapman
Nicelyer

Cook
Roberts of Dawson

Law
Ross

McGregor
Spears

of McLennan
Walker

TEXT OF SENATE AMENDMENT
TO HOUSE BILL NO. 912

Amend H. B. 912, Sec. 1 by striking out the words and figures "Forty-six thousand (46,000)" and "seventy-five thousand (75,000)" and inserting in lieu thereof respectively the following:

"Fifty nine thousand (59,000)" and "sixty thousand (60,000)"
Mr. Stewart of Galveston moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to,

H. B. No. 1035, A bill to be entitled "An Act amending Chapter 7, Acts of the 47th Legislature of Texas, Regular Session, 1953, relating to certain cities bordering upon the Gulf of Mexico; validating bonds heretofore issued and proceedings and actions of such cities and their governing bodies in connection with such bonds, and validating conveyances or grants of properties and rights in properties, real or personal, to any such city, in connection with or relating to any park improvement or pier acquired or constructed, under the provisions of said Chapter 7; providing a severability clause; and declaring an emergency."

The motion prevailed by the following vote:

Yeas--126
Adams of Lubbock
Dewey
Adams of Titus
Duff, Miss
Allen
Eckhardt
Allen
Ehkle
Allen
Fairchild
Ball
Fletcher
Barlow
Foreman
Barstow
Garrison
Bass
Gibbons
Baas
Gladen
Bell
Glass
Berry
Glusking
Bianca
Green
Boyson
Grover
Bridges
Griffey
Buchanan
Harding
Burgess
Haring
Butler
Harrington
Caldwell
Haynes
Cannon
Healy
Carroll
Hollowell
Cole of Harris
Husbarger
Cole of Hunt
Hutchins
Collins
Hughes of Grayson
Cook
Hughes of Dallas
Cowles
James
Cowan
Jamison
Crawford
Jarvis
Curtis
Johnson of Dallas

TEXT OF SENATE AMENDMENT
TO HOUSE BILL NO. 1035
Senate Floor Amendment to
H. B. 1035

Amend H. B. No. 1035, Sec. 2(a), by striking out the words "or condemnation" and inserting the word "or" between the words "gift" and the word "purchase" which precedes the language stricken.
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HOUS€ BILL NO. 755 WITH SENATE AMENDMENT

Mr. LaValle moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to,

H. B. No. 755, A bill to be entitled "An Act providing for the sale of certain land to the City of Texas City, upon payment of a stated sum; reserving all oil, gas and other minerals; enacting other provisions relating to the subject matter; and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

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

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 755

Senate Floor Amendment to H. B. 755

Amend H. B. 755 by striking out all of Sec. 1 (b) and substituting in lieu thereof the following:

"Section 1 (b) It is specifically provided, however, and the deed of conveyance shall so state, that should such land cease to be used by the grantee for the purpose for which it is herein authorized to be conveyed, then, in such event, the conveyance shall be null and void and said land and premises shall absolutely revert, without any necessity for suit or reentry, to the State of Texas. No act or omission on the part of the State of Texas or any agent or official thereof shall be a waiver of the operation or enforcement of such condition."

HOUS€ BILL NO. 626 WITH SENATE AMENDMENTS

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

H. B. No. 626, A bill to be entitled "An Act amending Section 15 of Chapter 400, Acts of 55th Legislature, Regular Session, 1957, which is codified as Section 15 of Article 1970-345, Vernon's Texas Civil Statutes, so as to provide certain additional employees of the Probate Court of Tarrant County and establishing certain control over employees and fixing minimum salaries; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—116
Adams of Lubbock
Adams of Titus
Allen
Alwine
Ball
Barlow
Barnes
Bartram
Ball
Berry
Baine
Boyse
Bridges
Buchanan
Buxon
Butler
Caldwell
Cannon
Carroll
Cole of Harris
Cole of Hunt
Collins
Connell
Cory
Cowles
Crows
de la Garza
Dewoy
Duf, Miss
Duncan
Rickard
Ehrle
Fairchild
Fletcher
Floyd
Garriott
Gibbons
Gibbons
Giddens
Glass
Glue
Glust
Green
Grover
Guffey
Harding
Harrington
Haynes
Healy
Holloway
Hubner
Hughes
Hughes
Hughes of Dallas
Imacks, Miss

Adams of Lubbock
James of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
La Valle
Leaverton
Lewis
Lengoria
McGregor
McElroy
Markgraf
Miller
Moore
Mullen
Nagler
Osborn
Pearcy
Peeler
Petty
Picott
Pinkin
Preston
Price
Quillian
Rapp
Ratcliff
Reed
Richards
Richardson
Robert of Hill
Rosen
Sandel
Schram
Shannon
Shipley
Smith of Jefferson
Snedon
Springer
Stewart
Stewart
of Galveston
of Wichita
To House Bill No. 626

Amend House Bill 626 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Sections 14 and 15 of Chapter 490, Acts of the 56th Legislature, Regular Session, 1961, codified as Sections 14 and 15 of Article 1976-345, Vernon’s Texas Civil Statutes, is amended to read as follows:

"Sec. 14. The Judge of the Probate Court of Tarrant County shall collect the same fees as are now or hereafter may be established by law relating to County Judges as to matters within the jurisdiction of said Court, all of which shall be paid to him into the County Treasury as collected, and from and after the effective date of this Act, the Judge of said Court shall receive, upon qualifying, an annual salary to be fixed by order of the Commissioners Court of Tarrant County, of not less than Twelve Thousand Dollars ($12,000), payable out of the County Treasury by the Commissioners Court.

"Sec. 15. The Commissioners Court of Tarrant County shall provide the following employees for the Judge of the County Probate Court of Tarrant County: (a) a secretary to be paid not less than $4,146 per annum, and (b) a chief clerk to be paid not less than $6,000 per annum, at salaries to be fixed by the Commissioners Court but not less than the figures indicated, which salaries shall be paid monthly out of the County Treasury by the Commissioners Court from any funds available for this purpose, provided, however, that the Judge of the County Probate Court of Tarrant County is hereby authorized to employ, supervise, and terminate each and every one of said employees. The Commissioners Court of Tarrant County may also provide such other and additional clerical assistance as may be required to properly carry on the business of said Court at salaries to be fixed by the Commissioners Court."

Section 2. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an impor­tive 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."

Amendment No. 2

Amend House Bill 626 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Sections 14 and 15 of Chapter 490, Acts of the 56th Legislature, Regular Session, 1961, which is codified as Sections 14 and 15 of Article 1976-345, Vernon’s Texas Civil Statutes, so as to provide a minimum salary for the Probate Judge; providing for certain employees for the Probate Court of Tarrant County; providing for method of payment of said salaries; establishing certain control over such employees and fixing minimum salaries; and declaring an emergency."
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HOUSE BILL NO. 155 WITH SENATE AMENDMENTS

Mr. Dewey moved that the House concur in the Senate Amendment to H. B. No. 155, A bill to be entitled "An Act relating to filing fees and expenses for primary elections; amending Article 193 as amended, and Article 186 as amended, of the Election Code of Texas, 1951; repealing Article 194 of the Election Code of Texas, 1951; and declaring an emergency."

Mr. Bridges moved, as a substitute motion for the motion by Mr. Dewey, that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Dewey moved to table the substitute motion by Mr. Bridges.

The motion to table prevailed.

Mr. Bell raised a point of order on further consideration of H. B. No. 155 with Senate Amendments at this time on the ground that Bexar County, Tarrant County and El Paso County have been omitted from the bill.

The Chair overruled the point of order.

Mr. Pipkin moved to suspend all necessary rules in order to reconsider the vote by which the substitute motion by Mr. Bridges was tabled.

The motion to suspend the rules was lost.

The motion to concur in the Senate Amendments to H. B. No. 155 was lost.

Mr. Bell moved to reconsider the vote by which the motion to concur in the Senate Amendments to H. B. No. 155 was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bridges moved that the necessary rules be suspended in order that he might make a motion for the purpose of not concurring in the Senate Amendments to H. B. No. 155 and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion was lost.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 1961
Hon. James A. Tarman, 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. 450 by Viva Voce vote.

Senate concurred in House amendments to S. B. 438 by the following vote: 28 yea.s, 0 nays.

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

H. C. R. No. 109, Granting permission to Continental Fidelity Investment Company to sue the State of Texas.

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

HOUSE BILL NO. 650 WITH SENATE AMENDMENT

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

The motion to suspend the rules prevailed by unanimous consent.

On motion of Mr. Harding the House concurred in the Senate Amendment.
TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 650

Senate Committee Amendment to H. B. 650

At the end of Subsection (4), Sec. 1, add:

"Provided, however, that each vehicle so licensed shall be furnished an appropriate plate or tag indicating its status, which shall be displayed at all times."

HOUSE BILL NO. 388 WITH SENATE AMENDMENT

Mr. Parsons moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to:

H. B. No. 388, A bill to be entitled "An Act amending Section 1, Chapter 493, Acts of the 62nd Legislature, 1951, to extend the deer season in Rusk, Harrison and Gregg Counties from ten (10) to fifteen (15) days; and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

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

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 388

Senate Floor Amendment No. 1 to H. B. 388

Amend H. B. 388 by striking out the words "Shelby County" in Section 1 thereof and inserting in lieu thereof the following:

"that portion of Shelby County lying East of U. S. Highway 96 leading from Carthage, Panola County, Texas, through Tenaha and Center in Shelby County, Texas, to San Augustine, San Augustine County, Texas."

and by inserting the following words after the word "inclusive", in Section 1:

"and it shall be unlawful to take and kill buck deer with pronged horns in the remaining portions of Shelby County at any time."

HOUSE BILL NO. 1067 WITH SENATE AMENDMENT

Mr. Wilson of Potter moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to:

H. B. No. 1067, A bill to be entitled "An Act relating to the appointment by the court of interpreters for any person who is deaf or a deaf mute in criminal prosecutions and cases in which such person may be committed to a mental institution; and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

On motion of Mr. Wilson of Potter the House concurred in the Senate Amendment.

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 1067

Senate Floor Amendment to H. B. 1067

Amend House Bill 1067 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. (a) In all criminal prosecutions, where the accused is deaf or a deaf mute, he shall have the proceedings of the trial interpreted to him in a language that he can understand by a qualified interpreter appointed by a court.

(b) In all cases where the mental condition of a person is being considered and where such person may be committed to a mental institution, and where such person is deaf or a deaf mute, all of the court proceedings pertaining to him shall be interpreted by a qualified interpreter appointed by the court.

(c) In any case where an interpreter is required to be appointed by the court under this Act, the court shall not commence proceedings until the appointed interpreter is in court in a position not exceeding ten (10) feet from and in full view of the deaf person.

(d) The interpreter appointed under the terms of this Act shall be required to take an oath that he will make a true interpretation to
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the person accused or being examined, which person is deaf or a deaf mute, of all the proceedings of his case in a language that he understands; and that he will repeat said deaf or deaf mute person's answer to questions to council, court, or jury in the English language, in his best skill and judgment.

(e) Interpreters appointed under the terms of this Act shall be paid for their services a sum to be determined by the court.

Sec. 2. The fact that deaf and deaf mute persons are now suffering great injustices because of their inability to communicate with the courts and understand court proceedings in which they are involved; and the fact that competent interpreters are not made available creates an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

HOUSE BILL NO. 1050 WITH SENATE AMENDMENT

Mr. Wilson of Potter moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to

H. B. No. 1050, A bill to be entitled "An Act providing that in the Forty-Seventh Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Twelve Thousand Dollars ($12,000), and the maximum salary of the Assistants shall not exceed Eight Thousand Dollars ($8,000) for the First Assistant District Attorney and Eight Thousand Dollars ($8,000) for the Second Assistant District Attorneys in said District; containing a severability clause; and declaring an emergency."

