the Fifty-second Legislature, Regular Session, 1951, as amended, relating to commercial fishing in certain counties, to prohibit fishing commercially in that portion of the Angelina River that is the boundary line between Cherokee and Nacogdoches Counties North of Texas Highway 21; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR

April 26, 1963

H. C. R. No. 62.

H. C. R. No. 65.

H. B. No. 336.

H. B. No. 502.

H. B. No. 690.

SIXTY-SECOND DAY

(Monday, April 29, 1963)

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

Mr. Speaker

Adams

Allen

Aldrege

Atwell

Ball

Banfield

Barnes

Bass of Bowie

Bass of Harris

Beckham

Berry

Birchner

Blinke

Boysen

Bourguignon

Brooks

Brown

of Galveston

Brown of Taylor

Butler

Calu

Caldwell

Canales

Fletcher

Floyd

Fooden

Foreman

Garrison

Gibbons

Gladden

Green

Grover

Guffey

Haines of Brazos

Hallmark

Harding

Haring

Harris of Galveston

Harris of Dallas

Hartman of Orange

Hasty

Hedrick

Hendrix

Hinson

Hollowell

Houston

Hughes

Isacks

Jamison

Jarvis

Johnson of Dallas

Johnson of Bexar

Kilpatrick

Kilgore

Kempt

Key

Kilpatrick

Knapp

Korthmann

Koehn

Klager

Knight

Koike

Koliba

A quorum of the House was announced present.

The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Our Heavenly Father, the demands upon our time are heavy. The
decisions we are called upon to make are great. The pressures under which we must operate, as we reach toward a time of adjournment, are taking their toll upon our patience, and so we turn to Thee again for help. Thou alone hast the answers we must have to meet our needs. Give us, we pray Thee, clear minds, rested bodies, and a willingness to go a second mile if need be, to reach the harmonious goals we have set for ourselves. Let us examine every deed in the light of its true motive. "Through Christ our Lord we pray.—Amen."

LEAVE OF ABSENCE GRANTED
Mr. Cory was granted leave of absence for today and tomorrow on account of illness in his family, on motion of Mr. Mutscher.

MEMORIAL RESOLUTIONS ADOPTED
H. S. R. No. 439, By Guffey: In memory of Jesse Roots Martin.
H. S. R. No. 441, By Guffey: In memory of Arthur M. Lapp.

HOUSE BILLS ON FIRST READING
The following House Bills were today laid before the House, read severally first time and referred to the appropriate Committees, as follows:
By Ligarde:
H. B. No. 1049, A bill to be entitled "An Act providing for the Compensation of the official shorthand reporter of the 11th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency."
Referred to the Committee on Counties.

By Jarvis:
H. B. No. 1050, A bill to be entitled "An Act providing for the Compensation of the official shorthand reporter of the 11th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency."
Referred to the Committee on Agriculture.

By Pipkin:
H. B. No. 1051, A bill to be entitled "An Act amending Sections 1, 2, 6, and 8, Chapter 502, Acts of the 51st Legislature, Regular Session, 1949, and Section 3, Chapter 502, Acts of the 51st Legislature, Regular Session, 1949, as amended, to provide for certain power and authority of Boards of Trustees or Boards of Regents of public junior colleges in relation to libraries, library buildings, and other buildings including the powers and authority to enter into lease and rental agreements with certain municipalities; repealing conflicting laws; providing a severability clause; and declaring an emergency."
Referred to the Committee on Municipal and Private Corporations.

SENATE BILLS ON FIRST READING
The following Senate Bills received from the Senate were today laid before the House, read several first time and referred to the appropriate Committees, as follows:
S. B. No. 36 to the Committee on Appropriations.
S. B. No. 85 to the Committee on State Affairs.
S. B. No. 92 to the Committee on Appropriations.
S. B. No. 121 to the Committee on Banks and Banking.
S. B. No. 212 to the Committee on Revenue and Taxation.
S. B. No. 318 to the Committee on State Affairs.
S. B. No. 374 to the Committee on Criminal Jurisprudence.
S. B. No. 380 to the Committee on Revenue and Taxation.
S. B. No. 383 to the Committee on State Hospitals and Special Schools.
S. B. No. 427 to the Committee on Appropriations.
S. B. No. 444 to the Committee on Municipal and Private Corporations.
S. B. No. 453 to the Committee on Agriculture.
S. B. No. 466 to the Committee on Appropriations.
S. B. No. 473 to the Committee on State Affairs.
S. B. No. 474 to the Committee on Conservation and Reclamation.

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution received from the Senate was today laid before the House, read first time and referred to the appropriate Committee, as follows:

S. J. R. No. 10 to the Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1963

Hon. Byron Tunnell, Speaker of the House of Representatives,

Sir: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee Report on H. B. No. 56 by Viva voice vote.

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

H. C. R. No. 66, Requesting the Governor to return House Bill Number 528 to the House for correction.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

PERMISSION GRANTED TO INTRODUCE HOUSE JOINT RESOLUTION

Mr. Hall moved to suspend the necessary rules in order to introduce H. J. R. No. 80 at this time.

The motion prevailed without objection.

PERMISSION GRANTED TO INTRODUCE HOUSE BILLS

Mr. Esquivel moved to suspend the necessary rules in order to introduce H. B. No. 1052 at this time.

The motion prevailed without objection.

Mr. Nugent moved to suspend the necessary rules in order to introduce H. B. No. 1053 at this time.

The motion prevailed without objection.

ADDRESS BY THE HONORABLE W. H. MILLER

On motion of Mr. Shipley, the following remarks of Mr. Miller, addressing the House on personal privilege today, were ordered printed in the Journal:

Mr. Speaker, Ladies and Gentlemen of the House:

I sincerely beg your pardon for taking up your valuable time on a day when so many important bills are on the calendar, but the "slings and arrows" of the lame duck Mayor of the principal city in my district, against this Legislature, this House, my Delegation Colleagues, and my self can no longer be borne in silence.

The news media of my District have, since the beginning of this Session, been filled to overflowing by the misinformation promulgated by this official. Now he has stopped merely questioning the wisdom of this Body, but has begun to attack its integrity. Since there has been a question of motivation raised, I would like to clarify my own. Although I sincerely appreciate theattery of speculation in the Houston newspapers, I am flatly and unequivocally not a candidate for Mayor of Houston. It is my hope that this clears the air on any present, past, or future action or statement I make or made, including these remarks.

On behalf of the Harris County Delegation, I would like to state that it is impossible to find in this House, or in any prior Session in history, a more diligent, efficient, conscientious group than we have. In the case of my desk-mate and others of his philosophy, I often wish that they were not so diligent, but certainly I do not question their ability, nor their dedication to the cause which they espouse.

We have been accused of, among many other things, of biting the hands that voted for us. I would remind these critics that this Delegation was sent to this Body to represent the County of Harris, of which Houston, large as it is, is only a part. Moreover, as officers of this State, it would seem to me to be evident, even to one whose intellect is completely atrophied as our main cri-
I wish first to state that Representative W. H. Miller, the Chairman of the Delegation to the House of Representatives from Harris County has been eminently fair to all concerned, and has given full opportunity to all persons to be heard on this matter.

The Legislative Bill, now known as House Bill 1003, was first presented at a public hearing of the Committee of Representatives from Harris County on March 26, 1963. The legislation was fully explained at that time, and I know of my own personal knowledge that a copy of the Bill was given to the City's representative (who was appointed by the Mayor of the City of Houston at the specific request and urging of the Harris County Delegation.)

I also hasten to point out that the Bill was not introduced in the House of Representatives until eight days after the Bill was given to the City's representative.

On March 26, 1963, the Bill was placed in a Subcommittee of the Harris County Delegation, and was reported favorably on April 2, 1963. Thereafter, the Bill was introduced as H. B. 1003, and was referred to a Committee of the House of Representatives, and a public hearing, after due notice posted on the bulletin board where all other public hearing notices on other Bills are posted, was held on April 10, 1963, and the Bill was again placed in a Subcommittee. H. B. 1003 was subsequently reported favorably by the Subcommittee and by the Committee, and was placed on the calendar for Wednesday, April 17, 1963. The Bill was finally passed by the House on April 17, 1963, as a local Bill on the local and uncontested calendar with no dissenting vote. The vote was 144-0 for the Bill's passage.

During all of the public hearings before the Committee, no communication was received from the Mayor of the City of Houston by me, or to my knowledge, by any member of the House of Representatives. The City's representative was present at some of these meetings. Since an exact copy of H. B. 1003 had been in the possession of the Mayor and his representative since March 1963, with no protest heard, and since the Bill is of great importance to the commercial, residential and industrial development of Harris

ADDRESS BY THE HONORABLE PAUL FLOYD

On motion of Mr. Whitfield, the following remarks of Mr. Floyd, addressing the House on personal privilege on today, were ordered printed in the Journal:

First let me say, I'm not a candidate for the mayor of the City of Houston, by reason of misstatements, erroneous statements, half truths and untrue statements which have been made in the public press by the Mayor of the City of Houston, along with all the otherJimmy statements in some papers, I feel called upon to state what the facts are in connection with the legislation creating Clear Lake City Water Authority—the first step in creating another major community for Harris County, Texas—
April 29, 1963  HOUSE JOURNAL 1391

County, in that this Bill is the forerunner for the establishment of another major community for Harris County, Texas, as I have said before—this Bill was passed. Every member of the House of Representatives from Harris County was in favor of the Bill at the time of its introduction and as far as I know are still in favor of the Bill and signed his name on the face of this Bill.

House Bill 1003 merely creates Clear Lake City Water Authority and places jurisdiction of its program of improvements, including the plans and specifications and the actual work to be done, in the Texas Water Commission. Approvals will also be required by the State Department of Health and the Attorney General of Texas, so that all possible safeguards for the public exist. Additionally, Clear Lake City Water Authority cannot issue tax bonds or levy taxes for a City administration that is unsound and as far as I know are still not seen fit to talk to me about the matter, although I understand he has asked the Governor to veto H. B. 1003, and I am therefore in no position to know what his motives may be.

However, I am not surprised by his actions, because his indifference and lack of interest in so many other legislative matters (prior to the last minute) have left us unaware of his views or motives. His system of press releases and headline hunting seem more designed for his race for re-election than to inform me or you of his honest views.

I have been made either to the House of Representatives or to the Senate in connection with this legislation: I know that full and ample opportunity for hearing has been extended to all, including the Mayor of the City of Houston; and I know that he did not see fit to state his position prior to April 16, 1963, at any time except through means of press releases. The House of Representatives and the Senate have expressed themselves as being for this legislation unanimously, and I congratulate each and every one of you for the position which you have taken, and I at this time strongly urge Governor Connally to sign H. B. 1003 into law. It is regrettable that the Mayor of the great City of Houston has seen fit to impair the integrity of every individual member of this Legislature and especially the Harris County Delegation by publicly criticising them in the newspapers and accusing them of yielding to the designs of unscrupulous promoters.

Under the present status of the law, the power of the City of Houston to annex such land is unquestioned, and unless some legislation is passed by this Legislature, no restraint on the City of Houston or any other city exist. If newspaper reports can be believed, the City of Houston annexation may be completed even though the City of Houston has no funds with which to provide any facilities or services to this area. This fact alone severely cripples any future plans to build Clear Lake City community. How can the City administration honestly believe it can build the needed water lines, sewer lines and other needed facilities when there is no money to do it? I guess this isn’t hard though, for a City administration that is unsound and as far as I know are still not seen fit to talk to me about the matter, although I understand he has asked the Governor to veto H. B. 1003, and I am therefore in no position to know what his motives may be.

The Mayor of the City of Houston can therefore be pictured as the Big Bad Wolf standing on the threshold threatening to Huff and Puff and Blow Clear Lake City Community to the ground because this is the way big bad wolves always act.
of the Mayor of the City of Houston. Please forgive him even if you can't forget.

REMARKS ORDERED PRINTED IN THE JOURNAL

On motion of Mr. Whitfield, the remarks of Mr. Eckhardt, addressing the House on personal privilege on today, were ordered printed in the Journal.

HOUSE BILL NO. 13 WITH SENATE AMENDMENTS

Mr. Grover called up with Senate Amendments for consideration at this time.

H. B. No. 13. A bill to be entitled "An Act establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction and regulation annexation by cities and towns both within and without such extraterritorial jurisdiction, invalidation certain annexations; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act, amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; and declaring an emergency."

Mr. Grover 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 H. B. No. 13.

Mr. Crews moved, as a substitute motion for the motion by Mr. Grover, that the House concur in the Senate Amendments to H. B. No. 13.

Mr. Butler moved to table the substitute motion that the House concur in the Senate Amendments to H. B. No. 13.

A record vote was requested on the motion to table.

The motion to table the substitute motion, that the House concur in the Senate Amendments to H. B. No. 13, was lost by the following vote:

Year--52
Banfield
Barnes
Bass of Harris
BoySEN
Bridges
Brooks
Butler
Calwell
Carriker
Cavness
Clayton
Cotten
Cowles
Crain
Dugan
Eckhardt
Edwards
Faiichild
Fenn
Floyd
Garrison
Gibbons
Green
Grover
Hollowell
Hughes

Nay--44
Adams
Allen
Arlidge
Atwell
Bass of Bowie
Beckham
Berry
Birkner
Blaine
Brown of Galveston
Brown of Taylor
Cal
Canals
Cannon
Chapman
Cherry
Cole
Collins
Cook
Coughran
Cowden
Crews
Davis

Banfield
Barnes
Bass of Harris
BoySEN
Bridges
Brooks
Butler
Calwell
Carriker
Cavness
Clayton
Cotten
Cowles
Crain
Dugan
Eckhardt
Edwards
Faiichild
Fenn
Floyd
Garrison
Gibbons
Green
Grover
Hollowell
Hughes
April 29, 1963

HOUSE JOURNAL 1393

Kilpatrick
Klinger
Knapp
Lack
Ligardes
McClintock
McDonald
McDonald of Hidalgo
McDonald of Rusk
McGregor
McLaughlin
McNutt
Mann
Markgraf
Morgan
Moyer
Murray
Niemeyer
Nugent
Parker
Parsley
Peeler

Absent—Excused

Carpenter
Koliba

(The above record vote was requested by Mr. Grover, Mr. Crews, and Mr. Walker.)

The substitute motion by Mr. Crews that the House concur in the Senate Amendments to H. B. No. 13 then prevailed.

Mr. Crews moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 13, and to table the motion to reconsider. The motion to table prevailed.

RECORD OF VOTE

Mr. Whitfield requested to be recorded as voting Nay on the motion to concur in the Senate Amendments to H. B. No. 13.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 13

Senate Amendment No. 1

Senate Committee Substitute for House Bill Number 13

"A BILL
To Be Entitled

An Act regulating the authority of cities, towns and villages to annex territory; establishing the extraterritorial jurisdiction of cities, towns and villages; authorizing the exercise of certain powers by cities, towns and villages, providing for the disassociation of certain areas annexed by cities, towns and villages after the effective date of this Act under certain conditions; providing that all other laws and parts of laws relating to this subject shall not be repealed by the provisions of this Act unless they are expressly inconsistent and then only to the extent of such inconsistency; exempting Articles 1183 to 1187, both inclusive, Title 28, Revised Civil Statutes of Texas, 1925; amending Article 1175, Subdivision 2 of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency."

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

"ARTICLE I"

"Section 1. Short Title. This Act is known and may be cited as the Municipal Annexation Act."

"Sec. 2. Definitions. For the purposes of this Article, the following words shall have the meanings ascribed to them:

A. 'City' or 'Cities' means any incorporated city, town or village in the State of Texas.

B. 'Voters' means those persons qualified to vote under the laws of the State of Texas.

C. 'Written consent' means consent expressed by an ordinance or resolution.

"Sec. 3. Establishing Extraterritorial Jurisdiction. A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial jurisdiction of the various population classes of cities in the State and shall be as follows:

(1) The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000)
inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one-half (1/2) mile of the corporate limits of such city.

(2) The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

(3) The extraterritorial jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

(4) The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one-half (3 1/2) miles of the corporate limits of such city.

(5) The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

B. In the event that on the effective date of this Act the area under the extraterritorial jurisdiction of a city overlaps an area under the extraterritorial jurisdiction of one (1) or more other cities, such overlapped area may be apportioned by mutual agreement of the governing bodies of the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district within which is located the largest city having an extraterritorial claim to such overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of growth, transportation, topography, and land utilization in the cities concerned and in the overlapped area. The territory so apportioned to a city shall be contiguous to the extraterritorial jurisdiction of such city. In the event the extraterritorial jurisdiction of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth (1/10) of such overlapping area.