The motion prevailed by the following vote:

Yea—124

Adams of Lubbock
Adams of Titus
Aldrich
Almon
Alton
Ashby
Barlow
Barlow, Mrs.
Barlow
Barrow
Bartram
Bass
Bell
Bisno
Boyes
Bridge
Bullock
Butler
Caldwell
Carriker
Cole of Harris
Cole of Hunt
Collins
Conrad
Cory
Cowie
Crow
Crow
Cunningham
de la Garza
Deeg
Duff, Miss
Dunham
Eckhardt
Elmer
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gibbs
Glass
Glass
Glusz
Grover
Guffy
Hart
Hart
Hart
Harrington
Hays
Hinson
Hollowell
Hubner
Hughes
Hughes
Hunt
Hunt
Irons
James
Jenks, Miss
Johnson of Dallas
Johnson of Dallas
Johnson of Dallas
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba

Nay—1

Adams of Titus
Adams of Titus
Aldrich
Ashby
Barlow
Barlow
Barrow
Bartram
Bass
Bell
Bisno
Boyes
Bridge
Bullock
Butler
Caldwell
Carriker
Cole of Harris
Cole of Hunt
Collins
Conrad
Cory
Cowie
Crow
Crow
Cunningham
de la Garza
Deeg
Duff, Miss
Dunham
Eckhardt
Elmer
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbens
Gibbs
Glass
Glass
Glusz
Grover
Guffy
Hart
Hart
Hart
Harrington
Hays
Hinson
Hollowell
Hubner
Hughes
Hughes
Hunt
Hunt
Irons
James
Jenks, Miss
Johnson of Dallas
Johnson of Dallas
Johnson of Dallas
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba

Nugent
House Journal

In the Chair

Ballman
Berry
Cotten
Green
Healy

Absent
Hughes of Dallas
Korioth
McCoppin
Mullen
Ward

Absent—Excused
Andrews
Chapman
Cook
Lary
Lewis
McGresor
Martin
Niemeier
Spears
Walker

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 1050

Amend House Bill No. 1050, by Wilson of Potter, by adding the following language at the end of Section 2 thereof, as follows:

"Any supplements or increases in salary authorized hereunder shall be paid exclusively through the funds of the counties involved, and no such supplements or increases shall ever be charged on the State of Texas."

LEAVES OF ABSENCE GRANTED

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

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

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 1084

Amend House Bill No. 1084, by inserting a new Section to be numbered Section 4 following Section 3 and re-numbering the following Sections accordingly, to wit:

"Section 4. The provisions of this Act shall amend and supersede the provisions of Chapter 260, Acts of the Fifty-sixth Legislature, 1959, insofar as that Act pertains to the territory to which this Act applies, for the period of time set out in Section 2 hereof. In all other respects however, the provisions of said Chapter 260, Acts of the Fifty-sixth Legislature, 1959, shall continue in force and effect."

H B 1084 WITH SENATE AMENDMENT

Mr. Buchanan moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendment to, H. B. No. 377, A bill to be entitled "An Act amending Sections 101, 107 and 139 of Chapter 13, Acts of the Nineteenth Legislature, Regular Session, 1925, which are codified as Articles 7880-101, 7880-107, and 7880-139, Revised Civil Statutes of Texas, by lowering the discount rate on certain water district bonds; providing maintenance tax elections for certain districts; providing authority of Board of Water Engineers to inspect certain district projects; containing a severability clause; and declaring an emergency."
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The motion prevailed by the following vote:

Yeas—123
Adams ot Lubbock James
Adams of Titus Jamison
Allen Johnson of Dallas
Atwell Jones of Bell
Bailey Jones of Travis
Bancroft, Mrs. Keenard
Barlow Kilpatrick
Barnes Koliba
Bartram Longoria
Barnes of El Paso
Caldwell Mcalhany
Carey Markgraf
Carey of Harris Miller
Cole of Harris Moore
Cole of Hunt Matuscher
Collins Oliver
Connell Osborne
Core Parsons
Cotton Pearler
Cowan Petty
Cowles Pinnk
Craw Preston
Crawfort Price
de la Garza Quillian
Dewey Rapp
Drift, Miss Ratcliff
Dunham Richards
Eckhardt Richardson
Ellen Roberts of Hill
Fairchild Ross
Fletcher Sandahl
Ford Schram
Foreman Shannon
Garrison Shelley
Gibbens Slagg
Giddens Slack
Glass Slider
Glasco Smith of Bexar
Graham Smith of Jefferson
Graham, Senator Snodgrass
Guthery Spelman
Harding Springer
Haring Stewart
Harrington Stewart
Harwell of Galveston
Hilason of Wichita
Hilburn Strive
Huebscher Thurman
Hughes of Grayson Thurmond
Hughes of Dallas Townsend
Immock, Miss Trevino

Nays—1
Nugent

In The Chair

Hale

Absent

Ballman

Lathimer

Baum

McCoppin

Berry

Murray

Healy

Pearcy

Jarvis

Read

Johnson of Bexar

Absent—Excused

Andrews

Martin

Chapman

Niemeyer

Cook

Roberts of Dawson

Lary

Ross

Lawson

Spears

McGregor

Walker

of McLennan

Woods

TEXT OF SENATE AMENDMENT
TO HOUSE BILL NO. 377

Senate Floor Amendment to
H. B. 377

Amend House Bill 377 by striking out all of Section 3(a) and inserting in lieu thereof the following:

"Sec. 3(a). That Chapter 25, Acts of the Regular Session of the 39th Legislature, 1925, be amended by adding a new section to be known as Sec. 123a (to be codified in Vernon's Annotated Revised Civil Statutes as Article 7880-12a) to read as follows:

'Art. 7880-123a. In the event that any water district hereafter created or organized under the provisions of this Act, in the exercise of the power of eminent domain or police power, or any other power, requires the relocation, raising, lowering, re-routing, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph or telephone lines, conduits, poles, properties or facilities, or pipelines, all such relocation, raising, lowering, re-routing, or changes in grade or alteration of
construction shall be accomplished at the sole expense of the district. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

"Provided that this section shall not be applicable to those projects under construction or financed or for which bonds have been voted and approved by the Acts of any district on the effective date of this Act unless the provisions hereinafore are contained in the acts of the district authorizing said construction or financing."

HOUSE BILL NO. 284 WITH SENATE AMENDMENT

Mr. Townsend moved that all necessary rules be suspended for the purpose of considering the Senate Amendment to,

H. B. No. 284, A bill to be entitled "An Act to amend Article 1016 and Article 1019 of the Revised Civil Statutes of Texas of 1925 to make the provisions thereof applicable to any city or town incorporated under the general laws of this State and to authorize the governing body of any such city or town to vacate, abandon, and close streets and alleys within such city or town; and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

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

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 284

Senate Floor Amendment to H. B. 284

Strike Section 2 and renumbering the other sections.

HOUSE BILL NO. 284 WITH SENATE AMENDMENTS

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

H. B. No. 541. A bill to be entitled "An Act selling certain State-owned submerged land to the City of Seadrift; and declaring an emergency."

The motion prevailed by the following vote:

Yeas-124

Adams of Lubbock  Haynes
Adams of Titus  Hinson
Adams of Titus  Hollowell
Allen  Hughes
Atwell  Bailey
Benchley, Mrs.  Ishmael, Miss
Barlow  James
Barnaby  Juris
Bass  Johnson of Dallas
Bell  Johnson of Bexar
Berry  Johnson of Bell
Blaine  Jones of Dallas
Bridges  Jones of Travis
Bruce  Kendall
Burrus  Kilpatrick
Butler  Koliba
Caldwell  Lack
Campbell  Leaverton
Carroll  Longoria
Carroll  McGregor
Cole  of El Paso
Cook  McBryan
Connell  Margraf
Corry  Miller
Cox  Moor
Cowles  Mullen
Craw  Murray
Crews  Mutchler
Curtin  Oliver
de la Garza  Parsons
Dewey  Peac
Duff, Miss  Peer
Dungan  Petty
Ellert  Pfeiffer
Faulk  Phipps
Frazier  Preston
Floyd  Price
Foreman  Quilliam
Garrigan  Rapp
Gibbons  Ratcliff
Giddens  Read
Glass  Richards
Glass  Richardson
Goggin  Roberts of Hill
Hargrave  Robinson
Harrington  Sandahl
Hicks  Schram
TEXT OF SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION NO. 2

As amended by the Senate, the House Concurrent Resolution No. 2, by striking out lines 15 through 54 of the pending Resolution and inserting the following in lieu thereof:

"Whereas, the continued use of the electoral college system under our present structure is in semi-conflict with the democratic principle upon which our government was founded; and

Whereas, House Joint Resolution No. 2, 81st Congress, First Session, commonly known as the Gossett-Lodge Amendment to the United States Constitution, would accomplish the following necessary changes, namely:

(1) Abolish the electoral college;

(2) Abolish electors;

(3) Provide for direct voting for President and Vice President; and

(4) Retain the electoral vote of each state as at present, but provide that it be divided in exact ratio of each candidate's popular vote in each state;

and

Whereas, if the Gossett-Lodge Amendment were passed and ratified by the states, some benefits to be expected are:

(1) Elections in which everybody's vote counts for the person for whom cast;

(2) No tie votes; the high man wins; now, therefore, be it"
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HOUSE BILL NO. 207 WITH
SENATE AMENDMENT

Mr. Johnson of Dallas moved that all necessary rules be suspended for the purpose of concuring in the Senate Amendment to, H. B. No. 207, a bill to be entitled "An Act to establish the County Criminal Court Number Four of Dallas County, Texas; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Dallas County, the County Criminal Court of Dallas County, the County Criminal Court No. 2 of Dallas County, and the County Criminal Court No. 3 of Dallas County; and providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and municipal ordinances of the municipalities located in Dallas County, Texas, from the County Criminal Court of Dallas County, and the County Criminal Court No. 2 of Dallas County and the County Criminal Court No. 3 of Dallas County, to the County Criminal Court No. 4 of Dallas County; declaring the validity in the transferred cases of writs and processes extant at the time of such transfer, etc., and declaring an emergency."

The motion prevailed by the following vote:

YEAS—121

Adams of Lubbock  Cotten
Adams of El Paso  Cpnlen
Allan  Cowen
Altwell  Cowles
Bailey  Crews
Bailey of San Antonio  McRae
Barnes  Curyton
Bartram  de la Garza
Bass  Dewey
Bell  Duff, Miss
Berr  Dungan
Blaine  Dickard
Boyle  Ehrle
Bridges  Fletcher
Buchanan  Floyd
Burgess  Foreman
Butler  Garrison
Caldwell  Gibbens
Cannon  Gladson
Carriker  Glass
Cole of Hidalgo  Gluskin
Cole of Hunt  Green
Collins  Grover
Connel  Guffey
Cory  Harding

NAY—3

Adams of Titus  Slidell
Bartow  In The Chair
Hale  Absent

ABSENT—Excused

Allen  Murray
Ballman  Nagel
Fairchild  Peary
Hale  Spillman
Koroth  Ward
McCoppin  Wilson of Potter

ABSENT—Excused

Andrews  Martin
Chapman  Nemesner
Cook  Roberts of Dawson
Larry  Ross
Lewis  Spears
McGregor of McLean  Woods
TEXT OF SENATE AMENDMENT
TO HOUSE BILL NO. 207
Senate Committee Substitute
For H. B. 207
A BILL
TO BE ENTITLED
"An Act to establish the County Criminal Court of Appeals of Dallas County, Texas; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Dallas County, the County Criminal Court of Dallas County, the County Criminal Court No. 2 of Dallas County, and the County Criminal Court No. 3 of Dallas County; and providing for said Judge thereof, and providing for the payment of such compensation; and conferring upon the Judge of the County Criminal Court of Appeals of Dallas County, the authority to sit and act as Judge of any of the other's Court; providing for conflict or unconstitutionality in said Act; and declaring an emergency.""
ty, Texas, and County Criminal Court No. 3 of Dallas County, Texas. and except such as to have heretofore been conferred upon the Judges of the County Court at Law, No. 1, and the County Court at Law, No. 2 of Dallas County, Texas.

Sec. 5. The County Criminal Court of Appeals of Dallas County, Texas, or the Judge thereof shall have the power to issue writs of habeas corpus and grant injunctions for the enforcement of the penal laws, in cases where the offense charged is within the Jurisdiction of said court or any court of tribunal inferior to said court: and shall also have power to punish for contempt under such provisions as are now or may be provided by the General law governing County Courts throughout the State.

Sec. 6. The terms of the County Criminal Court of Appeals, of Dallas County, Texas, and the practice therein and appeals therefrom shall be prescribed by law relating to the county courts. The terms of said County Criminal Court of Appeals shall be held not less than four (4) times each year and the Commissioners Court of Dallas County, Texas, shall fix the time at which said court shall hold its terms, until the same may be changed according to law.

Sec. 7. As soon as may be after the passage of this Act, there shall be appointed by the Commissioners Court of Dallas County in accordance with the law, a Judge of the County Criminal Court of Appeals hereby created, who shall be well-informed in the laws of the State and who shall hold his office until the next succeeding General Election and until his successor shall have duly qualified. The Judge of said court elected at any General Election shall hold office for four (4) years and until his successor shall have duly qualified; provided, that no person shall be eligible for Judge of said court unless he shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a Judge of a court in said State for four (4) years next preceding his appointment or election, and who shall have resided in the County of Dallas for two (2) years next preceding his appointment or election.
Sec. 8. The Judge of the County Criminal Court of Appeals of Dallas County, Texas, shall receive a salary as shall be paid by him monthly into and take the oath of office as required by the law relating to county Judges.

Sec. 9. A special Judge of the County Criminal Court of Appeals of Dallas County, Texas, may be appointed or elected as provided by the laws relating to county courts and the Judges thereof.

Sec. 10. The county clerk of Dallas County, Texas, shall be the clerk of the County Criminal Court of Appeals of Dallas County, Texas; the seal of said court shall be the same as provided for county courts, except that the seal shall contain the words "The County Criminal Court of Appeals, Dallas County, Texas." The Sheriff of Dallas County, Texas, shall in person or by deputy, attend said court when required by the Judge thereof.

Sec. 11. The Judge of the County Criminal Court of Appeals of Dallas County, Texas, shall collect the said fee provided by law for county Judges in similar cases, all of which shall be paid by him monthly into the County Treasury, and the Judge of said court shall receive a salary as fixed by the Commissioners Court of not less than Ten Thousand Dollars ($10,000) nor more than Fourteen Thousand, Four Hundred Dollars ($14,400) per annum, to be paid monthly out of the County Treasury by the Commissioners Court; such Judge shall not engage in the practice of law while in office.

Sec. 12. The Judge of the County Criminal Court of Appeals of Dallas County, Texas, may be removed from office in the same manner, and for the same causes as any other county Judge may be removed under the laws of this State.

Sec. 13. For the purpose of preserving a record in all cases for the information of the Court, jury, and parties, the Judge of the County Criminal Court of Appeals of Dallas County, Texas, shall appoint an official shorthand reporter, who shall be well skilled in his profession, shall be a sworn officer of the court and shall hold his office at the pleasure of the court; the provisions of the General Laws of Texas relating to the appointment of stenographers for the District Courts shall, in so far as they are applicable to the official shorthand reporter hereby authorized to be appointed and said reporter shall be entitled to the same fees and salary and shall perform the same duties and shall take the same oath as are in said laws provided for the stenographers of District Courts of this State, and also be governed by any other laws covering the stenographers of the District Court of this State; provided, that the official shorthand reporter of said court shall not be required to take testimony in cases where neither party litigant nor the Judge demands it; but where the testimony is taken by said reporter a fee of Three Dollars ($3) shall be taxed by the clerk as costs in the case, the said Three Dollars ($3), when collected, to be paid into the County Treasury of Dallas County, Texas.

Sec. 14. As soon as may be after this Act takes effect the clerk of the County Criminal Court of Dallas County, Texas, and the clerk of the County Criminal Court, No. 2, of Dallas County, Texas, and the clerk of the County Criminal Court, No. 2, of Dallas County, Texas, may transfer to the docket of the County Criminal Court of Appeals, of Dallas County, Texas, hereby created, any of the criminal cases then pending in the County Criminal Court of Dallas County, Texas, and the County Criminal Court, No. 3, of Dallas County, Texas, and the County Criminal Court, No. 2, of Dallas County, Texas, and thereafter the Judge of either of said courts may in his discretion, transfer any cases or causes that may at any time be pending in his Court to the other Courts by an order or orders, entered in the minutes of his Court, and the Judge of the Court to which such transfer or transfers are made shall dispose of said cases or causes in the same manner as if such cases or causes were originally instituted in said court.

Sec. 15. The Judge of County Criminal Court of Dallas County, § 2 of Dallas County, Texas, and the Judge of Criminal Court Number 2 of Dallas County, Texas, and the Judge of...
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County Criminal Court Number 3 of Dallas County, Texas and the Judge of County Criminal Court of Appeals of Dallas County, Texas, may, in their discretion, exchange benches and sit and hear cases in the court in which the case or proceeding is then pending, and try or otherwise dispose of same.

Sec. 16. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only. As to all other laws and parts of laws, this Act shall be cumulative.

Sec. 17. If any section, paragraph, sentence, clause, phrase, or word contained in this Act shall be held unconstitutional by the Courts of this State, the invalidity of such portion of the Act shall not be construed to affect any other part of the Act.

Sec. 18. The fact that the business of the County Criminal Courts of Dallas County, Texas, is so large as to render it impossible for said County Criminal Courts to dispose thereof with due dispatch, and the congestion of business in said courts seriously obstructs the administration of the laws in said County, 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 shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No. 441, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended by substituting the word "obscene" for similar words, defining obscene, making it illegal to knowingly possess for sale, keep for sale, manufacture, distribute, assist in the sale or distribution of, or give away an obscene phonograph record, and making a second conviction of a violation of the article a felony; amending Chapter 120, Article V, of the 54th Legislature, Regular Session, 1955, by removing the exemption for magazines actually engaged in the factual reporting of current events; providing for severability; repealing all laws in conflict; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—127

Adams of Lubbock
Haynes
Adams of Titus
Allen
Alam
Allen
Ameel
Balley
Banfield, Mrs.
Barlow
Barres
Bartram
Bawa
Bell
Berr
Bianca
Boyson
Boyes
Burgess
Buller
Chamwell
Cannan
Carriker
Cole of Harris
Cole of Hunt
Collins
Conell
Corry
Cowen
Cowles
Cram
Crews
Curlington
Cramden de la Garza
Dewey
Duff, Miss
Duncan
Richard
Shelby
Fairbaird
Fletcher
Floyd
Fremman
Garrison
Olden
Gledden
Glass
Glasing
Green
Grover
Guiffey
Harding
Haring
Harrington

Mr. James moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendments to,
Amend House Bill 441 by adding a new paragraph under Section 6 to read as follows:

"The provisions of this Act shall not apply to any motion pictures produced or manufactured as commercial motion pictures which (1) have the seal under the Production Code of the Motion Picture Association of America, Inc.; or (2) which legally move in interstate commerce under Federal Law (3) are legally imported from foreign countries into the United States and have been passed by a Customs Office of the United States Government at any port of entry.

The provisions of this Act shall not apply to any daily or weekly newspaper."

Amend caption to conform to body of bill.

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

Mr. James moved that all necessary rules be suspended for the purpose of considering the Senate Amendments to H. B. No. 892, A bill to be entitled "An Act to eradicate so-called private clubs operated as a subterfuge for the sale of liquor by the drink, and to assure strict compliance for operation of bona fide private clubs; providing certain fees and taxes for operation of private clubs to the credit of the General Revenue Fund; providing penalties; and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

On motion of Mr. James the House concurred in the Senate Amendments.

Mr. Bailey and Mr. Ward requested to be recorded as voting "Nay" on concurring in Senate Amendments to H. B. No. 892.
Amend Section 1A by striking out the words "this Act", same being the 6th and 7th words in said Section 1A, and inserting in lieu thereof the following:

"Section 15 (e) of Article one of the Texas Liquor Control Act"

Amendment No. 2

Amend paragraph 6 of Section 1 of H. B. 892 by striking out all of Section 6 and inserting in lieu thereof the following:

"(6) Any club which conforms to the definition of a "Private Club" as set forth in Section 1 (a) of this Act shall make application for a Private Club Registration Permit on forms furnished by the Board furnishing to the Board all information necessary to insure compliance with this Act and the Texas Liquor Control Act. Each applicant shall furnish a true copy of his application to the Texas Liquor Control Board District Office in the district in which the premises sought to be covered by the permit is located prior to the filing of the original thereof with the Texas Liquor Control Board District Office at Austin, Texas. Each private club in the State of Texas shall pay a yearly fee to the State for each separate place of business. The license fee shall be based on the highest number of members in good standing during the year for which the license fee is to be paid and shall be at the following rates:

<table>
<thead>
<tr>
<th>Membership Range</th>
<th>License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 250</td>
<td>$ 500.00</td>
</tr>
<tr>
<td>251 to 350</td>
<td>$ 700.00</td>
</tr>
<tr>
<td>351 to 450</td>
<td>$ 900.00</td>
</tr>
<tr>
<td>451 to 550</td>
<td>$1100.00</td>
</tr>
<tr>
<td>551 to 650</td>
<td>$1300.00</td>
</tr>
<tr>
<td>651 to 750</td>
<td>$1500.00</td>
</tr>
<tr>
<td>751 to 850</td>
<td>$1700.00</td>
</tr>
<tr>
<td>851 to 950</td>
<td>$1900.00</td>
</tr>
<tr>
<td>951 to 1000</td>
<td>$2000.00</td>
</tr>
</tbody>
</table>

Over 1000—$2.00 per member

All Private Club Registration Permits shall expire on August 31 of each year and applications for renewal of Private Club Registration Permits for the following year shall be filed with the Board within thirty (30) days prior thereto. All fees hereunder shall be prorated and collected as provided in Section 15b of the Texas Liquor Control Act. However, Section 15a shall not be applicable. Not less than 90 days prior to the expiration of the year for which the license fee is paid, a permittee may submit an amended application with such additional license fee as shall be required under the amended return.

If after notice and hearing it is found that the average membership of such private permittees club is above that authorized by said permit or licensee issued the same shall be considered a violation of this Act. All books and records pertaining to the operation of any club, including a current listing (correct to the last day of the preceding month) of all members of said club who have liquor stored on the club premises under either the locker or pool system, shall be made available to the Board upon request by the Board or any of its authorized representatives.

LEAVE OF ABSENCE GRANTED

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

Mr. Adams of Lubbock moved that all necessary rules be suspended for the purpose of considering the Senate Amendments to H. B. No. 495, A bill to be entitled "An Act 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." The motion to suspend the rules prevailed by the necessary two-thirds vote.

On motion of Mr. Adams of Lubbock the House concurred in the Senate Amendments.
Mr. Wud requested to be recorded as voting "Nay" on concurring in Senate Amendments to H. B. No. 409.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 409

Senate Floor Amendments to H. B. 409

Amendment No. 1

Insert the word "or" between the words "property" and "for" in the second sentence of subsection (d) of Section 1.

Amendment No. 2

Delete the first sentence of Section 5 and delete the words "the rules and regulations so promulgated" from the third sentence of such section and substitute the words "this Act" in lieu thereof.

HOUSE BILL NO. 1105 WITH SENATE AMENDMENTS

Mr. Grover moved that all necessary rules be suspended for the purpose of concurring in Senate Amendments to 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; prescribing what constitutes the taking of a geological or geophysical map; making it a felony to receive, possess, reproduce, conceal, barter, sell, dispose of or transport a geological or geophysical map knowing the same to have been so acquired; prescribing a penalty, providing that this Act shall be cumulative of all laws of the State and any violation hereof may be prosecuted irrespective of whether or not the acts complained of may constitute some of the essential elements of other or different offenses against the penal laws of this State; providing a saving clause; and declaring an emergency."