Provided, however, that any apportionment made under the provisions of this subsection shall give consideration to existing property lines, and no tract of land or adjoining tracts of land, under one ownership upon the effective date of this Act and not exceeding one hundred and sixty (160) acres in size shall be apportioned so as to be within the extraterritorial jurisdiction of more than one city unless the landowner consents in writing to such apportionment.

C. When a city annexes additional territory, the extra territorial jurisdiction of such city shall expand in conformity with such annexation and shall comprise an area around the new corporate limits of the city consistent with Subsection A of this Section. In addition, the extraterritorial jurisdiction of the city may be extended beyond the distance limitations imposed by Subsection A of this Section to include therein any territory contiguous to the other wise existing extraterritorial jurisdiction of such city, provided the owner or owners of such contiguous territory request such expansion. However, in no event shall the ex-
A city shall not be reduced without the written consent of the governing body of such city, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions.

D. No city shall impose any tax in the area under the extraterritorial jurisdiction of such city, by reason of including such area within such extraterritorial jurisdiction.

"Sec. 4. Extension of subdivision ordinance within the extraterritorial jurisdiction. The governing body of any city may extend by ordinance to all of the area under its extraterritorial jurisdiction the application of such city’s ordinance establishing rules and regulations governing plats and the subdivision of land; provided, that any violation of any provision of any such ordinance outside the corporate limits of the city but within such city’s extraterritorial jurisdiction, shall not constitute a misdemeanor under such ordinance nor shall any fine provided for in such ordinance be applicable to a violation within such extraterritorial jurisdiction. However, any city which extends the application of its ordinance establishing rules and regulations governing plats and the subdivision of land to the area under its extraterritorial jurisdiction shall not constitute a misdemeanor under such ordinance, nor shall any fine provided for in such ordinance be applicable to a violation within such extraterritorial jurisdiction. Provided, however, that such provision is evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, whichever is shorter.

"Sec. 5. Industrial Districts. The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such, the governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such district, and its immunity from annexation by the city for a period of time not to exceed seven (7) years, and upon terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, whichever is shorter.

"Sec. 6. Notice and Hearing—Annexation Proceedings. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. Provided, however, any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

"Sec. 7. Limitation on Annexations. A. A city may annex territory only within the confines of its extraterritorial jurisdiction; provided, however, that such limitation shall not apply to the annexation of property owned by the city annexing the same.
A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the Federal government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on March 15, 1943, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

"Sec. 8. Limitations on Creation of Political Subdivisions within the Extraterritorial Jurisdiction. A. No city may be incorporated within the area of the extraterritorial jurisdiction of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the incorporation of such proposed city insofar as the purposes of this subsection are concerned. Written consent or authorization for the incorporation of a proposed city, insofar as the provisions of this subsection are concerned, shall mean only authorization to initiate incorporation proceedings for such proposed city as otherwise provided by law. The provisions of this subsection shall apply only to the area of a proposed city which lies within the extraterritorial jurisdiction of such city.

B. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the Federal government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on March 15, 1943, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

"Sec. 8. Limitations on Creation of Political Subdivisions within the Extraterritorial Jurisdiction. A. No city may be incorporated within the area of the extraterritorial jurisdiction of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the incorporation of such proposed city insofar as the purposes of this subsection are concerned. Written consent or authorization for the incorporation of a proposed city, insofar as the provisions of this subsection are concerned, shall mean only authorization to initiate incorporation proceedings for such proposed city as otherwise provided by law. The provisions of this subsection shall apply only to the area of a proposed city which lies within the extraterritorial jurisdiction of such city.

B. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the Federal government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on March 15, 1943, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.
shall constitute authorization for the creation of the proposed political subdivision as far as the provisions of this subsection are concerned. Authorization for the creation of the proposed political subdivision as far as the provisions of this subsection are concerned, shall mean only authorization to initiate proceedings to create such political subdivision as otherwise provided by law. The provisions of this subsection shall apply only to the area of such proposed political subdivision which lies within the extraterritorial jurisdiction of such city.

This subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

C. If authorization to initiate incorporation proceedings for a proposed city is obtained under the provisions of Subsection A of this Section, such incorporation must be initiated within six (6) months of the date of such authorization and such incorporation must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such incorporation proceedings or to finally complete the incorporation of such proposed city within such allotted periods of time shall terminate such authorization. If authorization to initiate proceedings to create a proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial purposes or the furnishing of sanitary sewer services is obtained under the provisions of Subsection B of this Section, such proceedings seeking the creation of such a political subdivision must be initiated within six (6) months of the date of such authorization and such proposed political subdivision must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such proceedings seeking the creation of such political subdivision or to finally complete the creation of such proposed political subdivisions within such allotted periods of time shall terminate such authorization.

The provisions of this subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

This subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

C. If authorization to initiate incorporation proceedings for a proposed city is obtained under the provisions of Subsection A of this Section, such incorporation must be initiated within six (6) months of the date of such authorization and such incorporation must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such incorporation proceedings or to finally complete the incorporation of such proposed city within such allotted periods of time shall terminate such authorization. If authorization to initiate proceedings to create a proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial purposes or the furnishing of sanitary sewer services is obtained under the provisions of Subsection B of this Section, such proceedings seeking the creation of such a political subdivision must be initiated within six (6) months of the date of such authorization and such proposed political subdivision must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such proceedings seeking the creation of such political subdivision or to finally complete the creation of such proposed political subdivisions within such allotted periods of time shall terminate such authorization.

Sec. 9. Petition For Annexation or Services. The petition for annexation provided for in Subsection A of Section 8 of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the territory.

Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted; and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in
addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters residing in the territory and the approximate total acreage within the territory.

"Sec. 10. Disannexation. A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within thirty (30) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of either party, the case shall be advanced and heard within a further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city for the particular annexed area, it is otherwise eligible for disannexation under the provisions of this Act, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

B. When any such area is disannexed under the provisions of this section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Act to be provided to such particular annexed area, so long as any such bonds are outstanding.

C. The request and petition for disannexation provided for in Subsection A of this Section of this Act shall be made by the qualified voters and landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and such qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite
his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particu-
lar annexed area to be disannexed and have attached to it a plan of the particular annexed area. Prior to circulating the petition for dis-annexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the cir-
culation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city sec-
cretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

"ARTICLE II"
"Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, accord-
ing to such rules as may be provid-
ed by said charter not inconsistent with the procedural rules prescribed by the Municipal Annexation Act."

"ARTICLE III"
"Cumulative Clause. The provi-
sions of this Act shall not repeal or affect Article 1183 to Ar-
ticle 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

"ARTICLE IV"
"Severability. 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 of applica-
tions 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.

"ARTICLE V"
"Emergency. The importance of this legislation and the crowded con-
dition of the calendar in both Houses create an emergency and an impera-
tive public necessity that the Con-
stitutional Rule requiring bills to be read on three (3) several days in each House be suspended and this Rule is hereby suspended and the Act shall take effect and be in force from and after its passage, and it is so enacted."

Senate Amendment No. 2
Amend Committee Substitute for House Bill 13 by adding the words "or instituted after" at the end of line 24, page 6 of the printed bill.

Senate Amendment No. 3
Amend Senate Committee Substitute for House Bill 13 by adding a new paragraph to Sec. 7 to be known as paragraph E, to read as follows:

"E. No annexation shall change or have any effect on switching limits of railroads or any rates thereof."

Senate Amendment No. 4
Amend caption to conform to body of bill.
REASON FOR VOTE
I voted against concurring with Senate Amendments to H. B. No. 13 as I felt the Senate Amendments would severely "shackle" Houston's growth. An aim I do not now have or ever did have.
Paul Floyd.

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 resolutions:

S. C. R. No. 58, Requesting S. B. 316 to be returned to the Enrolling Room for correction.

H. C. R. No. 66, Relative to correction to H. B. No. 628.

RELATIVE TO H. B. NO. 262
Mr. Smith of Bexar moved to table the motion to call from the Journal the vote by which H. B. No. 262 was passed.

The motion to table prevailed.

FORREST A. HARDING,
GEORGE H. COOK,
JAMES M. COTTEN,
JAMES L. SLIDER,
JACK WOODS,
On the part of the House.

By Harding:
H. B. No. 50

CONFERENCE COMMITTEE REPORT ON H. B. 50
"A BILL
To Be Entitled
An Act amending Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6701d, Vernon's Texas Civil Statutes), and known as the 'Uniform Act Regulating Traffic on Highways, by adding thereto a new article relating to speed of vehicles, and rules of enforcement; repealing Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (codified as Section 8 of Article 8170d, Vernon's Penal Code of Texas); and declaring an emergency.'"

Be It Enacted By The Legislature of The State of Texas:
Section 1. Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6701d, Vernon's Texas Civil Statutes, and known as the "Uniform Act Regulating Traffic on Highways," is hereby amended by adding a new article to read as follows:

"Article XIX. Speed restrictions.
"Sec. 166. Maximum Speeds of Vehicles.
"(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with paragraph (b) of this section, the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evi-
dence that the speed is not reasonable or prudent and that it is unlawful:

1. Thirty (30) miles per hour in any urban district;

2. Seventy (70) miles per hour during the day-time and sixty-five (65) miles per hour during the night-time for any passenger car on any State or Federal numbered highway outside any urban district, including farm and/or ranch-to-market roads, and sixty (60) miles per hour during the day-time and fifty-five (55) miles per hour during the night-time for any passenger car on all other highways outside any urban district;

3. Sixty (60) miles per hour for all other vehicles on any highway outside any urban district;

4. The speed limits for any bus or other vehicle engaged in the business of transporting passengers for compensation or hire, and for any commercial vehicle which is in authorized use as a "Highway Post Office" vehicle furnishing Highway Post Office service in the transportation of the United States mail shall be the same as prescribed for passenger cars at the same location.

5. The above limitations notwithstanding, the following prima facie maximum limits are declared, for any highway outside any urban district:

a. Forty-five (45) miles per hour for any vehicle towing any house trailer of actual or registered gross weight exceeding four thousand, five hundred (4,500) pounds or with an overall length exceeding thirty-two (32) feet, excluding the towbar.

b. Fifty (50) miles per hour in day-time and forty-five (45) miles per hour during night-time for any truck, truck-tractor, trailer or semi-trailer, or for any vehicle towing any trailer, semi-trailer, another motor vehicle, or any house trailer of actual or registered gross weight, less than four thousand, five hundred (4,500) pounds and over-all length of thirty-two (32) feet or less, excluding the towbar.

c. Fifty (50) miles per hour for any school bus.

"Daytime" means from one-half hour before sunrise to one-half hour after sunset, and "night-time" means at any other hour.

"Urban District" means the territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of one-quarter of a mile or more.

"Passenger car" means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

The maximum speed limits set forth in this section may be altered as authorized in Sections 167, 168 and 169.

(b) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (b), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when travelling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 167. Authority of State Highway Commission to Alter Maximum Speed Limits.

(a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any prima facie maximum speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the highway system, taking into consid-
The limits of an incorporated city,
\[\text{ing and traffic investigation specifically} \]
shall be erected, shall be effective at such intersection or other place or part of the highway system at all times or during hours of daylight or darkness, or at such other times as may be determined; provided, however, that said state highway commission shall not have the authority to modify or alter the rules established in paragraph (a) of section 166 nor to establish a speed limit higher than seventy (70) miles per hour; and provided further that the speed limits for vehicles described in paragraphs a, b, and c of subdivision 5 of subsection (a) of section 166 shall not be increased.

"(b) The authority of the state highway commission to alter maximum speed limits shall exist with respect to any part of any highway, road or street officially designated or marked by the state highway commission as part of the state highway system. Also, this authority shall exist both within and without the limits of an incorporated city, town, or village, including home rule cities, with respect to highways declared to be limited-access or controlled-access highways as defined by this act.

"(c) The state highway commission shall, in conducting the engineering and traffic investigation specified in paragraph (a) of section 167, follow its 'Procedure for Establishing Speed Zones' which is in use on the effective date of this act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

"Sec. 168. Authority of Texas Turnpike Authority to Alter Maximum Prima Facie Speed Limits on Turnpike Projects."

"(a) Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, the legislature hereby directs the Texas Turnpike Authority to determine and declare a reasonable and safe maximum prima facie speed limit thereon or therefrom, by proper order of the authority entered on its minutes, for all vehicles or for any class of classes of vehicles hereinafter established, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersections or other places or part of the highway at all times or during hours of daylight or darkness, or at such other times as may be determined.

"(b) The authority of the Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to house bill no. 4, chapter 410, acts of 1953, 53rd legislature, regular session, codified as article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town, or village, including home rule cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in sections 167 and 169 shall not apply upon any part of any such turnpike project; provided, however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated state highway system, the state highway commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

"(c) The Texas Turnpike Authority shall, in conducting the engi-
neering and traffic investigations specified in paragraph (a) of Section 168, following the 'Procedure for Establishing Speed Zones' prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motorizing public.

"Sec. 168. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages to Alter Maximum Prima Facie Speed Limits.

(a) The county commissioners court of any county with respect to county highways or roads outside the limits of the right-of-way of any officially designated or marked highway, road or street of the State Highway System and outside the limits of any incorporated city, town or village shall have the same authority by order of the county commissioners court entered upon its records to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation, as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any county commissioners court have the authority to modify or alter the basic rule established in paragraph (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour.

(b) The governing body of an incorporated city, town or village with respect to any highway, street or part of a highway or street, including those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority by city ordinance to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any such governing body have the authority to modify or alter the basic rule established in paragraph (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour, and provided, further, that any order of the State Highway Commission declaring a speed limit upon any part of a designated or marked route of the State Highway System made pursuant to Section 167 shall supersede any city ordinance in conflict therewith.

"Sec. 169. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages to Alter Maximum Prima Facie Speed Limits.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Commission, county commissioners court or the governing body of any incorporated city, town or village, within their respective jurisdictions, as specified in Sections 167 and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, county commissioners court or governing body of an incorporated city, town or village, are hereby empowered and may determine and declare a minimum speed limit thereat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.

"Sec. 170. Minimum Speed Regulations.

(a) In every charge of violation of any speed regulation in this Act, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum or minimum speed limit applicable within the district or at the location.

(b) The provisions of this Act declaring maximum or minimum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.
"Sec. 172. Exceptions to Speed Law."

"The provisions of this article regulating speeds of vehicles shall not apply to vehicles operated by the fire department of any city, town or village responding to calls, nor to police patrols, nor to physicians and/or ambulances responding to emergency calls, provided that incorporated cities and towns may by ordinance regulate the speed of ambulances."

Sec. 2. Nothing in this Act shall be construed to repeal or in any way modify, alter or amend Sections 86, 87, 88, 89 and 90 of the Uniform Act Regulating Traffic on Highways, codified as Article 6707a, Vernon's Texas Civil Statutes, and being Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 421, page 927, Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended (codified as Section 8, Article 827a, Vernon's Texas Penal Code) is repealed.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The crowded condition of the calendar and the fact that our speed laws need modernization in the light of improved roads and engineering advancement in motor vehicle design and safety, 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 become effective from and after its passage, and it is so enacted.

Mr. Harding moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on House Bill No. 50.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on H. B. No. 50 prevailed, having received the necessary two-thirds vote.

Mr. Harding moved to reconsider the vote by which the Conference Committee Report on H. B. No. 50 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 11 WITH SENATE AMENDMENTS

Mr. Walker called up with Senate Amendments for consideration at this time.

H. B. No. 11, A bill to be entitled "An Act relating to the advertising of the scenic, historical, natural, agricultural, educational, recreational and other attractions of Texas; providing for the creation of the Texas Tourist Development Agency and its Administrator, prescribing his duties and powers; repealing Chapter 431, Acts 66th Legislature, 1959; providing for severability and declaring an emergency."

On motion of Mr. Walker the House concurred in the Senate Amendments to H. B. No. 11.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 11

Senate Amendment No. 1
Amend H. B. No. 11 by adding the following language: "with the advice and consent of the Senate.

Senate Amendment No. 2
Amend H. B. No. 11 by striking the words "or travel expenses" at the end of the last sentence of Paragraph "b" of Section 1, and adding in lieu thereof the following: "but may be reimbursed for actual expenses incurred by reason of attendance of meetings of the Board."

Senate Amendment No. 3
Amend caption to conform to body of the bill.

HOUSE BILL NO. 565 WITH SENATE AMENDMENTS

Mr. Jamison called up with Senate Amendments for consideration at this time.
H. B. No. 545. A bill to be entitled "An Act to provide for temporary emergency interim succession to state and local public offices, except those of Governor and members of the Legislature, in order to assure continuity of government in periods of emergency caused by attack upon the United States; providing for severability; and declaring an emergency."