The motion prevailed by the following vote:
TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1105

Senate Floor Amendments to H. B. 1105

Amendment No. 1
Strike out Section 2 and renumber remaining sections.

Amendment No. 2
Amend H. B. 1105 by inserting a new paragraph following Section 5, to be numbered Section 6, and renumbering the remaining paragraphs accordingly:

Section 6. The provisions of this Act shall not be construed to apply to any geological or geophysical map, as defined herein, which has been filed with the Texas Railroad Commission or as a public record or which, by existing law, becomes a public record.

HOUSE BILL NO. 1088 WITH SENATE AMENDMENTS

Mr. Adams of Lubbock moved that all necessary rules be suspended for the purpose of concurring in the Senate Amendments to H. B. No. 1088; a bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to convey to the adjoining landowner, a small segment of the Prairie View Agricultural and Mechanical College of Texas campus, excluding therefrom and reserving all mineral rights thereunder, the segment consisting of 2.452 acres of land, separated from the main campus by Farm Road, providing for the appraisal of the land and disposition of the proceeds and declaring an emergency."

(The Speaker In The Chair)

The motion to suspend all necessary rules for the purpose of concurring in the Senate Amendments to H. B. No. 1088 prevailed by the following vote:

Yeas—124
Adams of Lubbock Fletcher
Adams of Titus Floyd
Almaiz Foreman
Allen Garrison
Atwell Gibbons
Bain Glidden
Ballman Glass
Baustfeld, Mrs. Glusing
Barlow Green
Barons Grover
Bartram Guerry
Bass Hale
Bell Harding
Blaine Haring
Boysen Harrington
Bridges Hayes
Buchanan Hiscox
Burges Hallowell
Butler Huebner
Caldwell Hughes
Cannon of Grayson
Garriker Ingersoll
Cole of Harris
Cole of Hunt
Collins
Cotness
Covy
Cotten
Cowen
Cowles
Crain
Crews
Cunnington de la Garza
Dawley
Duff, Miss
Dungan
Exhardt
Khrie
Fairchild

Nays—5
Thurman
Trezak
In The Chair
Hale
Absent
Allen Smith of Bexar
Berry Spilman
Cotten Struve
Glass Walker
Healy Ward
McCoplin Wilson of Potter
Murray

Absent—Excused
Andrews Martin
Chapman Niemeyer
Cook Richardson
Hughes of Dallas Roberts of Dawson
Lary Rona
McGregor Spears of McLennan
Woon of Potter
Mr. Adams of Lubbock moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 1088 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1088

Senate Committee Amendments to H. B. 1088

Amendment No. 1

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

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

Amendment No. 2

Amend H. B. 1088 by inserting therein following the word "College" at the end of Sec. 3 the following:

"It is specifically provided, however, and the deed of conveyance shall so state, that should such land cease to be used by the grantee for the purpose for which it is herein authorized to be conveyed, then, in such event, the conveyance shall be null and void and said land and premises shall absolutely revert, without any necessity for suit or remedy, to the State of Texas. No act or omission on the part of the State of Texas or any agent or official thereof shall be a waiver of the operation or enforcement of such condition."
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to define the rights and privileges descendent from a registration of a mark, to constitute a registration of a mark constructive notice of a claim of ownership, to provide for judicial review of actions of the Secretary of State concerning marks and applications therefor, to define the term of registrations of marks and provide for renewal thereof; etc., and declaring an emergency."

The motion to suspend the rules prevailed by unanimous consent.

On motion of Mr. Atwell the House concurred in the Senate Amendments to H. R. No. 471.

\textbf{TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 471}

\textbf{Senate Floor Amendments To H. R. 471}

Amendment No. 1

Amend House Bill 471 by striking therefrom all of Section 16 and substituting in lieu thereof the following:

"Sec. 16. A registrant under this act may proceed by suit in any District Court having venue to enjoin any act for which liability may be imposed under Section 15 hereof, and any such district court shall grant injunctions to restrain such acts, and may require the defendant to pay to such registrant all damages suffered by reason of such acts from and after the date two years prior to the date of filing of the suit; any such court may also order that any reproductions, counterfeits, copies or colorable imitations described in Section 15 hereof, in the possession or under the control of any defendant in such suit, be delivered to any officer of the court, or to the complainant, to be destroyed; provided, however, that the owner of any infringed mark may not recover damages from an infringer for infringement occurring during a period of time when the infringer did not have actual knowledge of the owner's mark."

Amendment No. 2

Amend House Bill 471, Section 17, by changing the period following the word "Act" at the end of the second sentence to a semi-colon, and inserting the following:

"and Article 843 of the Revised Statutes of Texas, 1925, shall be amended by substituting therefor a new Article 843a, and Article 1058 of the Penal Code of Texas, revised 1925, shall be amended by substituting therefor a new Article 1058a, both such new Articles 843a and 1058a to read as follows:

'Any normally reusable keg, cask, barrel, box, syphon, bottle or other container intended for reuse and bearing a trademark, name, or other designation of ownership shall, in any action founded upon ownership of any such container, be prima facie considered to be the property of the owner of such mark, name, or other designation, or his licensee. No person, corporate or otherwise, other than the proprietor of any such container, or one acting by his written consent, shall fill for sale or for the purpose of traffic, any such container, or deface, erase, obliterate, cover up, remove or cancel any such name or mark, or refuse to return such container to the owner upon demand.'"

\textbf{ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 162}

Mr. Stewart of Galveston submitted the following Conference Committee Report on Senate Bill No. 162:

\textbf{Austin, Texas, May 23, 1961}

Honorable Ben Ramsey, President of the Senate
Honorable James A. Turman, Speaker of the House of Representatives

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 162, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

\textbf{SCHWARTZ, BAKER, ROGERS, BILL MOORE}

On the part of the Senate.
An Act establishing the Juvenile and County Court No. 2 of Galveston County by amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-142, Vernon's Texas Civil Statutes; providing for a seal of said court; prescribing the jurisdiction; providing for the transfer of cases; providing that the judge of the present Probate Court of Galveston County shall serve as judge of the Juvenile and County Court No. 2 until the next general election and until his successor shall have been elected and qualified; providing for the election of the judge of the court and putting out his qualifications; providing that his term of office shall be four (4) years; providing for execution of bond and oath of office; providing for his salary; providing for election or appointment of a special judge in case of the disqualification of the regular judge; providing for filling vacancies in the office of the judge; providing for appeals from the court; providing services to the District and County Courts and as provided by law; providing for appeals from the Juvenile and County Court No. 2; prescribing duties of officers, agents and employees of the Child Welfare Department, County Welfare Office and County Health Office in providing services to the court; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

"Section 1. Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, shall hereafter be known as the "Juvenile and County Court No. 2, of Galveston County." The court shall have, in addition to its present jurisdiction, civil and criminal jurisdiction as provided by general law for county courts and as provided in Section 3 hereof in juvenile matters.

Sec. 2. The Juvenile and County Court No. 2 shall have concurrent jurisdiction in the following cases:

(a) Removal of disabilities of minority and coverture, and change of name of persons.

(b) Adoptions.

(c) Delinquent, neglected or dependent child proceedings, and all jurisdiction, power and authority placed in the district or county courts under the Juvenile and Child Welfare Laws of this State; provided that in cases concerning offenses by juveniles for which they might be adjudged delinquent the court shall have jurisdiction if a tentative charge is filed by the juvenile officer and without intervention of the district attorney.
(d) In addition, the Juvenile and County Court No. 2 of Galveston County shall have concurrent probate, civil and criminal jurisdiction of all cases, original and appellate, over which by the laws of the State of Texas and the existing County Court of Galveston County would have original and appellate jurisdiction; provided, however, that the court shall at all times give precedence first to the juvenile matters enumerated in this section.

Sec. 4. All cases over which the Juvenile and County Court No. 2 has jurisdiction may be instituted in or transferred to the Juvenile and County Court No. 2. The county judge and the district judges of Galveston County may transfer to the Juvenile and County Court No. 2 all cases pending in their respective courts of which the court has jurisdiction, including all filed papers and certified copies of all orders previously entered in said cases, with the consent of the judge of the Juvenile and County Court No. 2.

All cases and matters over which the Juvenile and County Court No. 2 is given jurisdiction may be transferred by the judge thereof to the county or district courts having jurisdiction under the laws of this State, with the consent of the judge of the court concerned. All cases and matters over which the Juvenile and County Court No. 2 and the County Court of Galveston County have concurrent jurisdiction and over which the district courts also have jurisdiction may be transferred to one of the district courts of Galveston County with the consent of the judge thereof.

All writs or process issued by a court prior to the time any case is transferred shall be returned and filed in the court to which the case is transferred and shall be as valid and binding upon the parties to such transferred case as though such writ or process had been issued out of the court to which transferred, and all waivers of process and other instruments executed prior to the transfer of any case shall also be as valid and binding as though executed after such transfer.

Sec. 5. The judge of the present probate Court of Galveston County shall serve as judge of the Juvenile and County Court No. 2 until the next general election and until his successor shall have been duly elected and qualified. At the next general election, there shall be elected in Galveston County by the qualified voters thereof a judge of the Juvenile and County Court No. 2, who shall be a bona fide resident of Galveston County, well informed in the laws of the State, and a duly licensed attorney and practicing member of the Bar in this State. He shall hold office for four (4) years and until his successor shall have been elected and duly qualified.

Sec. 6. The judge of the Juvenile and County Court No. 2 of Galveston County shall execute a bond and take the oath of office as required by the laws of this State relating to County judges.

Sec. 7. The judge of the Juvenile and County Court No. 2 shall be paid by the commissioners court of Galveston County a yearly salary of not less than the total compensation of the county judge of said county as may be fixed by the commissioners court. This salary shall be paid out of the general fund of the county in twelve (12) equal monthly installments.

Sec. 8. In the event of the disqualification of the judge of the Juvenile and County Court No. 2 to try a particular case because of illness, inability, failure or refusal to hold court at any time, a special judge may be elected or appointed as provided by law relating to county courts. The special judge shall receive the same compensation as the regular judge of the Juvenile and County Court No. 2. Such compensation shall be deducted from the salary of the regular judge except in case of illness.

Sec. 9. The elected Judicial members of the Juvenile Board of Galveston County shall fill any vacancy in the office of the judge of the Juvenile and County Court No. 2 by a majority vote of said members. The judge so designated shall hold office until the next general election and until his successor is elected and qualified.

Sec. 10. The judge of the Juvenile and County Court No. 2 shall be sub-
of the Juvenile and County Court.

Sec. 11. The commissioners court of Galveston County shall designate suitable quarters for the Juvenile and County Court No. 2 at the Galveston County Court House and at any other place within Galveston County as may be recommended by the Juvenile Board.

Sec. 12. The judge of the Juvenile and County Court No. 2 may appoint such juvenile officers and assistant juvenile officers for Galveston County as provided by law. The judge may also appoint a court reporter when he deems it necessary to record and preserve testimony, utilizing the services of the regular district and county court reporters when possible. The salaries and compensation of such officers and employees shall be established and paid as provided by law. Such salaries and compensation shall be paid out of the general fund of Galveston County.

Sec. 13. The county clerk of Galveston County shall serve as clerk of the Juvenile and County Court No. 2. He shall keep a fair record of all acts done and proceedings had in the court and shall perform generally all such duties as are required of county clerks insofar as they may be applicable to the Juvenile and County Court No. 2.

The first term of the Juvenile and County Court No. 2 of Galveston County shall begin on the effective date of this Act and remain in session until the first day of the following September. Thereafter, its term shall begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

Sec. 15. The judge of the Juvenile and County Court No. 2 is empowered to contract, on behalf of any juvenile within the jurisdiction of the court, for any necessary psychiatric services (testing, evaluation and treatment) with any county or State facility, subject to the approval of the Juvenile Board of Galveston County. Charges, if any, for said services shall be paid from the general fund of Galveston County.