In accordance with the motion to recess, the House, at 12:29 o'clock p.m., took recess until 2:30 o'clock p.m. today.

Mr. Mann moved that the House recess until 2:30 o'clock p.m. today. The motion prevailed.

Mr. Haring was granted leave of absence temporarily for this afternoon on account of a death in his family, on motion of Mr. Cherry.

MESSAGE FROM THE SENATE
Austin, Texas, April 29, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 15 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

S. B. No. 255, By Crump: Limiting liability of laborers, architects and engineers for injuries occurring after delivery of premises to owner, and declaring an emergency.

S. C. R. No. 20, By Krueger: Authorizing Board of Control to make agreements with Civil Defense authorities for use of certain areas of State buildings as fallout shelters.

S. C. R. No. 52, By Rogers: Granting permission to use the State to W. D. Scarborough, Sr. and W. D. Scarborough, Jr.

Respectfully,
CHARLES A. SCHNABEL, Secretary of the Senate.
providing for allowing removal of the bones of Setainte, etc.  
Mr. Satterwhite offered the following resolution:

H. C. R. No. 67

Whereas, the remains of an historic Indian figure, known as Setainte or White Bear and popularly called Satanta, lie buried in a special plot in the cemetery of the State penitentiary at Huntsville, Texas; and

Whereas, White Bear was a leader of the Kiowa Indians and was their foremost representative in councils with white men. He was also a brave and cunning warrior, and has been described as the Indian most hated and feared by such Generals as Philip Sheridan, William Tecumseh Sherman, and George Custer; and

Whereas, He was sentenced for massacre in 1874 and committed suicide in 1878 at Huntsville; and

Whereas, History has been kinder to White Bear than his white opponents were and there have been proposals to dignify his memory; and

Whereas, His descendants, the Kiowa Indians of Oklahoma, have offered precious relics to a Texas museum in exchange for the remains of Setainte. The request has come from James Auchiah, a grandson of the great redman; now, therefore,

be it

Resolved by the House of Representatives of the Fifty-eighth Legislature of the State of Texas, the Senate concurring, that the Director of Corrections of the Texas Department of Corrections is hereby authorized and directed to accede to the wishes of the Kiowa Indians of Oklahoma, and to take whatever steps are necessary to allow for the removal of the bones of Setainte and for their return to his people.

Signed: Satterwhite and Beckham.

The resolution was adopted without objection.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 438, By Guffey: Congratulating Mr. and Mrs. Frank Galloway.

H. S. R. No. 440, By Guffey: Congratulating Mr. and Mrs. Louis Brownshadel.

H. S. R. No. 442, By Cotten: Congratulating Bob Hooker.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 13

Whereas, Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, partners, doing business under the assumed name of Wm. E. Goetz & Sons, were the contractors for the additions and alterations on the Library and Science buildings at the Southwest Texas State College, at San Marcos, Texas, having allegedly submitted a low base bid of $858,888.00, plus alternate No. 7, in the amount of $6,000.00 on an alleged mistake of $26,153.65 by reason of the alleged omission of the masonry calculation for the Science building, which, if added to the base bill, allegedly still constituted the low bid for such contract work; and

Whereas, The said Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, doing business as Wm. E. Goetz & Sons, claim that the error in the bid is an error for which the law provides a remedy, (and claim prior to the signing of the contract, conferred with the architect and executive committee of the Board of Regents and the Office of the Attorney General and the full Board of Regents of the Southwest Texas State College,) and that said contract was let to said contractors for said base bid of $858,888.00, said contractors alleging in connection therewith, and as a part of the transaction, that they were to recover $17,000.00 of the $26,153.65 error if this could be lawfully done,—the said Board of Regents at that time and in connection therewith allegedly adopting the following resolution, to-wit:

"Upon motion of Regent Barnes, seconded by Regent Brown, it was ordered that:

The Board cooperate and work with the Attorney General's Department and see if there is a legal way to pay an additional $17,000.00 on the
It is the consensus of this Board that the Board will make such payment if and when it is found it can legally pay the additional $17,000.00.

"Regent Barnes stated the motion just made accepting the low bid of Wm. E. Goetz & Sons was made because of an honest mistake that was made by Wm. E. Goetz and Sons wherein the masonry work on the Science Building was not included and about which they knew nothing of when they submitted the bid. The cost of the masonry work would be approximately $26,000.00. The subcontractors have advised that they will absorb $6,000.00 of that loss and Wm. E. Goetz & Sons have advised that they will absorb enough to bring the amount down to $17,000.00. I made the motion on the theory that they were morally entitled to reimbursement for that amount, in the event it can be done legally."

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid parties, Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, doing business as Wm. E. Goetz & Sons, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the said Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz seek to recover must be proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

Resolved, That such suit may be filed within two years from the adoption of this Resolution; and be it further

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid parties, Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, doing business as Wm. E. Goetz & Sons, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the said Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz seek to recover must be proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid parties, Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, doing business as Wm. E. Goetz & Sons, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the said Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz seek to recover must be proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid parties, Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz, doing business as Wm. E. Goetz & Sons, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the said Wm. E. Goetz, Howard C. Goetz and Walter E. Goetz seek to recover must be proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.
The bill was read second time.

Mr. Mann offered the following committees amendment to the bill:

Committee Amendment No. 1

Amend Section 1 as follows:

Section 1. It shall be unlawful for any person who is a resident of a foreign country or another state other than Texas to misrepresent his place of residence when furnishing information in applying for medical aid from any state or county hospital of this State.

Amend Section 2 as follows:

Section 2. Any person who violates this Act shall upon conviction be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200 00) and confined to the county jail for a period of not more than six (6) months.

Signed: Mann and Hughes.

The amendment was adopted without objection.

H. B. No. 679 was then passed to engrossment.

HOUSE BILL NO. 679 ON SECOND READING

Mr. Cannon moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 679.

The motion prevailed.

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

H. B. No. 679, A bill to be entitled "An Act amending Section 3 of Chapter 42, Acts Second Called Session, Forty-first Legislature, as heretofore amended by the addition of a new Subsection thereto, providing that it shall be lawful (as to length) to operate over the highways and roads a combination of vehicles designed and used exclusively for the transportation of automobiles, trucks, and buses where the length of such combinations does not exceed sixty (60) feet and no trailer or semitrailer in such combination exceeds the length of forty (40) feet, provided that it shall be unlawful to operate over the highways and roads combinations or trailers in excess thereof; provided that nothing herein shall alter, amend, or repeal any laws authorizing or providing for special permits for length in excess of those provided in this Act; provided that the limitation herein shall not apply to combinations of vehicles when disabled and being towed by another vehicle to the nearest place for repair; and declaring an emergency.''

The bill was read second time.

(Mr. Johnson of Dallas occupied the Chair temporarily).
April 29, 1963

(Speaker in the Chair).

Mr. McLlhaney offered the following amendment to the bill:

Amend House Bill 679 by inserting the words "and farm type tractors" immediately after the comma following the words "trucks and buses" in Subsection (c-2) of Section 1, thereof.

Mr. Crews moved to table the amendment offered by Mr. McLlhaney, and the motion to table prevailed.

(Mr. Butler in the Chair)

Mr. Cavness offered the following amendment to the bill:

Amend line 34 of H. B. 679, page 1, Section 1, Paragraph (C-1), by adding the word "boats" following the word "automobiles."

(Speaker in the Chair)

Mr. Crews moved to table the amendment offered by Mr. Cavness, and the motion to table prevailed.

Mr. Crews moved that H. B. No. 679 be tabled.

A record vote was requested on the motion to table.

The motion to table H. B. No. 679 prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>104</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Adams</th>
<th>Crenin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass</td>
<td>Ferris</td>
</tr>
<tr>
<td>Bass of Harris</td>
<td>Doke</td>
</tr>
<tr>
<td>Beckham</td>
<td>Edwards</td>
</tr>
<tr>
<td>Berry</td>
<td>Esquivel</td>
</tr>
<tr>
<td>Birken</td>
<td>Blair</td>
</tr>
<tr>
<td>Boyesen</td>
<td>Finney</td>
</tr>
<tr>
<td>Bridges</td>
<td>Fletcher</td>
</tr>
<tr>
<td>Brown</td>
<td>Floyd</td>
</tr>
<tr>
<td>of Galveston</td>
<td>Foreman</td>
</tr>
<tr>
<td>Brown of Taylor</td>
<td>Garrison</td>
</tr>
<tr>
<td>Butler</td>
<td>Gibbens</td>
</tr>
<tr>
<td>Caim</td>
<td>Glenn</td>
</tr>
<tr>
<td>Caneles</td>
<td>Grover</td>
</tr>
<tr>
<td>Carrider</td>
<td>Hanes of Brazos</td>
</tr>
<tr>
<td>Carvess</td>
<td>Hallmark</td>
</tr>
<tr>
<td>Chapman</td>
<td>Harding</td>
</tr>
<tr>
<td>Clayton</td>
<td>Harris</td>
</tr>
<tr>
<td>Cole of Galveston</td>
<td>Harrison</td>
</tr>
<tr>
<td>Cotton of Harris of Dallas</td>
<td>Healy</td>
</tr>
<tr>
<td>Coughran</td>
<td>Heffon</td>
</tr>
<tr>
<td>Cowden</td>
<td>Hendrix</td>
</tr>
<tr>
<td>Cowles</td>
<td>Hendrix</td>
</tr>
<tr>
<td>Hinson</td>
<td>Peavy</td>
</tr>
<tr>
<td>Hollowell</td>
<td>Fipkin</td>
</tr>
<tr>
<td>Isacks</td>
<td>Price</td>
</tr>
<tr>
<td>Jamison</td>
<td>Quilliam</td>
</tr>
<tr>
<td>Jarvis</td>
<td>Richardson</td>
</tr>
<tr>
<td>Knapp</td>
<td>Ritter</td>
</tr>
<tr>
<td>Knop</td>
<td>Roberts</td>
</tr>
<tr>
<td>Koehnann</td>
<td>Rodriguez</td>
</tr>
<tr>
<td>Ladd</td>
<td>Rosenzweig</td>
</tr>
<tr>
<td>Ligade</td>
<td>Satterwhite</td>
</tr>
<tr>
<td>McCall</td>
<td>Schiller</td>
</tr>
<tr>
<td>McGill</td>
<td>Sonnenschein</td>
</tr>
<tr>
<td>McDonald</td>
<td>Shannon</td>
</tr>
<tr>
<td>of Hidalgo</td>
<td>Shilley</td>
</tr>
<tr>
<td>McDonald of Rusk</td>
<td>Shilley</td>
</tr>
<tr>
<td>McNab</td>
<td>Smith of Bexar</td>
</tr>
<tr>
<td>Markgraf</td>
<td>Stewart</td>
</tr>
<tr>
<td>Miller</td>
<td>Thompson</td>
</tr>
<tr>
<td>Hoyer</td>
<td>Thurmond</td>
</tr>
<tr>
<td>Murray</td>
<td>Townsend</td>
</tr>
<tr>
<td>Mutschler</td>
<td>Traeger</td>
</tr>
<tr>
<td>Niesman</td>
<td>Ward</td>
</tr>
<tr>
<td>Nugent</td>
<td>Weldon</td>
</tr>
<tr>
<td>Parker</td>
<td>Whatley</td>
</tr>
<tr>
<td>Parmer</td>
<td>Wheeler</td>
</tr>
<tr>
<td>Parsons</td>
<td>Wieling</td>
</tr>
<tr>
<td>Pea</td>
<td>Woods</td>
</tr>
<tr>
<td>Peeler</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays</th>
<th>36</th>
</tr>
</thead>
</table>

| Adams of Galveston | Crenin |
| Bass of Taylor | Ferris |
| Bass of Harris | Doke |
| Beckham | Edwards |
| Berry | Esquivel |
| Birken | Blair |
| Blaine | Farris |
| Boyesen | Finney |
| Bridges | Fletcher |
| Brown | Floyd |
| of Galveston | Foreman |
| Brown of Taylor | Garrison |
| Butler | Gibbens |
| Caim | Glenn |
| Caneles | Grover |
| Carrider | Hanes of Brazos |
| Carvess | Hallmark |
| Chapman | Harding |
| Clayton | Harris |
| Cole of Galveston | Harrison |
| Cotton of Harris of Dallas | Healy |
| Coughran | Heffon |
| Cowden | Hendrix |
| Cowles | Hendrix |
| Hinson | Peavy |
| Hollowell | Fipkin |
| Isacks | Price |
| Jamison | Quilliam |
| Jarvis | Richardson |
| Knapp | Ritter |
| Knop | Roberts |
| Koehnann | Rodriguez |
| Ladd | Rosenzweig |
| Ligade | Satterwhite |
| McCall | Schiller |
| McGill | Sonnenschein |
| McDonald | Shannon |
| of Hidalgo | Shilley |
| McDonald of Rusk | Shilley |
| McNab | Smith of Bexar |
| Markgraf | Stewart |
| Miller | Thompson |
| Hoyer | Thurmond |
| Murray | Townsend |
| Mutschler | Traeger |
| Niesman | Ward |
| Nugent | Weldon |
| Parker | Whatley |
| Parmer | Wheeler |
| Parsons | Wieling |
| Pea | Woods |
| Peeler | |

<table>
<thead>
<tr>
<th>Present—Not Voting</th>
<th>24</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams of Galveston</td>
<td>Crenin</td>
</tr>
<tr>
<td>Bass of Taylor</td>
<td>Ferris</td>
</tr>
<tr>
<td>Bass of Harris</td>
<td>Doke</td>
</tr>
<tr>
<td>Beckham</td>
<td>Edwards</td>
</tr>
<tr>
<td>Berry</td>
<td>Esquivel</td>
</tr>
<tr>
<td>Birken</td>
<td>Blair</td>
</tr>
<tr>
<td>Blaine</td>
<td>Farris</td>
</tr>
<tr>
<td>Boyesen</td>
<td>Finney</td>
</tr>
<tr>
<td>Bridges</td>
<td>Fletcher</td>
</tr>
<tr>
<td>Brown</td>
<td>Floyd</td>
</tr>
<tr>
<td>of Galveston</td>
<td>Foreman</td>
</tr>
<tr>
<td>Brown of Taylor</td>
<td>Garrison</td>
</tr>
<tr>
<td>Butler</td>
<td>Gibbens</td>
</tr>
<tr>
<td>Caim</td>
<td>Glenn</td>
</tr>
<tr>
<td>Caneles</td>
<td>Grover</td>
</tr>
<tr>
<td>Carrider</td>
<td>Hanes of Brazos</td>
</tr>
<tr>
<td>Carvess</td>
<td>Hallmark</td>
</tr>
<tr>
<td>Chapman</td>
<td>Harding</td>
</tr>
<tr>
<td>Clayton</td>
<td>Harris</td>
</tr>
<tr>
<td>Cole of Galveston</td>
<td>Harrison</td>
</tr>
<tr>
<td>Cotton of Harris of Dallas</td>
<td>Healy</td>
</tr>
<tr>
<td>Coughran</td>
<td>Heffon</td>
</tr>
<tr>
<td>Cowden</td>
<td>Hendrix</td>
</tr>
<tr>
<td>Cowles</td>
<td>Hendrix</td>
</tr>
<tr>
<td>Hinson</td>
<td>Peavy</td>
</tr>
<tr>
<td>Hollowell</td>
<td>Fipkin</td>
</tr>
<tr>
<td>Isacks</td>
<td>Price</td>
</tr>
<tr>
<td>Jamison</td>
<td>Quilliam</td>
</tr>
<tr>
<td>Jarvis</td>
<td>Richardson</td>
</tr>
<tr>
<td>Knapp</td>
<td>Ritter</td>
</tr>
<tr>
<td>Knop</td>
<td>Roberts</td>
</tr>
<tr>
<td>Koehnann</td>
<td>Rodriguez</td>
</tr>
<tr>
<td>Ladd</td>
<td>Rosenzweig</td>
</tr>
<tr>
<td>Ligade</td>
<td>Satterwhite</td>
</tr>
<tr>
<td>McCall</td>
<td>Schiller</td>
</tr>
<tr>
<td>McGill</td>
<td>Sonnenschein</td>
</tr>
<tr>
<td>McDonald</td>
<td>Shannon</td>
</tr>
<tr>
<td>of Hidalgo</td>
<td>Shilley</td>
</tr>
<tr>
<td>McDonald of Rusk</td>
<td>Shilley</td>
</tr>
<tr>
<td>McNab</td>
<td>Smith of Bexar</td>
</tr>
<tr>
<td>Markgraf</td>
<td>Stewart</td>
</tr>
<tr>
<td>Miller</td>
<td>Thompson</td>
</tr>
<tr>
<td>Hoyer</td>
<td>Thurmond</td>
</tr>
<tr>
<td>Murray</td>
<td>Townsend</td>
</tr>
<tr>
<td>Mutschler</td>
<td>Traeger</td>
</tr>
<tr>
<td>Niesman</td>
<td>Ward</td>
</tr>
<tr>
<td>Nugent</td>
<td>Weldon</td>
</tr>
<tr>
<td>Parker</td>
<td>Whatley</td>
</tr>
<tr>
<td>Parmer</td>
<td>Wheeler</td>
</tr>
<tr>
<td>Parsons</td>
<td>Wieling</td>
</tr>
<tr>
<td>Pea</td>
<td>Woods</td>
</tr>
<tr>
<td>Peeler</td>
<td></td>
</tr>
</tbody>
</table>

Mr. Segrest (present), who would...
vote Yea with Mr. Cory (absent) who would vote Nay.