Sec. 16. The practice and procedure, rules of evidence, selection of juries, issuance of process and other matters pertaining to the conduct of trials and hearings in the Juvenile and County Court No. 2 shall be governed by such laws and rules pertaining to district and county courts as may be applicable to the case before the court.

Sec. 17. In cases under its jurisdiction, the Juvenile and County Court No. 2 and the judge thereof may issue injunctions, temporary injunctions, and restraining orders and all other writs which may be issued by county and district courts. The court may also punish for contempt under the controlling statutes and rules applicable to the case before the court.

Sec. 18. All sheriffs and constables of Texas shall render the same service and perform the same duties with reference to process and writs for the Juvenile and County Court No. 2 of Galveston County as is required of them with reference to process and writs for district courts.

Sec. 19. The district attorney of Galveston County or his duty and legally qualified assistant, or assistants, shall prosecute and defend all cases involving children alleged to be dependent, neglected or delinquent, or in which the probation officer, child welfare officer, county health officer, or any welfare agency is interested and shall represent the State in all such proceedings of the Juvenile and County Court No. 2.

Sec. 20. Appeals from judgments and orders of the Juvenile and County Court No. 2 in cases over which the court has concurrent jurisdiction with the county court shall be as provided by the Constitution and laws of this State for appeals from county courts. Appeals in all other cases shall be to the Court of Civil Appeals of the First Supreme Judicial District as now or hereafter provided for appeals from district and county courts.

Sec. 21. All officers, agents and employees of the Child Welfare Department, County Welfare Office,
and County Health Office shall furnish such services in the line of their respective duties as are required by the Juvenile and County Court No. 2.

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The urgent need for a court to handle matters over which the County Court of Galveston County has jurisdiction and to combine all matters affecting juveniles under the authority of a single court in that county create an emergency and an imperitive public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Stewart of Galveston moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 162.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on Senate Bill No. 162 prevailed by the following vote (having received the necessary two-thirds vote):

**Yeas—119**

Adams of Lubbock Cole of Harris
Adams of Titus Cole of Hunt
Allen Collins
Atwell Connell
Bailey Cory
Banfield, Mrs. Cowen
Barlow Cowies
Barres Crews
Bartram Crews
Baes Curington
Bell de la Garza
Blaine Dewey
Boyesen Duff, Miss
Bridges Dungin
Buchanan Eckhardt
Burgess Ehlle
Butler Fairchild
Coldwell Fletcher
Cannon Floyd
Carriker Foreman

**Nays—2**

Nugent Slider

**Absent**

Andrews Lewie
Chapman Cooper
Cook of McLennan
Hughes of Dallas Martin
Lary Niemeyer
Section 1. A Committee is hereby created consisting of eleven (11) members; two (2) representing the public at large, one (1) representing the oil and gas pipeline industry, one (1) representing the industry engaged in the mining and producing of mudshell, clam shell, sand, clay and marl, one (1) representing the commercial fishing and shrimping industry, three (3) Representatives to be appointed by the Speaker of the House of Representatives, and three (3) Senators to be appointed by the Lieutenant Governor of the State. The five (5) public members shall be appointed by the Governor.

Sec. 2. Between adjournment of the present Session of the Legislature and the next Regular Session thereof, such Committee is authorized, empowered and directed to conduct and make an investigation and study of all matters of or pertaining to the development and use of bays of the State of Texas, and the inlets and tributaries thereto, for hunting, fishing, boating and recreational purposes, the mining and producing of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto and the transportation by pipeline of oil, gas and other minerals across such bays and the inlets and tributaries thereto.

Sec. 3. For consideration by the next Regular Session of the Legislature such Committee shall make such recommendations for the enactment of such laws as it deems appropriate which will adequately protect and safeguard the rights of the public in and to the bays of the State of Texas and the inlets and tributaries thereto subject to the rights of the public will encourage and promote the production of mudshell, clam shell, sand, clay and marl from such bays, inlets and tributaries thereto and the transportation of oil, gas and other minerals by pipeline across such bays and the inlets and tributaries thereto.

Sec. 4. In the conduct of such investigation and study said Committee shall have the right to hold public hearings and, in the manner provided by law, shall have the right to compel the attendance of wit-
nesses and the production of instruments and documents.

Sec. 5. From the contingent fund of the Legislature, the legislative members of said Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Act.

Sec. 6. The Committee shall report in writing, and file a signed copy of the same with the Governor of Texas, the Lieutenant Governor of Texas and the Speaker of the House not later than thirty days after the convening of the next Regular Session of the Legislature; and that copies of such report shall be distributed by the Chief Clerk of the Senate to each member of the Senate and by the Chief Clerk of the House of Representatives to each member of said House of Representatives. Testimony given at any hearing conducted pursuant to this Resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury.

The resolution was referred to the Committee on State Affairs.

Mr. La Valle moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Concurrent Resolution No. 59.

The motion prevailed by unanimous consent.

The Speaker laid before the House for consideration at this time, S. C. R. No. 59.

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

Amendment No. 1
Amend S. C. R. No. 59 by striking the last sentence of section 6 and adding a new subsection 4(a) to be appropriately inserted as follows:

"Section 4(a) In all Public hearings, held pursuant to section 4 hereof, testimony of witnesses shall be given under oath subject to penalties of perjury."

The amendment was adopted.

The resolution, as amended, 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. 86, An Act amending Article 7.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new paragraph to be known as paragraph (3), providing that the incidence of the cigarette tax shall be on the vendee, user, consumer or possessor of cigarettes; and declaring an emergency.

H. B. No. 117, An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 70th and 161st Judicial Districts of Ector County, Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

H. B. No. 177, An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as "Rio Grande Palms Water District"; defining the boundaries; defining its powers; providing for a Board of Directors to control and exercise the District's powers; authorizing the issuance of bonds in the accomplishment of the District's purposes; adopting the ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and
in connection with its systems, facilities and other things, including the right of eminent domain only within the boundaries of the District, and related matters; declaring the District essential, a governmental agency, a body politic and corporate; providing the District shall bear sole expense of any necessary relocation in the exercise of the power of eminent domain; enacting other provisions relating to the subject; and declaring an emergency.

H. B. No. 576, An Act providing that Water Control and Improvement Districts and underground water conservation districts may be created only according to the provisions of Section 69 of Article 16 of the Constitution; providing exceptions; and declaring an emergency.

H. B. No. 824, An Act amending Article 5425, 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; etc., and declaring an emergency.

H. B. No. 813, An Act amending Section 6 of Chapter 323, Acts of the Forty-first Legislature, Regular Session, 1929, as amended, to provide for additional notice in certain hearings; and declaring an emergency.

H. B. No. 830, An Act enabling navigation districts organized under the provisions of Section 69 of Article 3, Texas Constitution and containing within the purview of this Act to enact ordinances, rules, and regulations for the purpose of protecting their properties and of promoting the health, safety and general welfare of that portion of the general community using their said properties and the facilities constructed thereon; providing procedure; granting full power to said navigation districts for such purposes; providing certain methods of enforcement and remedies; providing for venue of offenses committed in violation of this Act and such ordinances, and for maximum penalties for such offenses; providing that no ordinance, rule or regulation passed pursuant to the authority granted by this Act shall conflict with any applicable State law; providing for the validity of all parts of the law not declared unconstitutional; and declaring an emergency.

H. B. No. 689, An Act amending subdivision 7 of Article 7150, Revised Civil Statutes of Texas, so as to exempt the personal property of institutions of public charity from ad valorem taxation; and declaring an emergency.

H. B. No. 703, An Act to provide for the escheat of certain lands from Water Control and Improvement Districts; amending Sections 1, 2, 5 and 6 of Chapter 119, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, and adding a new section, Section 01, thereto; and declaring an emergency.

H. B. No. 786, An Act fixing the salaries of certain county officers of all counties having a population of not less than thirteen thousand, three hundred and eighty (13,380) and not more than thirteen thousand, seven hundred (13,700), according to the last preceding Federal Census; and declaring an emergency.

H. B. No. 819, An Act limiting the provisions of this Act to Harrison County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; etc.; providing a saving clause; and declaring an emergency.

H. B. No. 860, An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 7 providing for contributions, and Section 19 providing definitions of terms for the Texas Unemploy-
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H.B. No. 972, An Act validating Nueces County Drainage and Conservation District Number 2 and declaring it to be a validly existing and operating Conservation and Reclamation District under Section 1 of Article 59, Texas Constitution; validating the boundaries of such District; providing that such 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; providing for such District's rights, powers and privileges; validating governmental proceedings and acts; declaring that the District is essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution; limiting the right of eminent domain to that area lying within the Districts; providing for the qualifications of its Commissioners and providing for their compensation; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

H.B. No. 1023, An Act to be cited as the “Wichita County Hospital District law”; providing for an election on the question of creating a county-wide hospital district in Wichita County pursuant to authority granted by Article IX, Section 8 of the Constitution of the State of Texas; providing for the management of such district; providing for assumption of city and county assets and indebtedness; providing for issuance of bonds and for the levy of a tax not to exceed seventy-five cents (75¢) on each One Hundred Dollar ($100) valuation; setting out the powers and duties of the Board of Directors of the district; providing that the district shall have the power of eminent domain; providing that the facilities of the district may be inspected by authorized representatives of the Texas State Department of Public Welfare; providing that the county attorney of Wichita County shall represent the district; limiting the taxing powers of the City of Wichita Falls and Wichita County after creation of the district; prescribing financial responsibility of patients and their relatives for care and treatment in hospital district facilities; authorizing the district to accept donations, gifts and endowments; providing a severability clause; and declaring an emergency.


H.B. No. 1192, An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as “Hull Fresh Water Supply District”; prescribing its rights, powers, privileges and duties; providing the District shall bear the sole expense of the relocation of...
H. B. No. 1106, An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Brown County Water Control and Improvement District—Holiday Hills; declaring District a governmental agency, body politic and corporate, defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; etc., and declaring an emergency.

H. B. No. 1110, An Act creating "Escalante Watershed District" under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that a confirmation election or hearing on exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; etc., and declaring an emergency.

H. B. No. 1118, 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.

H. B. No. 1120, An Act ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 3 (Lower Hols d'arc Water District), the organization, confirmation election and election of directors for the District and all proceedings relating thereto; providing the District shall bear the sole expense of all necessary relocation of certain facilities in the exercise of the power of eminent domain; granting said District the powers enumerated by Article XVI, Section 59, of the Constitution of Texas; and declaring an emergency.

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

H. C. R. No. 72, Directing the Texas Education Agency to make an Academic recommendation to school boards.

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

H. C. R. No. 80, To direct the Texas Education Agency to make certain study.

H. C. R. No. 98, Requesting the Texas Commission on higher education to make certain study.

H. C. R. No. 100, To grant H. N. Crow, et al. Willie Mae Crow, permission to sue the State and others.

H. C. R. No. 126, Authorizing certain corrections to Senate amendment No. 4 to H. B. No. 821.

H. C. R. No. 128, Granting permission to Ed Tate and wife to sue the State and certain State Agencies.

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

SENATE BILL NO. 193
ON THIRD 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. 193 on third reading.

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 S. B. No. 193 at this time prevailed by the following vote:

Yeas—39
Adams of Lubbock Ballman
Adams of Titus
Baughfield, Mrs.
Alapa
Andrews
Barnes
Bailey
Bell
The Speaker laid before the House, on its third reading and final passage,
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 third time.

Mr. Ward moved the previous question on the final passage of S. B. No. 192 and the main question was ordered.