Mr. Cherry (present), who would vote Yea with Mr. Haring (absent) who would vote Nay.

(The above record vote was requested by Mr. Floyd, Mr. Mann and Mr. Berry.)

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 231

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 231:

Messrs: Haines of Brazos, Schiller, Coughran, Atwell and Canales.

HOUSE BILL NO. 749 ON SECOND READING

Mr. Mcilhany moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 749.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 749, A bill to be entitled "An Act amending Paragraph (c) of Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (compiled as Paragraph (c) of Article 6675a-2 of Vernon's Texas Civil Statutes), exempting certain vehicles from the regular motor vehicle registration fees, to include oil well drilling and clean-out rigs of both conventional and unconventional construction; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1 Amend House Bill No. 749 by the addition of a new Section 2 to read as follows, and renumbering the succeeding sections:

"Section 2. Chapter 425, Acts Fifth Legislature, 1947 (codified as Article 6675a-1, Vernon's Texas Civil Statutes) is hereby amended by the addition of two new Subsections to read as follows:

"(t) Oil well drilling rig means a vehicle constructed as a machine used solely to drill oil or gas wells and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for this purpose.

"(u) Oil well clean-out rig means a vehicle constructed as a machine used solely to clean out oil or gas wells and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for this purpose."

The amendment was adopted without objection.

Mr. Mcilhany offered the following amendment to the bill:

Amendment No. 1 Amend H. B. 749 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. The provisions of this Act shall be cumulative of all other laws regulating the operation of vehicles and the movement of machinery on the highways of this State, it being the express intent of this act to provide an optional procedure for the issuance of permits for the movement of oversize or overweight oil well servicing and/or oil well drilling machinery and equipment.

Section 2. When any person, firm or corporation, desires to operate over any road or highway under the jurisdiction of the State Highway Department any vehicle which is a piece of fixed load mobile machinery or equipment used for the purpose of servicing, cleaning out, or drilling oil wells, and when such vehicle cannot comply with one or more of the restrictions set out in Sections 3 and 8 of Acts 1929, 1st Legislature, 2nd Called Session, Chapter 42, page 72, as amended (Article 827a, Vernon's Annotated Penal Code), the State Highway Department may, as an alternative to any other procedure authorized by law, upon application, issue a permit for the movement of such vehicle, when the Department is of the opinion that the same may be moved without material damage to the highway or serious inconvenience to highway traffic. Provided, however, that all cities and towns
having a state highway within their
limits may designate to the State
Highway Department the route with­
in the city or town to be used by
said vehicles operating over the state
highway. When so designated, the
route shall be shown on all maps
routing said vehicles by the State
Highway Department. In the event
a route is not so designated by a
city or town, the State Highway De­
partment shall determine the route
on state highways for such vehicles
within cities or towns. No fee, per­
mit or license shall be required by
any city or town for movement of
said vehicles on the route of a state
highway designated by the State
Highway Department or on said
special route designated by a city or
town.

Section 3. Prior to issuing any
permit for the movement of such
vehicles, said vehicles must have been
registered under Acts 1929, 41st Legis­
lature, 2nd Called Session, Chapter
88, as amended (Article 6675a, Ver­
on's Annotated Civil Statutes) for
the maximum gross weight applic­
able to such vehicles under Section
5, Acts 1929, 41st Legislature, 2nd
Called Session, Chapter 42, page 72,
as amended (Article 275a, Vernon's
Penal Code), or shall have the dis­
tinguishing license plates as provided
in Paragraph (c) of Section 4, Acts
1929, 41st Legislature, 2nd Called
Session, Chapter 56, as added by
Acts 1961, 57th Legislature, Re­
gular Session, Chapter 259, page 554,
as amended, if applicable to said ve­
hicles.

Section 4. The State Highway Com­
mmission shall formulate rules and
regulations regarding the issuance
of such permits including, but not
limited to, the forms and pro­
cedures to be used in applying for
same; conditions with regard to
route and time of movement and
special requirements as to flags, flag­
men and warning devices; the fees
to be collected and deposited in the
State Highway Fund; whether a
particular permit shall be for one
trip only, or for a period of time
to be established by the Commis­
sion; and such other matters as the Com­
mision may deem necessary to carry
out the provisions of the act. The failure of an owner or his rep­
resentative to comply with any rule
or regulation of the Commission or
with any condition placed on his
permit shall render the permit void
and, immediately upon such viola­
tion, any further movement over the
highways of the oversize or over­
weight vehicles, shall be in violation
of existing laws regulating the size
and weight of vehicles on public
highways.

It is recognized that the move­
ment of such overweight and oversize
vehicles is a privilege not accorded
to every user of the highway system,
and it is logical and proper that the
fees to be charged for special trans­
portation permit be sufficient to pro­
vide that the permittee pay the ad­
ministrative costs incurred in the
processing and issuing of the permits,
pay for the added wear on the high­
ways in proportion to the reduction
of service life, and for the special
privilege of transporting a more haz­
ardous load over the highways thus
compensating for the economic loss
to the operators of vehicles in regu­
lar operation due to necessary delays
and inconveniences occasioned by
these types of vehicle movements.

It is, therefore, declared to be the
policy of the Legislature that in
formulating such rules and regula­
tions and in establishing such fees,
the Commission shall consider and
be guided by:

a. The State's investment in its
highway system,
b. The safety and convenience of
the general traveling public,
c. The amount of registration or
license fee previously paid on the
vehicle for which the permit is de­
tended, and the amount of such fees
paid by vehicles operating within
legal limits,
d. The suitability of roadways and
sub-grades on the various classes of
highways of the system, variation in
soil grade prevalent in the different
regions of the State and the seasonal
effects on highway load capacity
as well as the highway shoulder de­
sign and other highway geometrics
and the load capacity of the highway
bridges.

Section 5. The issuance of a per­
mit for an oversize or overweight
movement shall not be a guarantee
by the Department that the high­
ways can safely accommodate such
movement, and the owner of any
vehicle involved in any oversize or overweight movement, whether with or without permit, shall be strictly liable for any damage such movement shall cause the highway system or any of its structures or appurtenances.

Section 6. With respect to oil well servicing, oil well clean out, and/or oil well drilling machinery or equipment, the State Highway Department may, if determined by it to be necessary or expedient for the proper administration of the laws of this state regarding the registration and licensing of motor vehicles, establish criteria for determining whether a vehicle of the specific type described in this section is subject to registration under Article 6672a, Revised Civil Statutes, or eligible for the distinguishing license plate provided for in Par. (c) of Section 2, Acts 1929, as added by Acts of 1961, 51st Legislature, Chapter 259, page 854, as amended, and on the basis of such criteria, said Department is authorized to determine whether such vehicle is or is not subject to registration under Article 6672a. Provided, however, that no vehicle heretofore authorized by the State Highway Department to operate without registration under the provisions of Article 6672a shall hereafter be required to register under the provisions thereof. For all purposes under this Section 6 of this Act, oil well servicing, oil well clean out and oil well drilling machinery or equipment shall mean only those vehicles constructed as a machine used solely for servicing, cleaning out, and/or drilling oil wells, and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for such purpose or purposes.

Section 7. Nothing in this Act shall be construed to include or apply to any person, firm or corporation authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state.

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

Section 9. The crowded condition of the calendar and the importance of this legislation 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, and the same is hereby suspended, and this act shall be in effect from and after its passage, and it is so enacted."

Signed: McLinhan, Cook and Black.

The amendment offered by Mr. McLinhan was adopted.

H. B. No. 749 was passed to engrossment.

Mr. McLinhan moved to reconSIDer the vote by which H. B. No. 749 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 226 ON SECOND READING

Mr. Jarvis moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 226.

The motion prevailed.

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

H. B. No. 226, A bill to be entitled "An Act amending Chapter 116, Acts of the Forty-fourth Legislature, 1925, as last amended by Chapter 242, Acts of the Fifty-third Legislature, 1955 (compiled as Article 734b of Vernon's Texas Penal Code); providing for the establishment and continuation of the State Board of Hairdressers and Cosmetologists as presently constituted, and defining the duties and powers of such boards; providing for the organization of said board, and employment of certain employees, defining the practice of hairdressing and cosmetology and other terms and definitions; providing for a license for those desiring to engage in the practice of hairdressing and cosmetology or any phase thereof; providing
tor the qualifications and manner of obtaining such license; providing for examinations to obtain such license; providing for certain requirements before taking the examination provided for, and providing the grounds and manner of denying, refusing to renew, suspending or revoking a license; providing for requirements for the granting of licenses in certain cases; providing for obtaining licenses to operate, and maintain a beauty culture school and certain other requirements therefor; providing for the number of instructors, courses of study, time of completion of such course, and prescribing the qualifications for students and instructors; providing for certain fees thereof; providing for the licensing of instructors in beauty culture schools; providing for the issuance and expiration of the period of licenses issued and for the filing of applications for renewal of licenses; providing for renewal fees for conducting beauty shops and the fees therefor; prohibiting the establishment of itinerant shops; providing for the adoption of sanitary rules under certain conditions; prescribing the qualification of inspectors and other employees of the board and their duties; providing the grounds for refusal to issue or renew, suspension or revocation of licenses; providing for the number of members of the board; the members shall be at least twenty-five years of age each; the members shall have at least five years practical experience, immediately prior to appointment, in the majority of the practices of hairdressing and cosmetology in Texas as a hairdresser and cosmetologist or instructor under a license issued by the Board, and shall be a citizen of this State. No member of the Board shall be a member of, or affiliated with, or have any financial interest in any such school of hairdressing and cosmetology while in office, nor shall any two members of said Board be graduates of the same school. If it be proved to the Governor of Texas by reliable and satisfactory evidence that any member of such Board is affiliated with or has any financial interest in any such school, then the Governor, immediately, shall declare the office vacant.

(b) Each member of said Board shall serve a term of six years, or until his or her successor is appointed and qualified. The present members of the Board shall serve until their respective terms expire and one (1) member shall be appointed biennially thereafter. The
members of said Board shall take the oath provided by law for public officials. Vacancies occurring in the Board shall be filled by appointment of the Governor by and with the advice and consent of the Senate of Texas, for the unexpired term.

(c) The Board shall proceed to organize with the elections of a president, vice-president and secretary from its membership, and shall organize the work of the Board as may seem proper. The Board shall have the authority to promulgate such reasonable rules and regulations, as it deems proper, for the efficient administration of this Act, provided, however, that before such rules and regulations become effective they shall be approved, in writing, by the Attorney General of Texas as to their validity and a copy of any and all rules and regulations so promulgated, together with the written approval of the Attorney General shall be filed in the office of the Secretary of State for public inspection thereof. Any changes or amendments to any and all rules and regulations as may be promulgated by the Board shall, before they become effective, likewise be approved, in writing, by the Attorney General and be filed in the office of the Secretary of State for public inspection.

(d) The Board shall employ an executive secretary who shall not be a member of the Board. The compensation and necessary expenses of such executive secretary shall be provided by law. Such executive secretary, before entering upon the duties of the office, shall give a good and sufficient bond executed by a surety company authorized to do business in the State of Texas in the sum of One Hundred Thousand Dollars ($10,000), payable to the State of Texas, conditioned for the faithful performance of his or her duties, such bond to be approved by the Attorney General and filed in the office of the Secretary of State. The bond premium shall be paid by the Board as provided by law.

(e) The State Treasurer of the State of Texas is hereby designated as custodian of all revenues derived under the provisions of this Act, and all such funds shall be credited by the State Treasurer to the State Board of Cosmetologists Fund, to be withdrawn upon vouchers signed by the president and secretary of the Board and countersigned by the Comptroller of Public Accounts.

(f) The members of the Board shall each receive a salary payable in equal monthly payments, together with actual expenses incurred in the performance of their official duties, as may be provided by law, and providing such expenses shall be allowed only if and when audited and approved by the Comptroller of Public Accounts. The salary of Board members, of the executive secretary, and other employees, as well as all other expenses incidental to the official discharge of their duties, shall be provided by law in the general departmental appropriations bill. Not more than One Hundred Dollars ($100) shall be authorized to defray the expenses of any member or members of the Board in attending any state conventions of beauty culturists and not more than Two Hundred Dollars ($200) shall be authorized to defray the expenses of any member or members of the Board in attending any convention or meetings of beauty culturists outside the State of Texas, providing, that approval of the Governor shall be first had and obtained in writing, before any moneys shall be expended for expenses incurred on any trip outside the State. Such expense shall be paid out of the funds in the State Treasury to the credit of the Board of Cosmetology on a voucher or vouchers signed by the president and secretary of the Board and countersigned by the Comptroller of Public Accounts. The members of the Board shall devote full time to the duties required by law.

(g) The Board shall keep a record and full minutes of its actions and proceedings. It shall keep a register of applicants for certificates showing the names of the applicant, the name and location of his place of business, and whether the applicant was granted or refused a certificate. The books and records of the Board shall be prima facie evidence of the matters therein contained and shall constitute public records and may be inspected during regular office hours.

Sec. 2. (a) The term "Board" as used in this Act shall mean the
(a) The practice of hairdressing and cosmetology, as used herein, shall mean the use, by any person for a fee or other pecuniary compensation, of cosmetological preparations, antiseptics, tonics, lotions or creams, engaging in or performing any one or a combination of the following matters, either with the hands or with mechanical or electrical apparatus or appliances, to-wit: cleaning, beautifying or performing any work on the scalp, face, neck, arms, bust or upper part of the body or manicuring the nails of any person, or in arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work upon the hair of any person by any means.

(c) Any person using cosmetological preparations, antiseptics, tonics, lotions or creams engaging in or performing any one or a combination of the following practices, either with the hands or with mechanical or electrical apparatus or appliances, for a fee or other pecuniary compensation; namely: cleansing, beautifying or performing any work on the scalp, face, neck, arms, bust or upper part of the body or manicuring the nails of any person, or in arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work upon the hair of any person by any means.

(d) Any person who engages in or performs only the practice of manicuring the nails of any person shall be known as a manicurist.

(e) Any person, firm, association or corporation, who shall hold himself or itself out as a school to teach and train, or who shall teach and train any other person or persons in the art, business or trade of hairdressing and cosmetology, or manicuring, as provided in this Act, is hereby declared to be a beauty culture school, and is subject to the provisions and restrictions contained in this Act.

(f) An operator is any person who engages in or performs any of the practices of hairdressing and cosmetology, as defined in this Act.

(g) An instructor is any person engaged in teaching any of the practices of the occupation of hairdresser and cosmetologist or manicurist as defined herein.

(h) A hairdressing and cosmetological shop is that part of any building where or in which hairdressing and cosmetology, as defined in this Act, is performed or practiced. For the purposes of this Act, a hairdressing and cosmetological shop shall be synonymous with beauty parlor, beauty shop, beauty salon or studio of beauty.

(i) A student is defined to be any person who is attending or being taught in a licensed beauty culture school as defined in this Act.

(j) It shall not be necessary for a person licensed by the Texas State Board of Hairdressers and Cosmetologists to have any other license before practicing the arts of hairdressing and cosmetology, as above defined, on the head of a female person.

Sec. 3. It shall be unlawful for any person, firm or association to practice, or engage in, the occupation of hairdresser and cosmetologist, or manicurist, or to operate a beauty culture school or serve as an instructor therein, or to perform any of the operations of such occupations, or to conduct a hairdressing and cosmetological shop or beauty culture school unless such person, firm, association or corporation first shall have obtained and have in his or its possession a valid temporary permit or license from the State Board of Hairdressers and Cosmetologists to engage in and perform such operations and occupations; and it shall be unlawful for the owner or manager of any hairdressing and cosmetological shop to employ any person as a hairdresser and cosmetologist or manicurist, who has not first obtained a license from the Board as provided for herein; and it shall be unlawful for any person, firm, association or corporation to operate a beauty shop within unless such shop is, at all times, under the direct supervision of an operator licensed under this Act; and it shall be unlawful for any person, firm, association or corporation to operate
a beauty culture school within this State unless such school is, at all times, under the direct supervision of a minimum of two (2) instructors licensed by the Board for such purpose, and an additional said instructor for each twenty-five (25) students or greater portion thereof, for each such school that has more than fifty (50) attending students.

Sec. 4. (a) The Board shall hold regular meetings for the examination of applicants in Austin, Texas, on the first Tuesday of each month thereafter, provided that if such Tuesday shall be a legal holiday, such examination shall be held on the following day. Applicants for license to engage in the occupation of hairdresser and cosmetologist, or manicurist, shall be required to satisfactorily pass an examination given by the Board at its meetings above provided for. The application for examination shall be accompanied by the following, and shall be filed at least ten (10) days prior to such examination:

(1) Birth certificate, or other evidence suitable to the Board, showing that the applicant is seventeen (17) years of age or over and is a resident of the United States of America;

(2) Evidence that such applicant is a graduate of a beauty culture school which has been licensed by the Board and has completed the hours and months of instruction in a licensed beauty school or schools required by this Act, or evidence that such applicant holds an expired license of this State or any other state having requirements similar to the provisions of this Act; all school hours shall count up to the time of the examination;

(3) A certificate of health issued and personally signed by a licensed doctor of medicine showing the applicant to be free from any continuous or infectious disease as determined by an examination, which shall include a Wassermann blood test. No public school cosmetology student shall be required to present more than two (2) doctors' health certificates and Wassermann blood tests during completion of the course, provided attendance is continuous except for summer vacation;

(4) Evidence suitable to the Board that the applicant has received a minimum of a tenth grade education, or its equivalent;

(5) Evidence suitable to the Board that the applicant can speak, read and write the English language;

(6) Cashier's check or post office money order in the amount of Ten Dollars ($10) payable to the Board.

(b) The examination given applicants for license to engage in the practice of hairdressing and cosmetology, or manicuring, shall be conducted under rules and regulations promulgated by the Board as hereinabove provided, and shall be conducted in the English language in such manner as to be entirely fair and impartial, in every respect, to all individuals and to every school, and shall include practical demonstrations and written and/or oral tests relating to the practice of hairdressing and cosmetology, or manicuring, and in such related subjects as are standard curricula of beauty culture schools which have been licensed by the Board; provided, further, the Board shall retain in the office of the Board the papers of all written examinations for a period of ninety (90) days following the date of said examination and said papers shall be subject to inspection by interested parties.

The Board is hereby authorized to prescribe the minimum curricula of the subjects and procedures to be taught by beauty culture schools licensed hereunder.

If an applicant passes such examination to the satisfaction of the Board and in accordance with the rules previously promulgated by the Board and which rules have been approved, in writing, by the Attorney General of Texas, as to their validity, and filed in the office of the Secretary of State for public inspection, the Board shall issue a certificate or license to such person so passing the examination, which certificate or license shall be issued under the official seal of the Board and signed by each member of the Board.
April 29, 1963  HOUSE JOURNAL 1417

Such certificate or license so issued shall entitle the licensee or holder of such certificate to engage in the art, business or trade of hairdressing and cosmetology, or manicuring, as defined herein as the case may be. Such certificate or license or any renewal thereof shall be conspicuously displayed in the place of business or employment of the licensee. Such certificate or license shall, at all times, include a picture of the applicant in such size and finish as may be prescribed by the Board by regulation, promulgated as herein provided for the promulgation of rules and regulations.

(c) The Board shall refuse to grant a license to any applicant taking such examination who shall fail to make an average grade of seventy-five (75) in the subjects upon which such applicant is examined or to any person guilty of fraud, as determined by the Board, in passing such examination.

(d) The Board shall not issue or renew a license to any hairdresser and cosmetologist, manicurist or instructor whose health certificate shows him or her to be infected with any contagious or infectious disease.

(e) Any doctor of medicine who shall issue or sign the health certificate of any applicant for an examination for a license hereunder or the health certificate of any licensed hairdresser and cosmetologist, manicurist or instructor showing such person to be free from any contagious or infectious disease without having made a physical examination, including a Wassermann blood test, for the purpose of ascertaining the facts set forth in said certificate shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200). Such health certificate as required by this Act shall show the date of such examination.

(f) Any person coming within the provisions of this Act, at the effective date thereof, holding a valid certificate or license from the Board shall be exempt from the examination required by this section, but such person shall be required to pay the renewal fee to have such license renewed upon its expiration, as provided in this Act.

(g) Any person who holds a license issued by any other state whose requirements for a license are equivalent to or exceed the requirements of the State of Texas, and who has continually resided in such other state for a period of at least one (1) year immediately prior to making application for a license to practice hairdressing and cosmetology in the State of Texas as hereinafter provided, and who furnishes the Board satisfactory proof thereof, and who presents himself or herself personally before the Board and who satisfies the Board that he or she has the equivalent qualifications that are necessary to take the Board's examination, and who meets all of the prerequisites required of Texas applicants, may, upon application on forms prescribed by the Board, and approved as to form by the Attorney General, and upon the payment of a fee of Twenty-five Dollars ($25), be issued a license to practice hairdressing and cosmetology or manicuring in this State, but such person shall be required to pay the annual renewal fees provided in this Act to have such license renewed upon its expiration, as provided in this Act; provided, however, that the Board shall not be required to approve any application and issue any licenses under Subsection (g) of Section 4 of this Act, if in the opinion of the majority members of the Board it would be injurious to the public health, morals, safety and welfare.

Sec. 5. (a) Any person, firm, association or corporation applying to the Board for an original certificate of registration or license, as a school of beauty culture, shall make such application in the form prescribed by the Board, giving the date and information required by the Board. The Board shall, in such applications, require such data, information and facts as it deems necessary to determine such applicant's compliance with this Act and his or its fitness to conduct and maintain such schools. No applicant for an original
school license shall hereafter be granted an original certificate of registration or license unless it shall have a building approved by the Board, having therein a minimum floor space of not less than thirty-five hundred (3,500) square feet floor space in a modern fireproof building of permanent type construction. Such space shall be divided into three (3) separate departments, viz.: a theory classroom, a room for practical work for seniors, and a room for practical work for juniors, and shall have not less than two (2) modern, sanitary toilets in separate rooms where there are male and female students, and shall possess and have installed the minimum equipment and apparatus required by the Board, sufficient to properly train and fully instruct a minimum of fifty (50) students at one time in all subjects of its curriculum; and such schools shall thereafter maintain the promise and minimum equipment and apparatus, and such applicants shall furnish a good and sufficient security bond, in an amount of Twenty-five Thousand Dollars ($25,000) during the first two (2) years of operation, payable to the State of Texas, conditioned to refund any unused portion of tuition paid if such school closes or ceases operation before courses of instruction have been completed. After two years' continuous operation, a school may reduce said bond to an amount of Five Thousand Dollars ($5,000). Provided, however, that the requirements as to floor space, type of building, bond requirement and number of licensed instructors shall not apply to Public Schools.

(b) No school of beauty culture shall be granted a license or certificate of registration unless it shall maintain a sanitary establishment and employ, maintain on its staff, and compel the attendance of not less than two (2) full-time instructors, who have been duly licensed as instructors by the Texas State Board and an additional instructor for each twenty-five (25) students or greater part thereof, and each school shall keep a daily record of attendance of students, shall maintain a regular class and regular instruction hours, establish grades and hold examinations before issuing diplomas, and shall require a school term of not less than nine (9) months, and not less than one thousand five hundred (1,500) hours of instruction for the complete course of the practice of hairdressing and cosmetology. Provided, however, that students enrolled in public school Junior Colleges, Technical schools which are supported in whole or in part by public funds which have or may establish cosmetology programs shall be eligible to take the State Board licensing examination after completing fifteen hundred (1,500) hours of instruction, which may include a maximum of five hundred (500) hours in approved science and/or mathematics courses, and completing requirements for high school graduation. Said school shall require a school term of not less than six (6) weeks, and not less than one hundred fifty (150) hours instruction for a complete course in manicuring; and no student shall work or be instructed or receive credit for more than eight (8) hours of instruction in any one day, exclusive of the lunch period, or for more than six (6) days in any one calendar week. Provided, however, that all applicants for license shall take the examination for license within two (2) years after completion of the educational requirements of this Act.

(c) No school shall enroll any person as a student who has not acquired a tenth grade education or its equivalent; nor any person who is afflicted with any infectious or contagious disease. It is further provided that all examinations by the Board shall be conducted in the English language.

(d) All applicants for a teacher's license shall have had at least three (3) years experience as an operator under a license from the Texas State Board, shall have a current operator's license at the time of applying, shall have a high school education or its equivalent, and shall be required to pass an examination conducted by the Board to determine their fitness as teachers. Provided that the requirement of three (3) years experience as a licensed operator can have been substituted for it at least two thousand (2,000) hours of instruction in a beauty school licensed by the State of Texas, and provided further, that at the time of applying for the additional one thousand (1,000) hours leading toward
an instructor's license, said applicant
will not be required to hold an op­
erator's license or take the test for
an operator's license, and further
provided that the Board shall have
authority to establish the curricu­
um and requirement of said addi­
tional instruction. A licensed instruc­
tor from another state is eligible to
take such instructor examination and
after having successfully passed the
examination herein provided for an
instructor, and upon presentation of
his or her instructor's license from
his or her respective state, then
such out of state licensee shall be
issued a Texas instructor's license;
provided such person must also ful­
fill all of the requirements of out­
of-state applicants for a Texas op­
erator's license as provided by Sub­
section (g) of Section 4 of this Act.

Sec. 8. (a) No certificate or li­
cense shall be issued for a longer
period than the required number of
years of attendance in the school
of which he is an instructor, except
that said certificate or license may
be renewed or extended subject to
the Board and said Board gives writ­
ten approval of such application
provided, however, this provision
shall not be applicable to transfe­
ring from one public school to an­
other public school.

(j) The Board may, in its discre­
tion, give a special, limited license for a
demonstrator in cases where the per­
on applying for the same already
holds an operator's license, does not
desire to obtain an instructor's li­
cense, and desires only to demon­
strate cosmetology practices to other
licensed operators at beauty culture
shows and cosmetology conventions,
provided that said meetings shall not
be of more than three (3) days
duration. The fee for this special,
limited license shall be the same as
those required for an instructor's 
license.

Sec. 6. Each applicant, conduct­
ing a beauty shop or beauty parlor,
as defined in this Act, shall ac­
company such application with a
cashier's check or post office money
order for Ten Dollars ($10), and
the certificate issued such applicant
shall entitle the person or persons
operating said shop or beauty parlor
to charge for work done by licensed
operators at beauty culture
shows and cosmetology conventions,
provided that said meetings shall not
be of more than three (3) days
duration. The fee for this special,
limited license shall be the same as
those required for an instructor's 
license.

Sec. 7. No person shall be allowed
to act as an instructor in a beauty
culture school unless such person
has been granted license by the
Board to act as an instructor in
such a school. All applicants for an
instructor's license shall furnish the
Board with all information request­
ed by the Board, comply with all of
the requirements of the provi­
sions of Section 5 (d) of this Act,
and comply with all of the require­
ments required of an applicant for
an operator's license.

Sec. 8. (a) No certificate or li­
cense shall be issued for a longer
Applications for renewal may be filed at any time after June 1st preceding the expiration date of the license. A licensed beauty shop operator, instructor, operator or manicurist whose license has expired may, within thirty (30) days thereafter, and not later, have his or her certificate or license renewed by making proper application to the Board, supported by his or her personal affidavit stating the reasons which, if due to illness or absence from the State, or which, in the opinion of the Board, shall excuse the applicant for having failed to renew his or her certificate within the time required by this Act. A reinstatement fee of Five Dollars ($5) shall be required if the application for renewal is made during said thirty (30) day period, but no examination or inspection of the beauty shop shall be required or made to obtain such renewal. Provided, however, where an instructor, operator, or manicurist retires from the active practice of hairdressing, cosmetology or manicuring, as defined in this Act, for not more than five (5) years, he or she may have his or her license reinstated, without examination, upon proper application to the Board, accompanied by each year’s annual renewal with a health certificate as provided for under other provisions of this Act; and provided, further, that the Board may refuse to issue or renew such license for any of the causes set forth in this Act.

(b) The annual fee for renewal of license for conducting a beauty shop or beauty parlor, as defined herein, shall be the sum of Five Dollars ($5), but no inspection for renewal shall be made or required as the basis therefor: and the annual fee for renewal of license for operators to engage in the trade or practice of hairdressing and cosmetology shall be the sum of Three Dollars ($3); and the annual renewal fee for a manicurist shall be Two Dollars and Fifty Cents ($2.50); and the annual renewal fee for an instructor shall be Ten Dollars ($10); and the annual renewal fee to conduct a beauty culture school shall be One Hundred Dollars ($100).

(c) The establishment of itinerant shops is hereby expressly prohibited, and it shall be unlawful for any person, firm, association or corporation to operate a beauty shop as defined in this Act, unless the same is a bona fide establishment with a permanent and definite location. Any license granted under the terms of this Act shall permit the license to operate in only such bona fide established beauty shop; provided, however, that nothing in this Act shall prohibit the removal or change of location of a beauty shop. Provided, further, that nothing in this Act shall prohibit the establishment of chain beauty shops which have definite and permanent locations and have complied with all the other terms of this law.

Sec. 9. (a) The said Board shall, with the approval of the State Board of Health, in compliance with the sanitary provisions contained in Article 734-734 of the Penal Code of the State of Texas, prescribe such sanitary rules, as it may determine necessary, and approved in writing by the Attorney General as to their validity and filed in the office of the Secretary of State of Texas for public inspection before same shall be effective, to be employed to prevent the spread of infectious and contagious diseases. Any person who fails to comply with such sanitary rules shall be subject to the penalties provided for in this Act. It shall be unlawful for a person, firm, association or corporation to operate a beauty shop or a beauty school, as defined in this Act, unless the same is a bona fide establishment with a permanent and definite location completely and permanently separated by solid walls, with no openings from rooms used wholly or in part for residential or sleeping purposes. Provided, a person may have a shop in his or her home where the requirements, provisions, and sanitary rules of this Act are complied with.

(b) The salaries and number of clerical help and inspectors for the purpose of enforcing compliance with this Act shall be provided by law. Provided, however, that all the expense of such help and inspectors shall be paid out of the funds derived from the fees provided for by this
Act and not otherwise, and no salaries, compensation or expenses provided by any part of this Act shall, in any event, exceed the salaries, compensation or expenses allowed for like service in the Comptroller’s Department by the General Appropriation Bill.

(c) No person shall be employed by the Board as an inspector unless such person is at least twenty-five (25) years of age, and has had at least five (5) years actual experience as a hairdresser and cosmetologist or as an instructor under a license issued by the Board, and who shall be a resident of this State.

(d) The said Board, or any duly appointed agent, shall have authority to inspect any beauty shop, beauty parlor, or beauty culture school at any time during normal business or school hours and in such manner as not to interfere with the conduct or operation of the business or school.

Sec. 10. The Board may refuse to issue or to renew or may suspend or revoke any license issued in accordance with the provisions of this Act for the following reasons:

(a) conviction of a licensee of any felony involving moral turpitude under the laws of this State or of any other State or of the United States of America as shown by a certified copy of the judgment of conviction;

(b) conviction by a court of competent jurisdiction of a licensee for the violation of any provision of this Act;

(c) conviction of any misdemeanor involving immoral conduct;

(d) knowingly making false or misleading statements in any advertising of the licensee’s services;

(e) advertising, practicing, or attempting to practice under the same or trade name of another licensee under this Act;

(f) habitual drunkenness of a licensee or his or her addiction to the use of narcotic drugs;

(g) practicing hairdressing or cosmetology outside of a beauty shop except as provided by Section 12 of this Act.