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

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<td>Mr. Caldwell moved to reconsider the vote by which S. B. No. 122 was passed and to table the motion to reconsider.</td>
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<td>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 on third reading.</td>
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May 27, 1961  HOUSE JOURNAL 2741

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Quilliam of Galveston
Hatchiff  Stewart
Read of Wichita
Richards Thurmond
Sandahl Townsend
Schram Trevino
Shannon Tunnell
Shipley Walker
Slidell Ward
Smith of Bexar Watson
Snelson Whitfield
Spilman Wilson of Trinity

**Absent—**

Alonis  Hinson
Ballman  McCoppin
Berry  Moore
Buchanan  Oliver
Haring  Wells
Hattly  Wilson of Potter

**Nays—**

Bailly  Johnson of Bexar
Burgess  McGregor
Caldwell of El Paso
Cannon Markgraf
Carriker Mullen
Collins Nugent
Cotten  Rapp
Dewey  Rossom
Eckhardt  Roberts of Hill
Fletcher  Smith of Jefferson
Green  Springer
Harrington  Struve
Hughes of Grayson  Wheatley
Jamison  Yeak

Mr. Eckhardt offered the following substitute amendment for the amendment by Mr. Preston:

Amend Senate Bill 116 as passed on second reading Sec. 3 (A) by inserting the following as subsection 10 and renumbering the subsequent subsections:

“(10) a statement that the trust shall not own more than fifteen hundred (1500) acres outside the corporate limits of a town or city at any one time.”

A record vote was requested on the substitute amendment by Mr. Eckhardt.

The substitute amendment by Mr. Eckhardt was adopted by the following vote:

**Year—63**

Adams of Lubbock  Hollowell
Alonis  Hathaway
Andrews  Hughes
Bailey  of Grayson
Ballman  Isaacks, Miss
Barlow  Johnson of Bexar
Barros  Kennard
Boyce  Kilpatrick
Bridges  Korioth
Buchanan  Leaverton
Burgess  McGregor
Caldwell of El Paso
Cannon  McElhany
Carriker  Markgraf
Cole of Hunt  Mullen
Collins  Murray
Connell  Mutschler
Cotten  Pease
Cowles  Pipkin
Crafe  Price
de la Garza  Rapp
Dewey  Roberts of Hill
Eckhardt  Rosson
Fletcher  Slack
Gladden  Smith of Jefferson
Haring  Snelson
Harrington  Springer
The amendment by Mr. Preston, as substituted, was lost.

Mr. Preston offered the following amendment to the bill:

Amend Senate Bill 116 as passed on second reading Sec. 6 (A) 3 by changing the period to a comma and add the following:

“but the trust shall not own more than one thousand (1000) acres outside the corporate limits of a town or city at any one time.”

Mr. Eckhardt offered the following substitute amendment for the amendment by Mr. Preston:

Amend Senate Bill 116 as passed on second reading Sec. 6 (A) 3 by changing the period to a comma and adding the following:

“(10) a statement that the trust shall not own more than 1000 acres at any one time.”

The substitute amendment by Mr. Eckhardt for the amendment by Mr. Preston was lost.

The amendment by Mr. Preston was then adopted.

Mr. Nugent offered the following amendment to the bill:

Amend S. B. No. 116 as passed on second reading by adding a new paragraph, such paragraph labeled Sec. 3 and renumbering all succeeding sections.

As to any real property of any character outside the corporate limits of any city, town or village, major capital improvements must be made within fifteen (15) years of purchase, or the property must be sold. Such major capital improvements must equal or exceed the purchase price of such real property.

Any citizen of the State of Texas may force compliance with this provision by filing suit in any District Court of this state and shall receive from such real estate investment trust formed under this provision the sum of five per cent (5%) of the sale price of such real property interest as compensation.

Mr. Johnson of Dallas offered the following substitute amendment for the amendment by Mr. Nugent:

“Amend S. B. No. 116 as passed on second reading by adding a new paragraph, such new paragraph to be labeled, Sec. 3 and renumbering all succeeding sections as follows:
"As to any real property of any character, major capital improvements must be made within 15 years of purchase or the property must be sold. Such major capital improvements must equal or exceed the purchase price of such real property, if the same is unimproved property at the time of purchase or property outside of the corporate limits of a city, town or village. Any citizen of the State of Texas may force compliance with this provision by filing suit in any district court of this State and shall receive from such real estate investment trust forced to sell under this provision the sum of five per cent (5%) of the sale price of such real property interest as compensation."

JOHNSON of Dallas, ECKHARDT.

The substitute amendment by Mr. Johnson of Dallas for the amendment by Mr. Nugent was adopted.

Mr. Fletcher offered the following amendment to the bill:

Amend S. B. No. 116 as amended on second reading by striking out all of Sec. 25, the Partial Invalidity, Severability paragraph.

The amendment by Mr. Fletcher was lost.

Mr. Butler moved the previous question on the final passage of S. B. No. 116 and the main question was ordered.

S. B. No. 116 was then passed.

On motion of Mr. Jones of Dallas, and by unanimous consent of the House, the caption of Senate Bill No. 116 was ordered amended to conform with the body of the bill.

RECORD OF VOTE

Mr. Yezak requested to be recorded as voting "Nay" on S. B. No. 116.

MESSAGE FROM THE SENATE

Austin, Texas, May 27, 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. 13 by the following vote: yeas 28, nays 1.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 149 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 24 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Reagan, Hudson, Baker, Dies, and Herring.

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

H. B. No. 123, Concerning the practice of barbering in this State, and declaring an emergency. (with amendments)

H. B. No. 1036, Providing that it shall be unlawful to sell, offer for sale, use or possess any rat poison, insect poison, or any other preparation which contains thallium sulphate, or any other thallium compound with certain exceptions; and declaring an emergency. (with amendments)

H. B. No. 157, To provide for admissibility of a greater number of domestic and foreign records, admissibility of foreign laws as evidence of the matters contained therein; and declaring an emergency.

H. B. No. 753, Pertainling to submission to the qualified voters of a Home Rule City of amendments to an existing charter of such city; and declaring an emergency.

H. B. No. 1132, Prescribing the lawful period for hunting quail in Bee County, Texas; and declaring an emergency.

H. B. No. 1136, Defining the date upon which the annual salary of a
H. C. R. No. 67, Granting permission to Raymond Renfro and Stella Renfro to sue the State of Texas and the State Highway Department.

H. C. R. No. 35, Granting permission to William Wendell Carroll to sue the State of Texas and the Teacher Retirement System of Texas.

H. B. No. 398, To provide that any motor vehicle engaged in the business of transporting passengers for compensation or hire, or any commercial vehicle which is in authorized use as a "Highway Post Office" vehicle shall observe the same speed limits as those prescribed for vehicles except commercial vehicles, trucks, tractors, trailers, or semitrailers; and declaring an emergency.

H. C. R. No. 79, Granting W. S. Whitmire permission to sue the State of Texas and the Veterans Land Board.

H. C. R. No. 132, Suspending the Joint Rules so that either House may take up Senate Bill No. 132 at any time.

H. B. No. 464, Redefining the penalty of the Texas Security Law, and declaring an emergency.

H. B. No. 1094, Relating to the terms of office of school trustees in certain school districts; and declaring an emergency.

S. C. R. No. 82, Suspending Joint Rule 9 in order that the Senate may consider H. B. No. 3 and H. J. R. 30 at any time.

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

MOTION TO PLACE SENATE BILL NO. 132 ON THIRD READING

Mr. Watson moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 132 on third reading.

A record vote was requested.

The motion to suspend all necessary rules for the purpose of taking up and considering at this time Senate Bill No. 132 was lost by the following vote: (Not receiving the necessary two-thirds vote).

Yeas—71

Adams of Lubbock Jones of Dallas
Atwell Koliba
Bailey Lack
Ballman Lattimer
Barlow LaValle
Barnes Leaverton
Bartram Longoria
Bass McGregor
Ball of El Paso McMillan
Boyson Muters
Buller Parsons
Calwell Peery
Carriker Pifer
Cole of Harris Preston
Cole of Hunt Price
Collins Richards
Cowles Roberts of Hill
Crews Roosen
Dewey Schram
Ehrlie Smith of Bexar
Fairchild Smith of Jefferson
Fletcher Stokon
Garrison Stewart
Gibbons of Galveston Stewart
Glass of Wichita
Glusng of Wichita
Grover Struck
Hale Townsend
Harrington Trevino
Hollowell Tunnell
Hobbs Ward
Hudson Watson
Johnson of Dallas Walls
Johnson of Bexar Wheatley
Johnson of Bell Yesak

Nays—47

Adams of Titus Foreman
Alanis Gladden
Andrews Green
Bassfield, Mrs. Haring
Borgees Hughes
Connell of Grayson
Cory Isacks, Miss
Cotten James
Owen Jarvis
Crain Jones of Travis
Curington Kennard
de la Garza Kilpatrick
Duffy, Miss Koroth
Eckhardt Markgraf
Ford Miller
Mr. Thurmond (present), who would vote "Nay" with Mr. Lewis (absent), who would vote "Yea."

Mr. Hinson (present), who would vote "nay" with Mr. Lewis (absent), who would vote "yea."

Mr. Haynes (present), who would vote "nay" with Mr. Dungan (absent), who would vote "yea."

Mr. Harding (present), who would vote "yea" with Mr. Richardson (absent), who would vote "nay."

Mr. Blaine (present), who would vote "nay" with Mr. Oliver (absent), who would vote "yea."

SENATE BILL NO. 300 ON SECOND READING

Mr. Watson moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 300.
### MOTION TO PLACE SENATE BILL NO. 277 ON SECOND READING

Mr. Gladden moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 277.

A record vote was requested.

The motion to suspend all necessary rules for the purpose of taking up and considering at this time S.B. No. 277 was lost by the following vote:

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Bailey</td>
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<td>Bridges</td>
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<td>McCoppin</td>
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**Nays—13**

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<td>Ballman</td>
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<td>Bankhead, Mrs.</td>
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<td>Barlow</td>
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</table>
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Collins  Markgraf
Connell  Moore
Cotten  Murray
Cowles  Mattheser
Crain  Dobson
Crews  Parsons
Curington  Peavy
Dewey  Price
Duff, Miss  Quillian
Fletcher  Rapp
Foreman  Saulliff
Gibbens  Read
Gibbons  Richards
Grover  Robert of Hill
Hammon  Sandahl
Hollowell  Schram
Huebner  Shipley
Hughes  Smith of Bexar
Hughes of Grayson  Spilman
James  Stewart
Jarvis  of Wichita
Johnson of Dallas  Thurman
Johnson of Bexar  Townsend
Jones of Dallas  Trevino
Kilpatrick  Tunnell
Korich  Walker
La Valle  Watsong
Longoria  Wheatley
McGregor  Wilson of Trinity
McGregor of El Paso  Yeak

Present—Not Voting

Mr. Harding (present), who would vote "nay" with Mr. Richardson (absent), who would vote "aye."

SENATE BILL NO. 188 ON SECOND READING

Mr. Nugent moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 188.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 188, Relative to issuance of permits to dispense performing rights for certain copyrighted musical compositions; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 4a of Senate Bill 188 by striking therefrom the words "by this section," found in Section 6 quoted by Section 4a, and substituting in lieu thereof the words "by Section 5 of this Act."

The amendment was adopted.

S. B. No. 188 was passed to third reading.

SENATE BILL NO. 188 ON THIRD READING

Mr. Townsend moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

AbSENT

Berry  Heasty
Cole of Harris  Johnson of Bell
Carr  McCoppin
de la Garza  Nugent
DiBard  Oliver
Glass  Slack
Gussing  Wilson of Potter
Haring

Absent—Excused

Chapman  Martin
Cook  Niemeyer
Dungan  Petty
Hutcheson of Dallas  Robertson
Lary  Roberts of Dawson
Lewis  Roosa
McGregor  Spears
McGregor of McLennan  Woods

PAIRED

Mr. Harding (present), who would vote "nay" with Mr. Richardson (absent), who would vote "aye."