Sec. 11. (a) The Board shall neither refuse to renew, nor suspend nor revoke any certificate of registration, for any of the causes enumerated in this Act, except for failure of applicant to furnish the Board with a health certificate and Wassermann test, as required by the provisions of this Act, showing such applicant or licensee to be free from contagious or infectious disease as determined by a general examination and such test, unless the person accused has been convicted of violation of the provisions of this Act in a court of competent jurisdiction; however, upon any such conviction, the Board may suspend or revoke any such certificate of license or registration after giving the person so convicted at least twenty (20) days written notice of time and place of hearing before the Board for such purpose. Upon the hearing of such proceeding the accused shall have the power to summon witnesses and to require the production of books and records, and to prepare for the purpose of such hearing, and to administer oaths. Any district court or any judge of such court in this State, in term time or in vacation, upon application by the accused or of the Board or a member thereof, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board, by any judge of such court in this State, in term time or in vacation, upon application by the accused or of the Board or a member thereof, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board, in any hearing relating to the refusal, suspension, renewal or revocation, or issuing of a certificate of registration, and may order the sheriff or any other peace officers of the county wherein said order is made and entered to serve such process as may be issued in order to compel the attendance of witnesses before said Board, for which services so rendered by such officer or officers the fees and mileage of the sheriff and of witnesses shall be the same as allowed in criminal cases and shall be paid from the fund of the Board as hereinafter provided for, as other expenses of the Board are paid. However, the officers shall make claim for fees as in criminal cases. If the accused shall prevail at such hearing, the Board shall grant him the proper relief without delay. Any investigation, inquiry, or hearing thus authorized may be entertained or held by or before a majority of the members of the Board and the finding or order of such members, when approved
and confirmed by the Board, shall be deemed a finding or order of the Board, and at such hearing the Board may be represented by the District Attorney or County Attorney, or the Attorney General of Texas.

(b) In such hearing, or other proceeding hereunder, the Board shall be represented by the Attorney General, District Attorney of the district, or the County Attorney of the county in which the hearing or other proceeding is conducted, or on their failure or refusal to act within a reasonable time, after requested so to do, the Board may employ private counsel to represent the Board, and reasonable compensation shall be paid such counsel from the funds herein provided for as any other expense; provided, however, such private counsel shall be employed only for the conduct of the pending matter, and the Board shall not be authorized hereby to place a private attorney upon an annual retainer or on a regular salary. If the Board suspends, revokes or refuses to issue or renew such license at said hearing, then such person may file suit to prevent same or to appeal from said order, and be entitled to a trial de novo, as such term is commonly used and intended in an appeal from the justice court to the county court; and it is expressly provided that in such appeals on a trial de novo that the “substantial evidence rule” shall not apply, and which appeal shall be taken in any district court of the county in which the person whose license is involved resides. Any and all such suits filed hereunder shall be filed within twenty (20) days from the date of the order of said Board. Service of such order shall be by registered mail, with return receipt as evidence thereof. The venue in all suits instituted hereunder, civil or criminal, shall be filed in the county of the residence of the person whose license is involved.

Sec. 12. Nothing in this Act shall prohibit service in case of emergency or domestic administration, nor service by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic, nor licensed persons, nor service by any licensed barber engaged in the usual and ordinary duties of their vocations; and nothing herein contained shall be construed to mean that a barber, working in a beauty shop in the capacity of a hairdresser only, shall be subject to the provisions of this Act, provided that any person who works in a beauty shop in the capacity of a hairdresser as herein defined shall be licensed as a manicurist. Provided, further, that nothing in this Act shall prohibit a person licensed under this Act from performing duties as prescribed by this Act in the home of a customer in cases of emergency, when sent by a shop owner. Provided, further, that nothing in this Act shall, in any manner apply to, limit or prohibit the arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring of, or any work upon the hair of a person when performed in a private home without charge of fee. Nothing in this Act shall be construed so as to prevent bona fide salesman from demonstrating any preparation herein referred to.

Sec. 13. (a) Any and all sums of money paid into the State Treasury and credited to the State Board of Hairdressers and Cosmetology Fund shall be, and the same are hereby, appropriated for the fiscal year ending August 31st, 1936, for August 31st, 1937, and each succeeding year thereafter to be expended under the direction of the Legislature as may be provided by law.

(b) On August 31st of each year the Board shall file with the State Comptroller its annual report in such form as may be required by the Comptroller.

(c) Ten per cent (10%) of all moneys received by the Board shall be paid into the General Revenue Fund of the State of Texas at the end of each fiscal year.

(d) Nothing herein shall affect, impair, modify, amend, or change any funds credited to the State Board of Hairdressers and Cosmetology Fund at the effective date of this Act. All funds received by the Board during the effective date of the biennium ending August 31, 1937, shall likewise be applied as provided.
by law prior to the effective date hereof, and especially as provided in the Departmental Appropriation Bill, Acts, 1945, Forty-ninth Legislature, Chapter 378.

(c) It is hereby specifically provided that if for any reason an applicant pays money to the Board for application fees for license or any other fees provided for under this Act, and when such applicant fails to take the examination as required by this law, then the Board of Hairdressers and Cosmetologists is hereby authorized and directed to refund the amount of money paid by such applicant from the moneys in the State Board of Hairdressers and Cosmetology Fund.

Sec. 14. It shall be unlawful for the owner, operator or manager of a beauty shop or beauty culture school to knowingly permit any person suffering from an infectious or contagious disease to act as an employee or operator or student within such beauty shop or beauty culture school. It shall be unlawful for any hairdresser, cosmetologist, manicurist or instructor, who, in his or her own knowledge, is suffering an infectious or contagious disease, to practice the operations of a hairdresser, cosmetologist, manicurist or instructor.

Sec. 15. Each of the following offenses shall constitute a misdemeanor punishable on conviction in a court of competent jurisdiction by a fine of not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200):

(a) the violation of any of the provisions of this Act;

(b) obtaining or attempting to obtain a license by false representation;

(c) the willful failure to display a license as required by this Act.

Sec. 16. The willful making of any false statement as to material matter in any oath or affidavit which is required by the provisions of this Act to be made is false swearing and punishable as such under the laws of this State.

Sec. 2. This Act is cumulative of all other laws relating to hairdressing, cosmetology, manicuring, beauty culture schools and instructors therein, and beauty shops. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. In case any one or more of the sections or provisions of this Act, or the application of such sections or provisions to any situation, circumstance or person, shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other section or provision of this Act or the application of such section or provision to any other situation, circumstance or person, and it is intended that this law shall be construed and applied as if such invalid section or provisions had not been included herein.

Sec. 4. The fact that this legislation is designed to provide a more efficient and more equitable manner of regulating the practice of hairdressing, cosmetology, manicuring, and the training thereof, which is immediately needed for the public benefit creates an emergency and an imperative public necessity that the constitutional Ruling requiring bills to be read on three several days in each house be suspended, and such Ruling is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Committee Amendment No. 1 to H. B. 226 by adding the following words between the words "prices" and "with" on line 33 of page 7 of the printed bill: "charged for services rendered by student."

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to House Bill 226 by striking all of lines 17 through 20 on page 4 and inserting in lieu thereof the following:

"direct supervision of one instructor licensed by the board for such
purpose and an additional such instructor for each twenty-five (25) students, or greater portion thereof, for each school that has more than twenty-five (25) attending students."

Mr. Jarvis moved to table the amendment to Committee Amendment No. 1 offered by Mr. Coughran and the motion to table was lost.

The amendment offered by Mr. Coughran was then adopted.

COMMITTEE MEETING

Mr. Foreman asked unanimous consent of the House that the Committee on State Hospitals and Special Schools be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF H. B. NO. 226 (Continued)

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

Amendment No. 2
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "seventeen (17)" on line 30 of page 4 and inserting in lieu thereof the words "sixteen (16)."

The amendment offered by Mr. Coughran was then adopted.

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

Amendment No. 3
Amend Committee Amendment No. 1 to House Bill 226 by striking the word "tenth" on line 46 of page 4 and inserting in lieu thereof the word "eighth."

The amendment offered by Mr. Coughran was then adopted.

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

Amendment No. 4
Amend Committee Amendment No. 1 to House Bill 226 by striking all of lines 47 and 48 on page 4 and renumbering the subsection "(6)" on line 49 to subsection "(5)."

Mr. Jarvis moved to table the amendment offered by Mr. Coughran, and the motion to table was lost.

The amendment offered by Mr. Coughran was then adopted.

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

Amend H. B. No. 226, Page 5, line 32 of the printed substitute for the bill by changing the period to a semi-colon and adding the following:

"Provided, however, that the Board shall be authorized to grant a Limited Operator's License to any applicant who has successfully fulfilled all requirements for an Operator's License and has passed all phases of the practical examination but failed to qualify in the written examination on theory, but has made a passing grade on the written examination on hygiene. The holder of a Limited Operator's License shall be allowed to work and to practice cosmetology only under the direct supervision of a licensed operator or instructor under the laws of the State. Any holder of a limited operator's license may qualify for a regular operator's license by passing the regular examination."

Mr. Jarvis moved to table the amendment offered by Mr. Smith of Jefferson, and the motion to table was lost.

The amendment offered by Mr. Smith of Jefferson was then lost.

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

Amend Committee Amendment No. 1 to House Bill 226 by striking the word "teeth" on line 46 of page 4 and inserting in lieu thereof the word "eight."

Mr. Jarvis moved to table the amendment offered by Mr. Coughran, and the motion to table was lost.

The amendment offered by Mr. Coughran was then adopted.

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

Amendment No. 4
Amend Committee Amendment No.
The amendment was adopted without objection.

Mr. Shipley moved the previous question on the passage of H. B. No. 226 to engrossment and the motion was seconded.

The amendment was adopted without objection.

Mr. Shipley moved the previous question on the passage of H. B. No. 226 to engrossment and the motion was seconded.

The motion for the main question was lost.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.

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

Amendment No. 5
Amend Committee Amendment No. 1 to House Bill 226 by striking the words "fifty (50)" on line 18 of page 6 of the printed bill and inserting in lieu thereof the words "twenty-five (25)."

The amendment was adopted without objection.
Amendment No. 10

Amend Committee Amendment No. 1 to House Bill No. 276 by striking out Subsection (c) of Section 4 and inserting in lieu thereof the following:

(c) Any person who holds a license by any State whose requirements for a license are equivalent to or exceed the requirements of the State of Texas, and which State recognizes the holder or holders of a license or licenses issued by this State for the issuance of a license in that state, and who furnishes the Board satisfactory proof thereof, may, upon application on forms prescribed by the Board, and approved as to form by the Attorney General, and upon the payment of a fee of Twenty-five ($25.00) Dollars, be issued a license to practice hair-dressing and cosmetology, or man­
curing in this State, but such person shall be required to pay the annual renewal fees provided in this Act to have such license renewed upon its expiration, as provided in this Act; provided, however, that the Board shall not be required to ap­prove any application and issue any license under subsection (c) of Section 4 of this Act, if in the opinion of the majority members of the Board it would be detrimental to the public health, morals, safety and welfare.

Mr. Jarvis moved to table the amendment offered by Mr. Coughran, and the motion to table was lost.

The amendment offered by Mr. Coughran was then adopted.

Committee Meeting

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

There was no objection offered.

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

Amend Committee Amendment to H. B. 276, Sec. 3, subsection (a) on page 7 of the printed bill by placing a semi-colon after the word “stu­dent” on line 19 and striking the re­minder of line 20, line 21 and line 22 to the word “and,”

Mr. Jarvis moved to table the amendment offered by Mr. Cherry, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. 276 by inserting the following words at the end of Section 12 on line 47, page 10 of the printed bill:

"It is the intent of this law not to restrict, impede, nor in any way impair the teaching of vocational cosmetology in our public schools.

Any portion of this law that would restrain the public schools from carrying on a sound educational pro­gram of cosmetology instruction shall not apply to public vocational cos­metology classes which are approved by the Texas Education Agency, in order to receive proper training pub­lic school vocational cosmetology stu­dents are to be allowed to work on the public as customers after such student has completed 300 hours of instruction just as she would do if attending a commercial cosmetology school. Such public customer may reimbursement the public school for ma­terials and supplies such as shampoos, nail polish, wax set, etc., when such materials are consumed in the process of giving the service to the public customer. The public school vocational cosmetology student should receive cosmetology training equal to that provided in a commercial beauty school, therefore, no portion of this law is to be interpreted as prohibiting such student from doing anything the student is allowed to do in a commercial beauty school."

The amendment was adopted without objection.

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

Amend Sec. 13, Sub-section (a) by adding the following sentence:

That all unexpended moneys at the end of each fiscal year shall revert to the General Revenue Fund of the State of Texas.

Mr. Jarvis moved to table the amendment offered by Mr. Clayton, and the motion to table prevailed.
Committee Amendment No. 1, as amended, was then adopted.
A record vote was requested on the passage of H. B. No. 226 to engrossment.
H. B. No. 226 was then passed to engrossment by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td></td>
</tr>
<tr>
<td>Alaniz</td>
<td></td>
</tr>
<tr>
<td>Allen</td>
<td></td>
</tr>
<tr>
<td>Atwell</td>
<td></td>
</tr>
<tr>
<td>Ball</td>
<td></td>
</tr>
<tr>
<td>Bandfield</td>
<td></td>
</tr>
<tr>
<td>Barnes</td>
<td></td>
</tr>
<tr>
<td>Bass of Bowie</td>
<td></td>
</tr>
<tr>
<td>Bass of Harris</td>
<td></td>
</tr>
<tr>
<td>Beckham</td>
<td></td>
</tr>
<tr>
<td>Berry</td>
<td></td>
</tr>
<tr>
<td>Birnkr</td>
<td></td>
</tr>
<tr>
<td>Blanche</td>
<td></td>
</tr>
<tr>
<td>Bridges</td>
<td></td>
</tr>
<tr>
<td>Brooks</td>
<td></td>
</tr>
<tr>
<td>Brown</td>
<td></td>
</tr>
<tr>
<td>Brown of Galveston</td>
<td></td>
</tr>
<tr>
<td>Brown of Taylor</td>
<td></td>
</tr>
<tr>
<td>Butler</td>
<td></td>
</tr>
<tr>
<td>Caldwell</td>
<td></td>
</tr>
<tr>
<td>Canales</td>
<td></td>
</tr>
<tr>
<td>Cannon</td>
<td></td>
</tr>
<tr>
<td>Carrillo</td>
<td></td>
</tr>
<tr>
<td>Carrothers</td>
<td></td>
</tr>
<tr>
<td>Cherry</td>
<td></td>
</tr>
<tr>
<td>Clayton</td>
<td></td>
</tr>
<tr>
<td>Corp</td>
<td></td>
</tr>
<tr>
<td>Collins</td>
<td></td>
</tr>
<tr>
<td>Cook</td>
<td></td>
</tr>
<tr>
<td>Cottan</td>
<td></td>
</tr>
<tr>
<td>Coughran</td>
<td></td>
</tr>
<tr>
<td>Cowden</td>
<td></td>
</tr>
<tr>
<td>Cowles</td>
<td></td>
</tr>
<tr>
<td>raig</td>
<td></td>
</tr>
<tr>
<td>Crews</td>
<td></td>
</tr>
<tr>
<td>Davis</td>
<td></td>
</tr>
<tr>
<td>de la Garza</td>
<td></td>
</tr>
<tr>
<td>Deke</td>
<td></td>
</tr>
<tr>
<td>Dougan</td>
<td></td>
</tr>
<tr>
<td>Dugan</td>
<td></td>
</tr>
<tr>
<td>Backhardt</td>
<td></td>
</tr>
<tr>
<td>Bequieu</td>
<td></td>
</tr>
<tr>
<td>Fairchild</td>
<td></td>
</tr>
<tr>
<td>Finney</td>
<td></td>
</tr>
<tr>
<td>Floyd</td>
<td></td>
</tr>
<tr>
<td>Fordren</td>
<td></td>
</tr>
<tr>
<td>Foreman</td>
<td></td>
</tr>
<tr>
<td>Garrison</td>
<td></td>
</tr>
<tr>
<td>Gladden</td>
<td></td>
</tr>
<tr>
<td>Glenn</td>
<td></td>
</tr>
<tr>
<td>Green</td>
<td></td>
</tr>
<tr>
<td>Grover</td>
<td></td>
</tr>
<tr>
<td>Roberts</td>
<td></td>
</tr>
<tr>
<td>Rodrigues</td>
<td></td>
</tr>
<tr>
<td>Rosson</td>
<td></td>
</tr>
<tr>
<td>Schiller</td>
<td></td>
</tr>
<tr>
<td>Suggs</td>
<td></td>
</tr>
<tr>
<td>Segret</td>
<td></td>
</tr>
<tr>
<td>Shapton</td>
<td></td>
</tr>
<tr>
<td>Sherrill</td>
<td></td>
</tr>
<tr>
<td>Shurr</td>
<td></td>
</tr>
<tr>
<td>Simpson</td>
<td></td>
</tr>
<tr>
<td>Smith of Bexar</td>
<td></td>
</tr>
<tr>
<td>Smith of Jefferson Wilson</td>
<td></td>
</tr>
<tr>
<td>Stewart</td>
<td></td>
</tr>
<tr>
<td>Thompson</td>
<td></td>
</tr>
<tr>
<td>Townend</td>
<td></td>
</tr>
<tr>
<td>Townsend</td>
<td></td>
</tr>
<tr>
<td>Trager</td>
<td></td>
</tr>
<tr>
<td>Walker</td>
<td></td>
</tr>
<tr>
<td>Ward</td>
<td></td>
</tr>
<tr>
<td>Waldon</td>
<td></td>
</tr>
<tr>
<td>Wells</td>
<td></td>
</tr>
<tr>
<td>Whaley</td>
<td></td>
</tr>
<tr>
<td>Wheeler</td>
<td></td>
</tr>
<tr>
<td>Whitfield</td>
<td></td>
</tr>
<tr>
<td>Woods</td>
<td></td>
</tr>
</tbody>
</table>

Absent—Excused
Slack

MESSAGE FROM THE SENATE
Austin, Texas, April 29, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 155, By Cole: Authorizing the establishment of a school of biomedical sciences in Houston for the University of Texas; and declaring an emergency.

S. B. No. 164, By Reagan: Relating to taxes collected by distributors of motor fuel; and declaring an emergency.

S. B. No. 267, By Moffett: Providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency.
Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate.

VOTES RECORDED
By unanimous consent of the House, Mr. Shutt was granted permission to be recorded as voting Yes on H. J. R. No. 12, the vote being on April 23.

The motion to recess, the House, at 5:37 o'clock p.m., took recess until 7:30 o'clock p.m. today.

NIGHT SESSION
The House met at 7:30 o'clock p.m. and was called to order by the Speaker.

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

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

H. B. No. 554, "An Act authorizing the Commissioners Courts of the counties of the 31st Judicial District to supplement the salary of the District Attorney of the 31st Judicial District; and declaring an emergency."

H. B. No. 716, "An Act providing for the creation of Archer County Hospital District with the boundaries of such District coterminous with the boundaries of Archer County, Texas, pursuant to authority granted by Section 9, Article IX, of the Constitution of the State of Texas; providing for an election on the question of the creation of such District and the levy of a tax, not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation, for the support and maintenance of said District and the payment of any bonds issued by it; providing for the assumption by said District of outstanding bonded indebtedness; providing said District with power to issue bonds for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for the refunding of such bonds; providing a governing body for such District and providing for its powers and duties and the tenure of its members; withdrawing authority for the sale of bonds for hospital purposes by Archer County or any city located therein; enacting other provisions incidental and germane to the purposes of such Act; providing a severability clause; and declaring an emergency."

H. B. No. 727, "An Act authorizing the Commissioners Courts of Castro, Hale and Swisher Counties to pay the District Judge of the 84th Judicial District compensation in addition to the compensation paid by the State; and declaring an emergency."

H. B. No. 697, "An Act authorizing district judges to draw a warrant on the appropriate county fund, in certain instances, to cover the cost of bringing meals into the jury room so that juries may be kept together for deliberation; limiting such expenditures to One Dollar ($1) per juror per meal; limiting applicability of Act to certain counties; and declaring an emergency."

H. B. No. 262, "An Act creating the County Civil Court at Law of Bexar County; providing for the organization thereof; defining the jurisdiction thereof and conforming to such change the jurisdiction of the County Court of Bexar County, Texas; providing for the appointment and election of the Judge; prescribing his qualifications, powers, duties, term of office and compensation; provid-
ing for the appointment of an official court reporter for said Court; prescribing his qualifications, duties and compensation; providing for the appointment, designation and compensation of other officers of the Court; making other provisions relative to the business and functioning of the said County Civil Court at Law, the County Courts at Law, and the County Court of Bexar County, Texas; providing for appointment and election of a special judge; providing for a seal for said County Civil Court at Law; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 661. "An Act amending Paragraph (c) of Subsection 7 of Section V and all of Subsection 6 of Section VIII of Chapter 75, Acts of the Regular Session of the Fiftieth Legislature as heretofore amended; and declaring an emergency."


H. B. No. 511. "An Act regulating the hunting, taking and killing of buck deer in Morris County; prescribing penalties for violation; and declaring an emergency."

MOTION TO CONSIDER HOUSE BILL NO. 689 ON SECOND READING

Mr. Cain moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 689, relative to issuance of refunding bonds by political subdivisions.

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

The motion to suspend the necessary rules in order to take up and consider H. B. No. 689 was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>87</td>
</tr>
</tbody>
</table>

Adams  Berry  Barnes  Birkner
MOTION TO CONSIDER HOUSE BILL NO. 467 ON SECOND READING

Mr. Atwell moved that the necessary rules be suspended for the purpose of taking up and considering H. B. No. 467, relating to the Water Safety Act.

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

The motion to suspend the rules for the purpose of taking up and considering H. B. No. 467 was lost by the following vote:

| Yeas          | 67
|---------------|---
| Adams         | 47
| Arledge       | 47
| Atwell        | 47
| Ball          | 47
| Bannister     | 47
| Barnes        | 47
| Berry         | 47
| Blaine        | 47
| Bridges       | 47
| Brown of Taylor | 47
| Buell         | 47
| Calm          | 47
| Canales       | 47
| Cashner       | 47
| Clayton       | 47
| Davis         | 47
| de la Garza   | 47
| Doke          | 47
| Duncan        | 47
| Dungan        | 47
| Fletcher      | 47
| Floyd         | 47
| Garrison      | 47
| Gladens       | 47
| Morgan        | 70
| Moyers        | 70
| Murray        | 70
| Mutchner      | 70
| Niemeyer      | 70
| Parsley       | 70
| Richards      | 70
| Satterwhite   | 70
| Scoggins      | 70
| Albritton     | 70
| Allen         | 70
| Baib of Harris| 70
| Beckham       | 70
| Birksn        | 70
| Brooks        | 70
| Brown         | 70
| of Galveston  | 70
| Caldwell      | 70
| Cannon        | 70
| Carter        | 70
| Chapman       | 70
| Cherry        | 70
| Cole          | 70
| Collins       | 70
| Conen         | 70
| Coughran      | 70
| Cowden        | 70
| Cowles        | 70
| Crews         | 70
| Currin        | 70
| Duffey        | 70
| Finney        | 70
| Forkner       | 70
| Foreman       | 70
| Gibbons       | 70
| Glenn         | 70
| Green         | 70
| Hallmark      | 70
| Harris        | 70
| of Galveston  | 70
| Haynes of Orange | 70
| Hinson        | 70
| Isaac         | 70
| Jamison       | 70
| Jarvis        | 70
| McClintion    | 70
| Morgan        | 70
| Moyers        | 70
| Murray        | 70
| Mutchner      | 70
| Niemeyer      | 70
| Parsley       | 70
| Richards      | 70
| Satterwhite   | 70
| Scoggins      | 70
| Albritton     | 70
| Allen         | 70
| Baib of Harris| 70
| Beckham       | 70
| Birksn        | 70
| Brooks        | 70
| Brown         | 70
| of Galveston  | 70
| Caldwell      | 70
| Cannon        | 70
| Carter        | 70
| Chapman       | 70
| Cherry        | 70
| Cole          | 70
| Collins       | 70
| Conen         | 70
| Coughran      | 70
| Cowden        | 70
| Cowles        | 70
| Crews         | 70
| Currin        | 70
| Duffey        | 70
| Finney        | 70
| Forkner       | 70
| Foreman       | 70
| Gibbons       | 70
| Glenn         | 70
| Green         | 70
| Hallmark      | 70
| Harris        | 70
| of Galveston  | 70
| Haynes of Orange | 70
| Hinson        | 70
| Isaac         | 70
| Jamison       | 70
| Jarvis        | 70
| McClintion    | 70
| Morgan        | 70
| Moyers        | 70
| Murray        | 70
| Mutchner      | 70
| Niemeyer      | 70
| Parsley       | 70
| Richards      | 70
| Satterwhite   | 70
| Scoggins      | 70
| Albritton     | 70
| Allen         | 70
| Baib of Harris| 70
| Beckham       | 70
| Birksn        | 70
| Brooks        | 70
| Brown         | 70
| of Galveston  | 70
| Caldwell      | 70
| Cannon        | 70
| Carter        | 70
| Chapman       | 70
| Cherry        | 70
| Cole          | 70
| Collins       | 70
| Conen         | 70
| Coughran      | 70
| Cowden        | 70
| Cowles        | 70
| Crews         | 70
| Currin        | 70
| Duffey        | 70
| Finney        | 70
| Forkner       | 70
| Foreman       | 70
| Gibbons       | 70
| Glenn         | 70
| Green         | 70
| Hallmark      | 70
| Harris        | 70
| of Galveston  | 70
| Haynes of Orange | 70
| Hinson        | 70
| Isaac         | 70
| Jamison       | 70
| Jarvis        | 70
| McClintion    | 70

Mr. Crews moved that the necessary rules be suspended for the pur-
The motion prevailed.

H. B. No. 597, A bill to be entitled "An Act declaring the public policy of the State relating to the control of forest pests; defining forest pests and declaring them to be a public nuisance; defining certain other terms; providing for the administration of this Act by the Texas Forest Service and granting to it certain powers in connection therewith; providing for procedure required of the owner, or the person in control of, forest land infested with pests to apply control measures as prescribed by the Texas Forest Service; providing for the entry by the Texas Forest Service upon the land infested for application of control measures by such agency; providing for right by the aggrieved landowner to seek relief in district court; providing for recovery by legal proceedings against the owner of charges and expenses incurred by the Texas Forest Service in connection with such control measures and of court costs; providing for cooperative agreements by the Texas Forest Service with private timberland owners, the federal government or other public or private agencies; and declaring an emergency."

Sec. 1. Purpose. In order to protect forest resources, enhance the growth and maintenance of forests, promote stability of forest-using industries, protect recreational wildlife uses and conserve other values of the forest, it is hereby declared to be the public policy of the State of Texas to control forest pests in or threatening forests in the State of Texas.

Sec. 2. Definitions. (a) 'Forest pests' means insects and diseases that are harmful, injurious or destructive to forests and whose damage, if uncontrolled, is of considerable economic importance. These pests include but are not limited to the following: Pine bark beetles of the genera Dendroctonus, Ips, Pissodes, and Hypobius; sawflies of the genus Neodiprion; defoliators in the genera Datana, Malacosoma, Hyphantria, Diapheromera, and Galerucella; pine shoot moth of the genus Rhyscia; wilt of the genus Chalara and rots of the genera Fomes and Polyporus.

(b) 'Forest land' means lands on which the trees are potentially valuable for timber products, protection of watersheds, wildlife habitat, recreational uses or for other purposes, but shall not include any land within the incorporated limits of any village, town, or city.

(c) 'Forest' includes the standing trees on any forest land.

(d) 'Person' includes any individual, firm, partnership, corporation, association or other business whether or not incorporated.

(e) 'Control' includes prevent, retard, suppress, eradicate or destroy.

(f) 'Infestation' includes actual infestation or infection at condition beyond normal proportion causing abnormal epidemic loss to present and/or future commercial timber supply.

(g) 'Landowner' and 'owner' includes any person who owns forest lands, or who has such forest land under his direction irrespective of ownership.

(h) 'Forest owner' means any person who owns the standing trees on any forest land, either by a present right or by a future right under the terms of a valid existing contract.

(i) 'Tract' means all contiguous land in common ownership.

(j) The singular and plural number shall each include the other unless the context otherwise requires.

(k) The masculine gender shall include the feminine and neuter.

Sec. 3. Public Nuisance. Forest pests are declared to be a public nuisance.
Sec. 4. Landowner Duty. Each owner of forest land shall control such forest pests on lands owned by him or under his direction as hereinafter provided.

Sec. 5. Administrative Responsibility. The Texas Forest Service shall administer this Act and make all relevant determinations. It shall make surveys and investigations to determine the existence of infestations of forest pests, and means practical for their control by landowners. For this purpose, duly delegated representatives of the Texas Forest Service may enter private lands and public lands, including, if permission is obtained, those held by the United States, for the purpose of conducting such surveys and investigations. All its information shall be available to all interested landowners.

Sec. 6. Area Proceedings. Whenever the Texas Forest Service finds an infestation existing or threatened in the state, it shall determine when control measures are needed, the nature of such control measures, their availability and the techniques by which the control measures shall be applied. Having determined that an infestation exists, the Texas Forest Service shall give notice of the fact by:

a. Placing a notice in a newspaper or newspapers of general circulation in the affected area, stating findings and setting a time and place for a hearing, not less than ten (10) days from date of notice, on the need for control of the pest.

b. Mailing copies of such notice to owners of forest land known to the Texas Forest Service to have holdings in the affected area.

c. Arranging for publicity on the subject by all news media serving the affected area.

At the hearing, the agent of the Texas Forest Service who presides shall describe the conditions that have existed or threaten to exist, explain the measures needed to control the pest infestation, hear all suggestions and protests and record the proceedings. As soon as practicable after the hearing, the Texas Forest Service shall promulgate procedures to be followed by the control of the infestation, mailing copy to all appearing at the hearing, to all to whom notices were originally sent and publishing by newspaper circulated in the affected area in manner the same as publication of preliminary notices. Such publication is notice as of its publication date to each landowner within the affected area and as to each tract of land therein.

Sec. 7. Specific Proceedings. If in instances to which Section 6 has not been applied control measures are needed to check the spread of the forest pests on forest land owned or controlled by any person, written notice, signed by a duly authorized representative of the Texas Forest Service, whose mailing address shall be shown on said notice, shall be given to such person informing him of the facts as found to exist, of his responsibilities for the control measures, of the control technique that is recommended, of the law under which control must be accomplished, and of the authority of the Texas Forest Service in the event the landowner takes no action toward controlling the pest. The notice may be given by personal service on the landowner, or on the person having control of the forest land, or by registered or certified mail directed to such person at his last known address, or, if such person or his address be unknown, then such notice shall be given by publication in one issue of a newspaper of general circulation in the county in which the land is located, which published notice, in addition to the other matters contained herein as above provided, shall state the name of the owner, if known, and shall briefly describe the land to which the notice applies; no other notice shall be necessary under the provisions of this law.

Sec. 8. Duties after Determination. (a) Within ten (10) days after the giving of such notice, each affected landowner shall commence diligently to take measures to control the infestation as prescribed and continue such activity with all practical expedition and efficiency under the direction of the Texas Forest Service. The landowner shall notify the Texas Forest Service of his actions, and the result thereof; and each such landowner may report to and consult with the representa-
April 29, 1963  HOUSE JOURNAL  1433

The Texas Forest Service as often as may be necessary. The Texas Forest Service may change its prescribed procedures as conditions or new information may warrant. The Texas Forest Service shall inform itself of what is done and the result thereof, and upon request certify when all reasonably practicable measures to be done by landowners, pursuant to its prescribed procedures, shall have been completed.

Sec. 9. Notice to Forest Owner. Where the landowner has given the Texas Forest Service notice of any interest owned in the forest upon which the infestation occurred, to which all costs incurred in such suit; provided, however, in the event that the tract with respect to which the Texas Forest Service conducted control measures contains fifty (50) acres of forest land or less, and the landowner in whose name the record title to such land stands owns no more than fifty (50) acres of forest land in the county in which the infestation occurred, then the cost of control shall be borne by the Texas Forest Service.

Sec. 10. Appeal. Any landowner, or person having control of forest land, aggrieved by the notice given by the Texas Forest Service shall have the right to seek relief in the district court of the county in which the land is situated; proceedings to obtain relief shall be initiated by the aggrieved landowner or other person having control of forest land, within ten (10) days from and after the giving of such notice, exclusive of the date of the giving of such notice in the manner hereinafter provided, and not thereafter. The district court shall give priority to any such case. If the final judgment in such action shall be against the landowner, or if the landowner, shall fail to seek relief in the district court of said county, the notice from the Texas Forest Service shall be final, and the Texas Forest Service shall summarily take the measures necessary to control the infestation.

Sec. 11. Control Measures by Agencv. In the event pest control measures as prescribed by the Texas Forest Service are not applied by the landowner or any other person within ten (10) days and continued to conclusion with all reasonable expediency, from the giving of notice herein provided, exclusive of the date of the giving of such notice, representatives of the Texas Forest Service shall enter upon said lands and cause the forest pest to be controlled or destroyed. All charges and expenses of such control or destruction shall be paid for by the owner of the land upon which the infestation occurred. If the control is undertaken by the Texas Forest Service, the cost, not to exceed Ten Dollars ($10) for each infested acre or part of such an acre on which control measures have been employed, shall constitute a legal claim against such landowner, which may be recovered by suit brought in behalf of the Texas Forest Service by the Attorney General in the county where the infestation occurred, together with all costs incurred in such suit; provided, however, in the event the tract with respect to which the Texas Forest Service conducted control measures contains fifty (50) acres of forest land or less, and the landowner in whose name the record title to such land stands owns no more than fifty (50) acres of forest land in the county in which the infestation occurred, then the cost of control shall be borne by the Texas Forest Service.

Sec. 12. Landowner Reimbursement. Where the landowner has given the Texas Forest Service notice of any interest owned by another in the forest upon his land, and where the landowner has made expenditures for pest control purposes pursuant to Section 8a, or has paid any legal claim against him because of the provisions of Section 11, then such landowner shall have a right to a reasonable reimbursement for such expenses from the forest owner, such reimbursement to be proportional to the interest owned in the forest by the forest owner.

Sec. 13. Cooperative Agreements. In order to accomplish the control of such forest pests, the Texas Forest Service may enter into cooperative agreements with private landowners or forest owners, the federal government, or other public or private agencies.
Amend Committee Amendment No. 1 to House Bill No. 597 by striking Paragraph a of Section 6 and substituting in lieu thereof the following:

"a. Placing a notice in a newspaper, or newspapers if any, in the county or counties in which any infested lands are located, or if no such newspaper exists, then placing a notice in a newspaper or newspapers of general circulation in the county or counties in which any infested lands are located, stating its findings, and setting a time and place for a hearing, not less than ten (10) days from the date of such notice, on the need for the control of the pest."

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to House Bill No. 597 by striking Section 16 and substituting in lieu thereof the following:

"Sec. 10. Appeal. Any landowner, or person having control of forest land, aggrieved by the notice given by the Texas Forest Service shall have the right to seek relief in the district court of the county in which the land is situated, and at no time while such litigation is pending shall the Texas Forest Service proceed with any control measures, unless permission to do so is given by the court upon a showing of probable harm due to any delay in using such control measures. Proceedings to obtain relief shall be initiated by the aggrieved landowner or other person having control of the forest land, in the districts court of the county within ten (10) days from and after the giving of such notice, exclusive of the date of the giving of such notice in the manner hereinafore provided, and not thereafter. The district court shall give priority to any such case. If the final judgment in such action be in favor of the landowner, then the landowner may be entitled to injunctive relief against the use of any control measure on his forest land by the Texas Forest Service until such time as the court may determine. If the final judgment be against the landowner, or if the landowner shall fail to
seek relief in the district court of said county, the notice from the Texas Forest Service shall be final and the Texas Forest Service shall summarily take the measures necessary to control the infestation.

The amendment was adopted without objection.

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

Mr. Allen moved that H. B. No. 597 be tabled, and the motion to table was lost.

H. B. No. 597 was then passed to engrossment.

HOUSE BILL NO. 457 ON SECOND READING

Mr. Whatley moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 457.

The motion prevailed.

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

H. B. No. 457. A bill to be entitled "An Act providing that it shall be unlawful for any person or firm to make, draw, utter or deliver, or to cause or direct the making, drawing, uttering or delivering, with intent to defraud, any check, draft or order for the payment of money on any bank, person, firm or corporation knowing that the maker, drawer or payer does not have sufficient funds in or on deposit with such bank, person, firm or corporation for the payment in full of such check, draft or order, as well as all other outstanding checks, drafts or orders upon such funds then outstanding.

"Section 2. As against the maker, or drawer thereof, or the person causing the making, drawing, uttering or delivering of any check, draft or order, the fact that payment is refused by the drawee shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or on deposit with such bank, person, firm or corporation provided such maker or drawer or the person causing the making or drawing shall not have paid the holder thereof the amount due thereon within ten (10) days after the giving of such notice that such check, draft or order has not been paid by the drawee.

"Section 3. Notice as used herein shall be notice in writing sent by registered or certified mail or telegram addressed to such person or to such person and firm at the place listed on the check, draft or order, and proof of compliance with this section shall constitute prima facie evidence that such notice was given.

Section 4. (a) For the first conviction of a violation of this Act, in the event the amount of the check, draft or order given on any bank, person, firm or corporation is less than Fifty Dollars ($50), punishment shall be by imprisonment in the county jail for not exceeding two (2) years, and by a fine not exceeding One Thousand Dollars ($1,000).

(b) If it be shown on the trial of a case involving a violation of this Act in which the check, draft or order given on any bank, person, firm or corporation is less than Fifty Dollars ($50) that the defendant has been once before convicted of the same offense, he shall,
on his second conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than two (2) years, and by a fine not exceeding Two Thousand Dollars ($2,000).

"(c) If it be shown upon the trial of a case involving a violation of this Act where the amount of the check, draft or order is less than Fifty Dollars ($50), that the defendant has two (2) or more times before been convicted of the same offense, regardless of the amount of the check, draft or order involved in the first two (2) convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the penitentiary for not less than two (2) nor more than ten (10) years.

"(d) For the violation of this Act, in the event the amount of the check, draft or order is Fifty Dollars ($50) or more, punishment shall be by confinement in the penitentiary for not less than two (2) years nor more than ten (10) years.

"Section 5. In all prosecutions under this Act, process shall be issued and served in the county or out of the county where prosecution is pending and have the same binding force and effect as though the offense being prosecuted were a felony, and all officers issuing and serving such process in or out of the county wherein the prosecution is pending, and all witnesses from within or without the county where in the prosecution is pending shall be compensated in like manner as though the offense were a felony in such county.

"Section 6. If any person who has theretofore filed a complaint with any district or county attorney of this State alleging a violation of this Act, or who has furnished information to any such district or county attorney which has resulted in the acceptance by such district or county attorney of such complaint, or who has testified concerning such a violation before a grand jury of this State which has thereafter returned an indictment on such violation, shall suggest to or request the county or district attorney in charge of such prosecution, that such case be dismissed, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars ($100), nor more than Five Hundred Dollars ($500).

"Section 7. If any section, subsection, clause, phrase or sentence of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, clause, phrase or sentence thereof, irrespective of the fact that one or more of the sections, subsections, clauses, phrases or sentences be declared unconstitutional.

"Section 8. The fact that the changes made by this Act in existing law are needed 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.

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

Amend Committee Amendment No. 1 to House Bill No. 467 by inserting before Section 1 of said bill the following:

"Section 1. Sections 1, 2, 3 and 4 of Acts 1939, 44th Legislature, Chapter 17, as amended by Acts 1951, 52nd Legislature, Chapter 305, and Section 1a, Acts of 1939, 44th Legislature, Chapter 17, as added by Acts 1957, 55th Legislature, Chapter 33 (codified as Article 567b, Vernon's Texas Penal Code) are hereby amended to read as follows:"

and, by changing Sections 7 and 8 to read Sections 2 and 3.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to House Bill 467 by striking all of Section 3 thereof and substituting the following:

"Section 2. As against the maker or drawer thereof, or the person
causing the making, drawing, uttering or delivering of any check, 
draft or order, the making, drawing, uttering or delivering, or causing or 
directing the making, drawing, uttering or delivering, payment of which 
is refused by the drawee, shall be prima facie evidence of intent to de-
fraud and of knowledge of insufficient funds in, or on deposit with, 
such bank, person, firm or corporation, provided such maker or drawer 
shall not have paid the holder there-
of the amount due therein, within 
ten (10) days after giving of such 
notice that such check, draft or or-
der has not been paid by the 
drawer."

The amendment was adopted without objection.

Mr. Eckhardt offered the following 
amendment to Committee Amend-
ment No. 1:

Amend Section 9 of Committee 
Amendment No. 1 to House Bill No. 
457 by striking all of such Section 
and adding in lieu thereof the fol-
lowing:

"Section 9. The fact that the 
changes made by this Act are neces-
sary to make the law clearer and 
definite respecting the use of bad 
checks to defraud, to remove certain 
specific classifications which are bet-
ter covered in general prohibitions, 
and to make other desirable changes 
in existing law, and the crowded 
condition of the calendars in both 
Houses create an emergency and an 
impeditive 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."

The amendment was adopted without objection.

Committee Amendment No. 1, as 
amended, was adopted without ob-
jection.

H. B. No. 457 was passed to en-
grossment.

Mr. Whatley moved to reconsider 
the vote by which H. B. No. 457 
was passed to engrossment and to 
table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 615 ON SECOND 
READING

Mr. Butler moved that the neces-
sary rules be suspended for the pur-
pose of taking up and considering at 
this time House Bill No. 615.

The motion prevailed.

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

H. B. No. 615, A bill to be entitled 
"An Act amending Section 2 of Chap-
ter 88, Acts of the 41st Legislature, 
1929, as amended, by adding thereto 
a new Subsection (g), providing that 
there shall be a partial exemption 
from license fees for vehicles used 
for transportation from farm to 
without objection, farm of soil conservation machinery 
and equipment, and that owners of 
such vehicles may register not more 
than one vehicle at the reduced li-

Amend Section 9 of Committee 
Amendment No. 1 to House Bill No. 
457 by striking all of such Section 
and adding in lieu thereof the fol-
lowing:

"Section 9. The fact that the 
changes made by this Act are neces-
sary to make the law clearer and 
definite respecting the use of bad 
checks to defraud, to remove certain 
specific classifications which are bet-
ter covered in general prohibitions, 
and to make other desirable changes 
in existing law, and the crowded 
condition of the calendars in both 
Houses create an emergency and an 
impeditive 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."

The amendment was adopted without objection.

Committee Amendment No. 1, as 
amended, was adopted without ob-
jection.

H. B. No. 457 was passed to en-
grossment.

Mr. Whatley moved to reconsider 
the vote by which H. B. No. 457 
was passed to engrossment and to 
table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 615 ON SECOND 
READING

Mr. Butler moved that the neces-
sary rules be suspended for the pur-
purpose of taking up and considering at 
this time House Bill No. 615.

The motion prevailed.

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

H. B. No. 615, A bill to be entitled 
"An Act amending Section 2 of Chap-
ter 88, Acts of the 41st Legislature, 
1929, as amended, by adding thereto 
a new Subsection (g), providing that 
there shall be a partial exemption 
from license fees for vehicles used 
for transportation from farm to 
without objection, farm of soil conservation machinery 
and equipment, and that owners of 
such vehicles may register not more 
than one vehicle at the reduced li-

Amend Section 9 of Committee 
Amendment No. 1 to House Bill No. 
457 by striking all of such Section 
and adding in lieu thereof the fol-
lowing:

"Section 9. The fact that the 
changes made by this Act are neces-
sary to make the law clearer and 
definite respecting the use of bad 
checks to defraud, to remove certain 
specific classifications which are bet-
ter covered in general prohibitions, 
and to make other desirable changes 
in existing law, and the crowded 
condition of the calendars in both 
Houses create an emergency and an 
impeditive 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."

The amendment was adopted without objection.

Committee Amendment No. 1, as 
amended, was adopted without ob-
jection.

H. B. No. 457 was passed to en-
grossment.

Mr. Whatley moved to reconsider 
the vote by which H. B. No. 457 
was passed to engrossment and to 
table the motion to reconsider.

The motion to table prevailed.
The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 500, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish a graduate school of biomedical sciences in Houston, Harris County, Texas, to be known as the University of Texas Graduate School of Biomedical Sciences, and to be operated as a component unit of The University of Texas system; providing for the establishment of a new graduate school; authorizing the Board of Regents to conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and related academic areas pertinent to medical education and research; providing for the awarding of degrees; authorizing the Board of Regents to make rules and regulations for the operation, control and management of the new graduate school; authorizing the Board to accept and administer grants and gifts in aid of the establishment and administration of the school; authorizing the Board to expend appropriated funds and grant, contract and gift funds at the school's own facilities or in facilities of other component units of The University of Texas in Houston; authorizing joint appointments; requiring affiliation with the science programs at the Main University in Austin and with other medical units

Mr. Haynes of Orange requested to be recorded as voting Nay on the passage of H. B. No. 615 to engrossment.

REASON FOR VOTE

I voted against H. B. No. 615 because I feel that no equipment which is used over the highways should be exempt from registration unless it is a non-profit organization or a vehicle used which is owned by a political subdivision.

HAYNES of Orange.

HOUSE BILL NO. 500 ON SECOND READING

Mr. Grover moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 500.

RECORD OF VOTE

Mr. Butler moved to reconsider the vote by which H. B. No. 615 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.
of The University of Texas, and cooperation with other institutions; suspending the operation of The University of Texas Postgraduate School of Medicine and authorizing establishment of a division of continuing education as a part of the Graduate School of Biomedical Sciences; making available to the Graduate School of Biomedical Sciences appropriations to, and contracts entered into on behalf of, The University of Texas Postgraduate School of Medicine; and declaring an emergency."

The bill was read second time.

Mr. Brown of Galveston offered the following amendment to the bill:

Amend Section 1 of House Bill No. 500 by inserting between the words "Sciences" and "and" on line 43 thereof the words "at Houston."


The amendment was adopted without objection.

Mr. Atwell raised a point of order on further consideration of H. B. No. 500 on the ground that it is in violation of Joint Rule 9A, in that it makes an appropriation.

The Speaker overruled the point of order.

Mr. Hughes moved that H. B. No. 500 be tabled, and the motion to table was lost.

A record vote was requested on the passage of H. B. No. 500 to engrossment.

H. B. No. 500 was passed to engrossment by the following vote:

**Yeas—126**

Adams
Alaniz
Allen
Arledge
Banfield
Barres
Base of Bowie
Bass of Harris
Brown of Taylor
Cain
Caldwell
Cannady
Cannon
Carriker
Carver
Carr
Collins
Cook
Cotten
Cox
Crawford
Cowden
Cowles
Craw
Crews
Davis
de la Garza
Dennett
Dempsey
Dugan
Dungan
Echols
Esquivel
Fairchild
Fenske
Fleming
Floyd
Foudren
Foreman
Garrision
Gibbons
Gleden
Green
Green
Goff
Hallmark
Harden
Harling
Harris
Harris of Galveston
Harris of Dallas
Hays of Orange
Hearn
Heflin
Holleywell
Hollis
Houston
Hutchins
Jambon
Jarvis
Johnson of Bexar
Kilpatrick
Kizer
Knapp
Kotthmann

**Nays—14**

Atwell
Ball
Butler
Chapman
Duke
Eckhardt
Esquivel
Fairchild
Finney
Fogle
Foster
Goff
Halleck
Hallmark
Harril
Harris
Harris of Bexar
Hill
Hollis
Holliswell
Holliswell
Houston
Hutchins
Jambon
Jarvis
Johnson of Bexar
Kilpatrick
Kizer
Knapp
Kotthmann
Mr. Grover moved to reconsider the vote by which H. B. No. 500 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECESS

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

The motion prevailed.

The Benediction was offered by the Honorable Leroy J. Wieting, as follows:

"Heavenly Father, we thank Thee for this day and all the blessings that have been ours. Accept and bless such decisions and actions that have been honorable and forgive us for all that has been done unwisely.

"Be with each of us, as we go from this place and grant us a night of rest that we might face tomorrow with our bodies strong and a mind open for wisdom.

"These things we ask in the name of Christ. Amen."

In accordance with the motion to recess, the House, at 9:37 o'clock p.m., took recess until 9:00 o'clock a.m. tomorrow.

---

APPENDIX

STANDING COMMITTEE REPORTS

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

- Counties: H. B. No. 376.
- State Hospitals and Special Schools: S. B. No. 382.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 26, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committees on Engrossed Bills to whom was referred H. C. R. No. 66, requesting that the Governor return House Bill No. 628 to the House for correction, follow:

"Heavenly Father, we thank Thee for this day and all the blessings that have been ours. Accept and bless such decisions and actions that have been honorable and forgive us for all that has been done unwisely.

"Be with each of us, as we go from this place and grant us a night of rest that we might face tomorrow with our bodies strong and a mind open for wisdom.

"These things we ask in the name of Christ. Amen."

In accordance with the motion to recess, the House, at 9:00 o'clock a.m., took recess until 9:00 o'clock a.m. tomorrow.

---

THE INVOCATION

The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Our Heavenly Father, Thy word has taught us not to be offensive in word or deed. We are conscious of the faults we find in others and we are often conscious of the faults we find within ourselves. Let us also recognize that we each have tender feelings; that oftentimes we wear these feelings on our sleeves.

"May the word that describes our actions this day be 'Thoughtfulness.' Thoughtfulness in our speech,