Yeas—119

Adams of Lubbock  Bell
Adams of Titus  Blaine
Alans  Boyesa
Andrews  Bridges
Arwell  Butler
Barley  Caldwell
Bennett  Cannon
Bentz, Mrs.  Carricker
Barlow  Cole of Harris
Barnes  Cole of Hunt
Bartram  Cory
Bass  Cotton
The Speaker then laid Senate Bill No. 188 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Nugent moved to reconsider the vote by which S. B. No. 188 was passed and to table the motion to reconsider. The motion to table prevailed.

SENATE BILL NO. 51 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 Senate Bill No. 51.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 51, To provide for the allocation of professional units to districts reporting decreases on the basis of current average daily attendance; providing a repealing and severability clause; and declaring an emergency. The bill was read second time.

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

Amend Senate Bill 51, Section 1, by adding a sentence following the last sentence in the section ending in the words “such Foundations School Program Act” to read as follows: “Provided, however, that the provisions of this act shall be in full force and effect for the school year beginning September 1, 1963.
The amendment was adopted.
S. B. No. 61 was passed to third reading.

SENATE BILL NO. 61 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 Senate Bill No. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adams of Lubbock Green
Adams of Titus Groves
Alaniz Guerry
Atwill Hale
Bailey Harding
Ballman Harrington
Baxley Hayes
Barlow Hines
Barros Hollowell
Bartram Huebner
Bent Hutchins
Bell of Grayson Hughes
Blake Isaacson, Miss
Boyson James
Bridge Jameson
Buchanan Johnson of Dallas
Burgess Johnson of El Paso
Butler Johnson of East Texas
Caldwell Jones of Dallas
Cannon Jones of Travis
Carricker Keen
Cole of Harris Kilpatrick
Cole of Hunt Koliba
Collins Korioth
Consell Lack
Cory Laiimer
Cotton Le Valle
Cowen Leaverton
Cowell Longoria
Crawford McGregor of El Paso
Crews
Curtis
de la Garza
Dewey
Duffy, Miss
Eckhardt
Ehrle
Eichelberger
Floyd
Foreman
Garrett
Gibbons
Giddens
Glass
Glassing
Guilliam
Haag
Haczecoff
Read
Richards
Richards of Hill
Rios
Sandahl
Schaum
Shannon
Shipley
Skelton
Slifer
Smith of Bexar
Smith of Wichita
Simpson
Wilson of Trinity
Springer

Nays—4

Allen Haring
Andrews Nugent
Present—Not Voting

Yeas—Absent

Berry Oliver
Fauth Childs Cochran
Healy Smith of Jefferson
Jarvis Thorman
McCoppin Wilson of Potter

Absent—Excused

Chapman Martin
Cook Niemeyer
Dungan Pitty
Hughes of Dallas Richardson
Lary Roberts of Dawson
Lewis Ross
McGregor Spears
of McLennan Woods

The Speaker then laid Senate Bill No. 51 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. McGregor of El Paso moved to reconsider the vote by which S. B. No. 51 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 400 ON THIRD READING

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

A record vote was requested.

The motion to suspend all necessary rules for the purpose of taking up and considering at this time S. B. No. 400 prevailed by the following vote:

Yea---98
Adams of Lubbock Jones of Travis
Adams of Titus Kennard
Allen Kilpatrick
Andrews Koliba
Arrell Kortz
Atchison Lack
Ballenger La Valle
Bankfield, Mrs. Leaverton
Barbee Longoria
Bartram McLain
Bell Markgraf
Boyce Miller
Bradford Moore
Burgess Murray
Bucy Mutchler
Caldwell Parsons
Cannon Pender
Carrington Pieratt
Cole of Harris Price
Connell Preston
Cory Quilliam
Cowen Rapp
Cox Read
Curtis Richards
Dallington Roberts of Hill
de la Garza Rosson
Eckharts Schram
Ellis Sendahl
Fairchild Shannon
Fletcher Shipley
Floyd Stack
Foreman Smith of Beex
Garrison Spillman
Gibbons Springer
Gladden Stewart
Glass Stewart
Glasier Stewart of Galveston
Green of Wichita
Grover Struve
Hale Townsend
Harrington Tunnell
Hays Walker
Hollowell Watson
Hinshaw Wells
Holloway Wheelock
Jarvis Whittfield
Johnson of Bexar Wilson of Trinity
Jones of Dallas

Nay---38
Alanis Barlow

Nay---28
Blaine Johnson of Bell
Collins Melson
Colleen Nugent
Cotton Osborn
Dewey Peary
Duffy, Miss Ratcliff
Duffer, Miss Rider
Haring Smith of Jefferson
Hatcher Smidley
Hensley Smolens
Hunt Tharpe
James Trevino
Jennings Ward
Johnson of Dallas Yeak

Absent
Baas McCoppin
Berry McGregor
Buchanan of El Paso
Crain Oliver
Creed Pickin
Healy Thurman
Lattimer Wilson of Potter

Absent—Excused
Chapman Martin
Cook Niemeyer
Dungan Petty
Hughes of Dallas Richardson
Lary Roberts of Dawson
Laws Rossa
McGregor Spears
of McLennan Woods

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

The bill was read third time and was passed.

Mr. McLain to reconsider the vote by which S. B. No. 400 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. McLain and by unanimous consent of the House, the caption of Senate Bill No. 400 was ordered amended to conform with the body of the bill.

MOTION TO PLACE SENATE BILL NO. 370 ON SECOND READING

Mr. Foreman moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 370.
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The motion was lost, not receiving the necessary two-thirds vote.

RECORD OF VOTE

Mr. Butler and Mr. Watson requested to be recorded as voting "nay" on the motion to suspend the rule to consider S. B. No. 370.

MOTION FOR THE CALL OF THE HOUSE

Mr. Walker moved a Call of the House for the purpose of maintaining a quorum until Senate Bills Nos. 20, 143, 146 and 401 have been considered.

The Call was seconded.

A record vote was requested on the motion for the Call of the House.

The motion for the Call of the House was lost by the following vote:

**Yeas—56**

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**Nays—66**

<table>
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<td>Hilton</td>
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A verification of the above vote was requested, and was not granted.

SENATE BILL NO. 146 ON SECOND READING

Mr. Sandahl moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 146.

The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading,
 SENATE BILL NO. 146 ON THIRD READING

Mr. Sandahl moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

YEAS--110
Adams of Lubbock Gibbons
Adams of Tims Glidden
Allen Okes
Allen Glueing
Andrews Grover
Atwell Guffey
Bailey Hale
Bannister Harrington
Barlow Hays
Barnes Himson
Bartram Holowell
Bass Huebner
Bell Imack, Miss
Blain James
Blair Johnson of Dallas
Bridges Johnson of Bexar
Buchanan Johnson of Bell
Burns Jones of Dallas
Butler Jones of Travis
Caldwell Kennard
Cannon Kilpatrick
Carriker Kolba
Cole of Harris Lack
Cole of Hunt Leaverton
Connell McGregor
Cory of El Paso
Cowen McLemore
Cowles Mer.LE
Crain Miller
Crews Mullen
Culverton Murray
de la Garza Muncher
Dewey Osborn
Duff, Miss Parsons
Eckhardt Parsons
Ehrle Peely
Fletcher Fierst
Ford Phipkin
Foreman Preston
Price Stewart
Rang of Galveston
Ratchiff Stewart
Read of Wichita
Richards Straus
Roberts of Hill Thurmond
Rossen Trevino
Sandahl Turnell
Schram Walker
Shannon Ward
Shipley Watson
Smith of Bexar Wells
Snowden Wheatley
Simpson Wilson of Trinity
Springer Yates

NAYS--4

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

YEAS--118
Hughes of Grayson

Abstent
Berry Oliver
Fairchild Quilliam
Gree Black
Healy Slider
Jamison Smith of Jefferson
Jarvis Thurman
Korloch Townsend
Lettner Whitefield
McCoplin Wilson of Potter
Moore

ABSENT--Excused
Chapman Martin
Cook Niemeyer
Dungan Pete
Hughes of Dallas Richardson
Lary Roberts of Dawson
Lewis Ross
McGregor Spears
of McLemore Woods

The Speaker then laid Senate Bill No. 146 before the House on third reading and final passage.

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

YEAS--118
Adams of Lubbock Bannelli, Mrs.
Adams of Tims Barlow
Allen Barnes
Allen Bartram
Andrews Bass
Atwell Bell
Bailey Blaine
Bainman Boyeac

Present--Not Voting
Hughes of Grayson

Absent
Berry Oliver
Fairchild Quilliam
Gree Black
Healy Slider
Jamison Smith of Jefferson
Jarvis Thurman
Korloch Townsend
Lettner Whitefield
McCoplin Wilson of Potter
Moore

ABSENT--Excused
Chapman Martin
Cook Niemeyer
Dungan Pete
Hughes of Dallas Richardson
Lary Roberts of Dawson
Lewis Ross
McGregor Spears
of McLemore Woods

The Speaker then laid Senate Bill No. 146 before the House on third reading and final passage.

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

YEAS--118
Adams of Lubbock Bannelli, Mrs.
Adams of Tims Barlow
Allen Barnes
Allen Bartram
Andrews Bass
Atwell Bell
Bailey Blaine
Bainman Boyeac
Mr. Dewey was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Ward.

MOTION TO PLACE SENATE BILL NO. 20 ON SECOND READING

Mr. Harding moved that all the necessary rules be suspended for the purpose of taking up and considering Senate Bill No. 20 at this time.

The motion was lost.

RELATIVE TO H. B. NO. 568

Mr. Kilpatrick moved to reconsider the vote by which the House concurred in the Senate Amendments to House Bill No. 568.

The motion prevailed.

Mr. Kilpatrick then withdrew the motion to reconsider the Senate Amendments.

Mr. Kilpatrick moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE ON H. B. NO. 568

The Speaker announced the appointment of the following Conference Committee on the part of the House, on House Bill No. 568:
REQUEST OF SENATE GRANTED

On motion of Mr. Preston the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 224.

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 224

The Speaker announced the appointment of the following Conference Committee, on the part of the Senate, on S. B. No. 224:

Messrs. Preston, Chairman; Hale, Murray, Price and Rapp.

HOUSE BILL NO. 1038 WITH SENATE AMENDMENTS

Mr. Stewart of Galveston called up with Senate Amendments for consideration at this time.

H. B. No. 1038. A bill to be entitled "An Act providing that it shall be unlawful to sell or offer for sale, any ray poison, insect poison, or any other preparation which contains thallium sulphate or any other thallium compound; declaring violation of this Act to be a misdemeanor punishable by a fine and prescribing a penalty for the violation thereof; and declaring an emergency."

Mr. Stewart of Galveston moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1038

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 1038:

Messrs. Stewart of Galveston, Barlow, Kennard, Caldwell and Korlath.

RECALLING S. B. NO. 224 FROM THE GOVERNOR

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

SENATE CONCURRENT RESOLUTION NO. 81

Wheras, Senate Bill No. 224 has passed the Senate and House and is now on the Governor's desk; and

Whereas, Through an inadvertent error the number "4" was inserted in line 2, page 3 of the Enrolled Bill instead of "2A" which is the section of said bill to which reference is made; and

Whereas, It is necessary for the original purpose and intent of the bill to delete the number "4" and insert in lieu thereof the number "2A"; now, therefore, be it

Resolved, That the Governor be respectfully requested to return Senate Bill No. 224 to the Senate and the Enrolling Clerk be authorized and instructed to strike the number "4" from line 2 of page 3 of the Enrolled Bill and insert in lieu thereof the number "2A"; and, be it further

Resolved, That the Speaker of the House and the President of the Senate be instructed to remove their signatures from the bill and that the Enrolling Clerk of the Senate be instructed to re-enroll said bill with the correction authorized in this Resolution.

The resolution was adopted.

TO SUSPEND THE JOINT RULES TO CONSIDER HOUSE BILL NO. 998

Mr. Ratcliff offered the following resolution:

H. C. R. No. 143

Be it resolved by the House, the Senate concurring, that the Joint Rules be and they are hereby suspended to allow the Senate to consider H. B. No. 998 at any time.

The resolution was referred to the Committee on Rules.
SUSPENDING THE JOINT RULES TO CONSIDER H. R. NO. 9 AND H. J. R. NO. 30

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

S. C. R. No. 82

Be it Resolved by the Senate, the House of Representatives concurring, that Joint Rule No. 9 be suspended in order that the Senate may consider House Bill No. 9 and H. J. R. 30 at any time.

The resolution was referred to the Committee on Rules.

RELATIVE TO A 40 HOUR WORK WEEK FOR EMPLOYEES OF STATE HOSPITALS AND SPECIAL SCHOOLS

The Speaker laid before the House for consideration at this time, H. S. R. No. 746, Relative to a 40 hour work week for employees of State Hospitals and Special Schools.

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

A record vote was requested on the adoption of H. S. R. No. 746.

H. S. R. No. 746 was adopted by the following vote:

Yeas—104

Adams of Titus
Allen
Bailey
Barfield, Mrs. L. H.
Barlow
Barrow
Bass
Bell
Bovens
Buchanan
Burgess
Butler
Caldwell
Canady
Carriker
Cole of Hunt
Collins
Connell
Cory

Harrington
Haynes
Hays
Huebner
Hughes
Isaacks, Miss
James
Jarvis
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kennedy
Kilpatrick
Koliba
Koroth
Lack
Leaverton
Longoria
McGregor
McIlhany
Markgraf
Miller
Murry
Mutcher
Nugent
Osborn
Patton
Peery
Pledger
Posset
Priest

Platts
Price
Quillian
Rapp
Randiff
Read
Richards
Roberts of Hill
Schramp
Shannon
Shipley
Silver
Smith of Bexar
Snedeker
Spillman
Springer
Stewart
of Galveston
Strawn
Thurmond
Trevino
Tunnel
Walker
Ward
Watson
Wells
Wheatley
Whitfield
Wilson of Trinity

Nays—2

Adams of Lubbock Mulrenn
Adams of Lubbock Moten

Present—Not Voting

Cotten

Hollowell

Absent

Andrews
Atwell
Ball
Barnard
Barram
Berry
Blaine
Blair
Cole of Harris
Curfman
Duff, Miss
Day
Deeds
Digby
Johnson of Bell

Latimer
La Valle
McGeepha
Marcum
Oliver
Rosen
Sandahl
Schach
Smith of Jefferson
Thurman
Townsend
Wilson of Potter

Absent—Furused

Chapman
Cook
Dowdy
Dungan
Hughes of Dallas

Lewis
McGregor
McLennan
Martin
Niinemeyer
Perry
Mr. Wells moved that the House adjourn until 9:30 o'clock a.m. next Monday.

Mr. de la Garza moved that the House adjourn until 11:00 o'clock a.m. next Monday.

Mr. Fairchild moved that the House adjourn until 2:00 o'clock p.m. tomorrow.

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

The motion to adjourn until 2:00 o'clock p.m. tomorrow was lost.

The motion to adjourn until 9:30 o'clock a.m. next Monday was lost.

The motion to adjourn until 10:00 o'clock a.m. next Monday was lost.

A record vote was requested on the motion to adjourn until 11:00 o'clock a.m. next Monday.

The motion to adjourn until 11:00 o'clock a.m. next Monday was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>40</th>
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<tbody>
<tr>
<td>Allen</td>
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<tr>
<td>Bailey</td>
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<td>Barlow</td>
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<td>Boyce</td>
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<td>Bridges</td>
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<td>Cory</td>
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<td>Crow</td>
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<tr>
<td>de la Garza</td>
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<tr>
<td>Richards</td>
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<td>Floyd</td>
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<td>Gladden</td>
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<td>Green</td>
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<td>Hughes</td>
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<tr>
<td>of Grayson</td>
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<td>Johnson</td>
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<table>
<thead>
<tr>
<th>Nays</th>
<th>52</th>
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</thead>
<tbody>
<tr>
<td>Adams</td>
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<tr>
<td>Roberts of Dawson</td>
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<tr>
<td>Woods</td>
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A verification of the above vote was requested and was not granted.
MOTION TO PLACE SENATE BILL NO. 143 ON THIRD 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.

The vote of the House was taken on the motion to suspend the necessary rules to take up and consider at this time S. B. No. 143, and the vote was announced yeas 59, nays 32 and 9 present—not voting.

A verification of the vote was requested and was granted.

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

Yeas—58
Adams of Lubbock
Johnson of Dallas
Adams of Titus
Jones of Dallas
Baller
Kilpatrick
Banfield, Mrs.
Koliba
Barrow
Lack
Barnes
Leaverton
Baas
Miller
Bell
Markgraf
Burgess
Murray
Butler
Murtacher
Bancroft
Parsons
Cole of Houston
Collins
Peary
Collins, Jr.
Preston
Cowans
Price
Cowless
Crow
Crawford
Creel
Ehrle
Crenshaw
Fletcher
Reed
Garrison
Rosson
Gibbons
Sacham
Grover
Slider
Harrington
Spillman
Harrison
Tunnell
Housley
Walker
Huebner
Watson
James
Whitfield
Jarvis
White

Nays—31
Alexis
Floyd
Barlow
Foreman
Bayou
Gladden
Caldwell
Green
Cory
Gutfrey
Cottram
Harding
Eckhardt
Haring

Mr. Shipley (present), who would vote "yes" with Mr. La Valle (absent), who would vote "nay." 

Mr. Thurmond (present), who would vote "yes" with Mr. Richardson (absent), who would vote "nay."

Mr. Peeler (present), who would vote "nay" with Mr. Hughes of Dallas (absent), who would vote "yes."
Mr. Bridges (present), who would vote "nay" with Mr. Chapman (absent), who would vote "yea."

Mr. de la Garza (present), who would vote "nay" with Mr. Curlington (absent), who would vote "yea."

Mr. Hale (present), who would vote "nay" with Mr. Lewis (absent), who would vote "yea."

Mr. Glusling (present), who would vote "nay" with Mr. Allen (absent), who would vote "yea."

Mr. Rapp (present), who would vote "nay" with Mr. Dungan (absent), who would vote "yea."

The Speaker stated that there was not a quorum present.

REASON FOR VOTE
I voted against S. B. 142 today for the same reasons I stated in the House Journal when the bill came up yesterday.

REED QUILLIAM.

REASONS FOR VOTE ON S. B. 142
I voted not to suspend the rules for the same reasons marked in the Journal on May 22, 1961 when the question was presented on second reading.

NEIL OALDWELL.

BARLOW.

LEAVE OF ABSENCE GRANTED
Mr. Bailey was granted leave of absence for the remainder of the day on account of illness, on motion of Mr. Cory.

MOTION FOR THE CALL OF THE HOUSE
Mr. Fairchild moved a Call of the House for the purpose of securing and maintaining a quorum pending the disposition of the motion to suspend the rules to consider S. B. No. 142.

The Call was seconded.

A record vote was requested on the motion for the Call of the House.

The motion for the Call of the House was lost by the following vote:

Yea-48
Adams of Lubbock
Johnson of Dallas
Adams of Tins
Jones of Dallas
Banks, Mrs.
Lack
Barnett
Leaertown
Burgess
Markgraf
Butler
Murray
Cole of Hunt
Mutchler
Collins
Nagel
Counce
Parrons
Cowan
Perry
Gowles
Preston
Gleem
Price
Crews
Rapp
Curtis
Ratcliff
Fairchild
Read
Fletcher
Richards
Garratson
Roberts of Hill
Gibbons
Rosson
Grove
Shipley
Hollowell
Slifer
Huiehner
Tunnell
James
Walker
Jarvis
Watson

Nay-50
Albritt
Johnson of Bexar
Barlow
Jones of Travis
Bell
Kennard
Boyse
Kilpatrick
Bridges
Kelba
Caldwell
Kerloch
Cannon
Lonergan
Carriker
McGregor
Cory
of El Paso
Cotten
Moulton
de la Garza
Mullen
Eckhardt
Fiawil
Floyd
Quillin
Foreman
Schrack
Gladden
Shannon
Glasing
Snow
Green
Sylvian
Guillow
Springer
Hale
Stewart
Harding
of Galveston
Haring
Struve
Harrington
THE HOUSE
Haynes
Wells
Hisson
Whitefield
Hughes
of Grayson
Wilson of Trinity
Isonaks, Miss
Yeak

Present—Not Voting
Smith of Bexar

Absent
Allen
Berry
Andrews
Blaine
Atwell
Becham
Ballman
Cole of Harris
Barram
Curlington
**May 27, 1961 HOUSE JOURNAL 2759**

<table>
<thead>
<tr>
<th>Yeas: 33</th>
<th>Nays: 64</th>
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<tbody>
<tr>
<td>Adams of Titus</td>
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<td>Bandfield, Mrs.</td>
<td>Latimer</td>
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<td>Bass</td>
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<td>Burcess</td>
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<td>Cannon</td>
<td>Ballard</td>
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<td>Collins</td>
<td>Ballman</td>
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<td>Connell</td>
<td>Bartram</td>
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<td>Cowine</td>
<td>Barrow</td>
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<td>Crain</td>
<td>Barrow</td>
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<td>Cross</td>
<td>Bailee</td>
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<tr>
<td>Fairchild</td>
<td>Absent—Excused</td>
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<td>Floyd</td>
<td>Chapman</td>
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<td>Chapman</td>
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<td>Matscher</td>
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<td>Preston</td>
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<td>Smith of Jefferson</td>
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<td>Stewart</td>
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<td>Thurman</td>
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<td>Valois</td>
<td>Chapman</td>
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<tr>
<td>Wilson of Trinity</td>
<td>Chapman</td>
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**ADJOURNMENT**

Mr. de la Garza moved that the House adjourn until 11 o'clock a.m. next Monday.

Mr. Fairchild moved that the House adjourn until 2:00 o'clock p.m. tomorrow.

Mr. Harding moved that the House adjourn until 7:00 o'clock a.m. next Monday.

Mr. Johnson of Dallas moved that the House adjourn until 3:00 o'clock p.m. tomorrow.

A record vote was requested on the motion to adjourn until 2:00 o'clock p.m. tomorrow.

The motion to adjourn until 2:00 o'clock p.m., tomorrow was lost by the following vote:

**Yea:**
- Adams of Titus
- Bandfield, Mrs.
- Bass
- Bridges
- Burcess
- Cannon
- Collins
- Connell
- Cowine
- Crain
- Cross
- Fairchild

**Nay:**
- Adams of Lubbock
- Allen
- Andrews
- Atwell
- Ballman
- Bartram
- Barrow
- Bailee
- Buchanan
- Cole of Harris
- Cowen
- Curington
- Duff, Miss
- Gladfren
- Glass
- Heedly
- Heedly
- Johnson of Dallas
- Johnson of Bell

**Absent—Excused:**
- Bailey
The motion to adjourn until 3:00 o'clock p.m. tomorrow was lost.

The motion to adjourn until 10:00 o'clock a.m. next Monday prevailed.

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

In accordance with the motion to adjourn the House at 9:21 o'clock p.m., adjourned until 10:00 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on State Affairs has filed a favorable report on the following resolutions:

H. S. R. No. 753 and S. C. R. No. 74.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 26, 1951
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred 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."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 26, 1951
H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 27, 1951.
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1136, A bill to be entitled "An Act creating a Conservation Authority under Article XVI, Section 9 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 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."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 26, 1951
H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 180, requesting the Board of Control to allocate for the use of the House the space being...
presently occupied on a temporary basis by the Comptroller's Office on the fourth floor of the north wing of the Capitol and in the basement and authorizing remodeling and renovation of such space.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 27, 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. 132, suspending the Joint Rules of the two Houses in order that either House may take up and consider Senate Bill No. 370 at any time.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 26, 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. 136, authorizing certain corrections to Senate Amendment No. 4 to House Bill No. 821.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

SEVENTY-FOURTH DAY

(Monday, May 29, 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: