May 14, 1957  HOUSE JOURNAL  2731

SIXTY-FOURTH DAY
(Continued)
(Tuesday, May 14, 1957)

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

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, 
as follows:

"O God of mercy and compassion, 
Those knowest our nature and secret 
thoughts and we can hide nothing 
from Thee. Help us then, to lay aside 
every disguise we wear before the 
face of men and find rest and peace 
in being what we are and nothing 
more. Enable us to put off 
all sham and 
pretense, so that from now on we 
may live the life of freedom and sln­
cerity. It is not dangerous to be 
honest—but help each one of us to 
be true to himself at his 
best and make 
us the best we can be, for the sake 
of Him who 
died for us all.—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were gran­
ed leaves of absence on account of 
ilness:

Mr. Cloud temporarily for today 
on motion of Mr. Comer.

Mr. Talasek on account of illness 
in family for today on motion of Mr. 
Cox.

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

CORRECTION AUTHORIZED IN 
HOUSE BILL NO. 587

Mr. Lee asks unanimous consent 
to correct the Lee amendment adopt­
ed on yesterday to House Bill No. 
587 to read "the first two sentences" 
rather than "the first sentence."

There was no objection offered 
and it was so ordered.

HOUSE JOINT RESOLUTION NO. 
48 ON PASSAGE

Mr. Blanchard called from the 
Journal the motion to reconsider the 
vote by which H. J. R. No. 48 
failed to pass.

The motion to reconsider the vote 
prevailed.

The Speaker then laid before the 
House on its passage, 
H. J. R. No. 48, A joint resolution 
"Proposing an amendment to the 
Constitution of the State of Texas 
providing that a home rule city may 
provide by Charter Provision and a 
general law city operating under the 
general laws may provide by ma­
jority vote of the qualified voters 
voting at an election called for that 
purpose, for a longer term of office 
than two (2) years for its officers, 
both elective and appointive, but not 
to exceed four (4) years; provided, 
however, that tenure under Civil 
Service shall not be affected hereby; 
providing for an election, a form of 
ballot and the issuance of a pro­
clamation therefor."

The resolution having been read 
third time on May 7, and having 
failed to pass on that date.

The vote of the House was then 
taken on the passage of H. J. R. 
No. 48 and the vote was announced 
yeas 104, nays 21.

The following Members were 
granted leaves of absence on account of 
quested and granted.

Mr. Talasek on account of illness 
in family for today on motion of 
Mr. Anderson.

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

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.

Mr. Mayo for today on motion of 
Mr. Mayo.
The Speaker stated that H. J. R. No. 48 was passed by the above vote.

Mr. Moore of Harris moved to reconsider the vote by which H. J. R. No. 48 was passed and to table the motion to reconsider.

Mr. Winfree asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

H. J. R. No. 44, A joint resolution "Proposing an Amendment to Section 6 of Article III of the Constitution of the State of Texas to change the required age of Senators from twenty-six years to thirty years; providing for an election on the question of adoption or rejection of such amendment; providing for the proclamation thereof and prescribing the form of ballot."

The resolution was read third time and failed to pass by the following vote: (Not receiving the necessary 100 "Yea" votes)

Yeas—91

Anderson
Armour
Atwell
Baker
Bartlam
Bisson
Blinn
Blake
Blanchard
Bowers
Bowers
Boyce
Branch
Byrd
Chapman
Chord
Cole
Cole

Nays—22

Bishop
Cory
Cotten
Cowen
Cox
Croswalk
de la Garza
Dewey
Duff
Elliott
Ford
Foye
Georg
Gree
Hale
Harrington
Hollowell
Holstein

Present—Not Voting
Richardson
Schram

Absent
Atwell
Ballman
Bryan
Burdett
Heady
Hutcheson of Dallas
Johnson

Absent—Excused
Hensley
Martin
Mr. Day moved to reconsider the vote by which H. J. R. No. 44 failed to pass and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
I vote “nay” on the motion by Mr. Day to reconsider the vote by which H. J. R. 44 failed to pass and to table the motion to reconsider, and so register my objections to the motion.

BISHOP.

MESSAGE FROM THE SENATE
Austin, Texas, May 14, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives:

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

S. B. No. 480, Ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 2 and declaring an emergency.

S. B. No. 466, Creating a conservation and reclamation district to be known as the “Jefferson Water and Sewer District” and declaring an emergency.

S. B. No. 477, Transferring certain lands known as Mission State Forest near the town of Weches in Houston County, Texas to the State Parks Board for the use and benefit of A. & M. College of Texas; and declaring an emergency.

S. B. No. 474, Authorizing and empowering the Commissioners Court of Harris County, Texas, the governing body of the Harris County Flood Control District, to provide for and administer a retirement, disability and death compensation fund for appointive officers and employees of...
the District; and declaring an emergency.

S. B. No. 443, Adding a league of land to the Trinity River Authority in Trinity County; ending a session; and declaring an emergency.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 14, 1967
Hon. Waggoner Carr, 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. C. R. No. 89, Relating to the conservation of the Battleground Texas.

S. B. No. 166, Creating a permanent historical committee to be known as the Texas State Historical Survey Committee; providing powers, duties, organization and term of office of the Texas State Historical Survey Committee; and declaring an emergency.

S. B. No. 476, Creating a conservation and reclamation district to be known as the "North Tarrant County Municipal Water District"; and declaring an emergency.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 46, ON THIRD READING

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

H. J. R. No. 46, A joint resolution "Proposing an Amendment to Section 7 of Article III of the Constitution of the State of Texas to change the required age of Representatives from twenty-one years to twenty-five years; providing for an election on the question of adoption or rejection of such amendment; providing for the proclamation thereof and prescribing the form of ballot."

The resolution was read third time and failed to pass by the following vote: (Not receiving the necessary 100 "Yea" votes) "Yea"—46

Anderson Koliba
Armor Kothmann
Baker Laurel
Bartram McCoppin
Bell McGregor
Bishop McLennan
Blaine Molyan
Blanchard Mann
Bowers Matthews
Boyson Mayes
Braheer Moore of Harris
Burkett Moore of Tarrant
Byrd Murray
Chapman Myatt
Cloud Oliver
Coley Osborn
Conley Parrah
Corz Patterson
Cowen Pool
Cox Ramsey
Croswell Richardson
Day Roberts
de la Garza Russell
Dewey Sandahl
Duff, Miss Saul
Elliott Schwartz
Glass Shannon of Erath
Goetz Shannon of Tarrant
Green Shaw
Harrington of Tarrant
Holloway Sheridan
Holston Smith of Jefferson
Hooks Springer
Huebner Storey
Huffman Stroman
Huff Hughes of Dallas
Hutcheson of Tarrant
Jaaco, Miss Welch
Johnson Wilson of Young
Jones Wilson of Potter
Kelly Wofford
Kennedy Yenak
Kilpatrick

Nays—59

Basse Hale
Bullock Holman
Cline Hughes of Grayson
Dugas Jackson
Dungan Jackson
Ehrle Jamison
Ehrlie Kendall
Esquivel Korioch
Farrell Lattimer
Ford McDonald
Foreman McGregor
Forvath of El Paso
Glandt Mullen
Mr. Cline moved to reconsider the vote by which H. J. R. No. 46 failed to pass and to table the motion to reconsider.

The motion to table prevailed.

**CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 5**

Mr. Anderson moved to suspend all necessary rules in order to reconsider the vote by which H. J. R. No. 5 failed to pass.

A record vote was requested on the motion to suspend the necessary rules to reconsider the vote on H. J. R. No. 5.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yea</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>78</td>
<td>34</td>
</tr>
</tbody>
</table>

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The resolution having been read three times and having failed to pass,

Mr. Anderson offered the following amendment to the resolution:

Amendment No. 1 to House Joint Resolution No. 5

Amend House Joint Resolution No. 5 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Article V of the Constitution of the State of Texas be amended by adding thereto a new section numbered and reading as follows:

"Section 18a. In the counties of Crane, Midland, and Pecos, the Commissioners Court shall divide the county into commissioners precincts so that not more than fifty per cent of the total population of the county, as shown by the last preceding United States decennial census, shall be embraced in any one precinct.

Where a commissioners precinct embraces more than fifty per cent of the population as shown by the 1960 census, the Commissioners Court shall make the division within one year after the effective date of this section. Thereafter, where a commissioners precinct embraces more than fifty per cent of the population as shown by the last preceding decennial census, the Commissioners Court shall make the division within one year after publication of the final report of such census. If the Commissioners Court fails to make the division in accordance with the requirements of this section, the district court shall have jurisdiction to compel the Commissioners Court to make the division by writ of mandamus, upon petition of any qualified taxpayer or elector residing within the county."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1968, at which election all ballots shall have printed thereon the following:

"For the Constitutional amendment requiring the establishment of county commissioners precincts in Crane, Midland, and Pecos Counties so that not more than fifty per cent of the county population is embraced in one precinct."

"Against the Constitutional amendment requiring the establishment of county commissioners precincts in Crane, Midland, and Pecos Counties so that not more than fifty per cent of the county population is embraced in one precinct."

Sec. 3. The Governor shall issue the necessary proclamation for the election and this Amendment shall be published as required by the Constitution and laws of this State.

Mr. Stromberg raised a point of order on further consideration of the amendment to H. J. R. No. 5 on the ground that it is not germane to the resolution.

The Chair overruled the point of order.

Mr. Armor offered the following amendment to the amendment by Mr. Anderson:
Amend amendment to the resolution by adding “Mitchell” just ahead of “Midland” in line 3 of Section 1.

The amendment was adopted.

A record vote was requested on the amendment by Mr. Anderson to H. J. R. No. 5, as amended.

The amendment, as amended, was adopted by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>87</td>
<td>30</td>
</tr>
</tbody>
</table>

In the Chair

Spillman  Present—Not Voting

Bell  Laurel
Brashear  McGregor
Cory  McLean
Day  Myatt
de la Garza  Oliver
Jackson  Sherman
Johnson  Sherrill
Kennedy  Storey
Kothmann  Absent

Atwell  Patterson
Bullock  Ramsey
Ford  Smith of Jefferson
Huffman  Thurmond
Hughes of Dallas  Zbranek
Kelly  Absent—Excused

Cloud  Martin
Henley  Tinsley

H. J. R. No. 5 failed to pass by the following vote (not receiving the necessary 100 “yea” votes):

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>90</td>
<td>40</td>
</tr>
</tbody>
</table>

Andersen  Cole
Arbor  Cowan
Atwell  Crosswhait
Balder  Dewey
Bartram  Doggs
Bass  Elliott
Bell  Ferrell
Bishop  Foreman
Blaine  Forsyth
Blanchard  Glasing
Boyes  Goetz
Bristow  Harrington
Burke  Healy
Chappan  Heifin
Cline  Hollowell
Cole  Holman
COMMITTEE MEETING

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

There was no objection offered.

WELCOMING ELISABETH ANN MCCULLAR OF AUSTIN, TEXAS

Mr. Jamison offered the following resolution:

H. S. R. No. 485

Whereas, Elisabeth Ann McCullar, daughter of Mr. and Mrs. F. McCall of Austin, Texas, and the niece of Representative Alonzo Jamison, is a guest of the House of Representatives of the Fifty-fifth Texas Legislature on this day, Tuesday, May 14, 1957; and

Whereas, This charming young lady shall be extended a hearty welcome and the privileges of the floor on this day; and therefore,

Resolved, That we extend our sincerest best wishes to Elisabeth Ann, and that an enrolled copy of this resolution bearing the official Seal of the House be forwarded to her in recognition of her visit here.

The resolution was adopted unanimously.

MESSAGE FROM THE SENATE

Austin, Texas, May 14, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

Not printed.

On motion of Mr. Hutchins, and by unanimous consent, House Bill No. 858 was ordered not printed.

HOUSE BILL NO. 858 ORDERED NOT PRINTED

Whereas, Elisabeth Ann McCullar, daughter of Mr. and Mrs. J. F. McCullar of Austin, Texas, and the niece of Representative Alonzo Jamison, is a guest of the House of Representatives of the Fifty-fifth Texas Legislature on this day, Tuesday, May 14, 1957; and

Whereas, This charming young lady shall be extended a hearty welcome and the privileges of the floor on this day; and therefore,

Resolved, That we extend our sincerest best wishes to Elisabeth Ann, and that an enrolled copy of this resolution bearing the official Seal of the House be forwarded to her in recognition of her visit here.

The resolution was adopted unanimously.
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Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 232. Changing the name of the Texas State College for Women at Denton, Texas, to the "Texas Woman's University", and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 1
WITH SENATE AMENDMENTS

Mr. Latimer called up Senate Amendments for consideration at this time.

H. J. R. No. 1, a joint resolution "Proposing an Amendment to Section 5 and 24 of Article III and Section 17 or Article IV of the Constitution of the State of Texas so as to provide for annual sessions of the Legislature and changing the compensation, per diem and travel expenses of the Lieutenant Governor, the Speaker of the House of Representatives and the members of the Legislature; providing for an election; prescribing the form of ballot and providing for the necessary proclamation and publication."

Mr. Latimer moved that the House concur in the Senate Amendments to H. J. R. No. 1.

Mr. Sudderth moved as a substitute motion 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. J. R. No. 1.

Mr. Sutton moved to table the substitute motion by Mr. Sudderth.

The motion to table prevailed.

The motion by Mr. Latimer to concur in the Senate Amendments to H. J. R. No. 1 prevailed by the following vote:

Yeas—113
Anderson Bartram
Armbrister Bowers
Armstrong Bowers
Baxley Boysen
Bailey Bynum
Ballman Buie
Baugh Busby
Bell Bishops
Bishop Blythe
Blaine

Nays—29

Ford
Holcombe
Honey
Johnson
Kothmann
McDonald
Matthew
Moore of Tarrant
Mullen
Pipkin
Mr. Moore of Harris moved to reconsider the vote by which the motion by Mr. Latimer to concur in the Senate Amendments to H. J. R. No. 1 prevailed and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION NO. 1

Committee Substitute for H. J. R. No. 1,

A Joint Resolution proposing an amendment to Section 5 and 24 and authorizing a new Section of Article III of the Constitution of the State of Texas so as to provide for annual sessions of the Legislature; changing the compensation, per diem and travel expenses of the members of the Legislature; authorizing temporary residence of the Lieutenant Governor and Speaker of the House in the Capitol; providing for an election; prescribing the form of ballot and providing for the necessary proclamation and publication.

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

Section 1. That Section 5 of Article III of the Constitution of the State of Texas be amended to hereafter read as follows:

"Sec. 5. The Legislature shall meet every year, under the control and limitation hereinafter set forth, at such time as may be provided by law and at other times when convened by the Governor.

During the first regular session of each Legislature, which shall convene in January, 1960, and each succeeding two years thereafter, the first thirty (30) days thereof shall be devoted to the introduction of bills and resolutions; acting upon emergency appropriations, passing upon the confirmation of the recent appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty (30) days of the first regular session of the Legislature the various committees of each House shall hold hearing to consider all bills and resolutions and other matters as may be submitted by the Governor; providing further that during the following sixty (60) days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths (4/5) of its membership.

During the second regular sessions of each Legislature, which shall convene in January, 1960, and each succeeding two years thereafter, the Legislature shall be authorized to consider and act upon the following only:

a. Make annual appropriations for the general operation of the State government;

b. Consider emergency matters submitted by the Governor; provided, however, that no bill shall become law at the second regular session unless the same shall be passed by a two-thirds (2/3) vote of the members elected to each House.

Wherever the term "biennial session" appears in this Constitution, it shall be construed to mean "first regular session".

Section 2. That Section 24 of Article III of the Constitution of the State of Texas be amended to hereafter read as follows:

"Sec. 24. Members of the Legislature shall receive from the public Treasury a salary of Seven Thousand Five Hundred ($7,500.00) Dollars per annum. In addition, the members of each House shall be entitled to a per diem of not to exceed Twelve ($12.00) Dollars per day for living expenses during each session of the Legislature; provided, however, that such per diem shall be limited to one hundred and twenty (120) days for the first regular session of each Legislature."
lar session, and sixty (60) days for the second regular session of any Legis-
uture. The per diem shall be limited to thirty (30) days of any called
session of the Legislature.

In addition to the salary and per
diem, the members of each House shall
be entitled to mileage in going to and
returning from the seat of govern-
ment, not to exceed the mileage rate
established in each appropriation bill
for regular State employees; the dis-
tances to be computed by the nearest
and most direct route of travel from a
table of distances prepared by the
Comptroller of Public Accounts to each
county seat now or hereafter to be es-

tablished. No member shall be entitled
to mileage in excess of the mileage in
going to and returning from the seat
of government once every two weeks
during each legislative session, wheth-
er it be a regular session of the Leg-
islature or a called session of the Leg-
islature; provided, however, each mem-
er of the Legislature shall be entitled
to mileage for trips incurred in the
performance of their official duties to
places of interim committee meetings
and return when the Legislature is
not in session.

Section 3. That Article III of the
Constitution of the State of Texas be
amended by adding a new section to be
known as Section 24a to read as fol-

dows:

"Sec. 24a. In addition to other com-
penation provided herein, the Lieu-
tenant Governor of the State of Texas
and the Speaker of the House of Rep-
resentatives shall be entitled to tem-
porary residence in the State Capitol
during their term of office in such
quarters and under such conditions as
the Legislature may provide."

Section 4. That the foregoing Con-
stitutional Amendment shall be sub-
mitted to a vote of the qualified voters
of this State at an election to be held
on the first Tuesday after the first
Monday in November, 1958, at which
election all ballots shall have printed
thereon:

"For the Constitutional Amend-
ment providing for annual sessions of
the Legislature, prescribing the com-
penation, per diem and travel ex-
penses of members of the Legislature
and authorizing temporary residence of
the Lieutenant Governor and Speak-
er of the House of Representatives in
the Capitol."

"Against the Constitutional Amend-
ment providing for annual sessions of
the Legislature, prescribing the com-
penation, per diem and travel ex-
penses of members of the Legislature
and authorizing temporary residence of
the Lieutenant Governor and Speak-
er of the House of Representatives in
the Capitol."

Section 5. That the Governor shall
issue the necessary proclamation for
said election and shall have the same
published as required by the Constitu-
tion and laws of this State.

Senate Amendment No. 1

Amend H. J. R. No. 1 by striking
out the sentence beginning with "in
addition" in Line 23, Page 2, down to
and including the word "session" in
Line 47, and also striking out the
sentence following the word "annum" in
Line 23 and substituting in lieu there-
of the following:

"and expenses of office in amount
and manner as determined by law".

Adopted May 14, 1957.

Senate Amendment No. 2

Amend caption to conform to body
of bill.

Adopted April 17, 1957.

Senate Amendment No. la

Amend Committee Substitute for
H. J. R. No. 1, Section 3, by adding
after the Muffett amendment the fol-
lowing sentence:

"The Legislature shall not provide
for any per diem for a greater num-
ber than one hundred twenty (120)
days during the first regular session, sixty
(60) days during the second regular
session, and thirty (30) days during
any called session."

Adopted April 17, 1957.

Senate Amendment No. 2a

Amend Committee Substitute for
H. J. R. 1 by inserting the following
at the end of Section 1:

"It shall not be in order for the
second regular session of the Legis-
lature to continue consideration of any
bill pending upon adjournment of the
first regular session."

Adopted May 8, 1957.
Senate Amendment No. 3a
Amend Committee Substitute for H. J. R. 1 by changing the form of the ballot in Section 4 to read as follows:

"For the Constitutional Amendment providing for annual sessions of the Legislature, prescribing the compensation and expenses for members thereof, limiting the per diem for each session, and authorizing temporary residence of the Lieutenant Governor and Speaker of the House of Representatives in the Capitol."

"Against the Constitutional Amendment providing for annual sessions of the Legislature, prescribing the compensation and expenses for members thereof, limiting the per diem for each session, and authorizing temporary residence of the Lieutenant Governor and the Speaker of the House of Representatives in the Capitol."

Adopted May 8, 1957.

Senate Amendment No. 4a
Amend captions to conform to body of bill.
Adopted May 8, 1957.

HOUSE BILL NO. 620 WITH SENATE AMENDMENTS
Mr. Ramsey called up with Senate amendment for consideration at this time,

"H. B. No. 420, A bill to be entitled "An Act authorizing the Texas Highway Department to expend money for the purchase of right-of-ways and right-of-way easement for State Designated Highways under certain conditions; providing exemptions, providing for contributions from counties, cities and other political subdivisions of the State authorized to purchase right-of-ways; making other provisions relating thereto; providing a severability clause and declaring an emergency."

Mr. Ramsey moved to suspend all necessary rules for the purpose of not concuring in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on H. B. No. 620.

The motion prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 126
Mr. Thurmond submitted the following Conference Committee Report on S. B. No. 126:

Austin, Texas, May 13, 1957
Hon. Ben Ramsey, President of the Senate.
Hon. Waggener Carr, Speaker of the House of Representatives.
Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 126, have met and have same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HARDEMAN, PARKHOUSE, KAZEN, ASHLEY, FLY.
On the part of the Senate.
THURMOND, LAUREL, WELCH, SHAW, SCHWARTZ of Washington
On the part of the House.

By Senators Hardeeman, Kasen Parkhouse, Ashley:
S. B. No. 126
"A BILL
To Be Entitled
An Act declaring it to be illegal to divert waters released from storage and designated for downstream use; authorizing the Board of Water Engineers to promulgate and enforce rules and orders to effectuate the provisions of this Act; providing for the manner of adopting such rules and orders; authorizing appeals from Board's rules and orders; providing that vested rights shall not be affected; provided that pending litigation shall not be affected; providing for penalties for violation; providing a saving clause; and declaring an emergency."
May 14, 1957

HOUSE JOURNAL 2743

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

Section 1. When stored storm and flood waters are released from a reservoir or dam on an international stream and such waters are designated for use or storage downstream by a specified user legally entitled to receive such water, it shall be unlawful for anyone without legal right to store, divert, appropriate, use or otherwise interfere with the passage of the waters that are designated for downstream use or storage. The Board of Water Engineers is hereby authorized and empowered to adopt and enforce rules, regulations and orders to effectuate the provisions of this Act and to avoid the unlawful taking of water in transit; provided that nothing in this Act shall in anywise affect any pending litigation involving the waters of any international stream. Such rules, regulations and orders may:

(a) Establish an orderly system for water releases and diversions so as to protect vested rights and to avoid the loss of water released from storage for downstream use;

(b) Prescribe the time that such releases of water may begin and end;

(c) Determine the proportionate quantities of the released waters in transit and the waters that would have been flowing in the stream without the addition of the released waters;

(d) Require each owner or operator of a dam and reservoir on the stream between the point of release and the point of destination to allow the free passage through the dam and reservoir of all such released waters in transit;

(e) Establish such other requirements as may be necessary in the opinion of the Board to effectuate the purposes of this Act.

The rules and regulations promulgated by the Board shall be adopted and may be enforced in accordance with Article 7477, Revised Civil Statutes of Texas, 1925, and by Article 7531 of the Revised Civil Statutes of Texas, 1925, as amended. Provided that nothing herein shall be construed to in anywise effect, diminish or enhance any vested rights including riparian rights.

Section 2. Anyone violating the provisions of this Act shall be guilty of the same offense and shall be subject to the same penalty as provided by Article 7477 of the Revised Civil Statutes of Texas, 1925, and by Article 7531 of the Revised Civil Statutes of Texas, 1925, as amended. Provided that nothing herein shall be construed to in anywise effect, diminish or enhance any vested rights including riparian rights.

Section 3. If any article, section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions may be declared unconstitutional.

Section 4. The need to establish an orderly system for releasing water from storage and for assuring its delivery to those below for whom it is destined, and the public importance of this legislation, create an emergency and an imperative public necessity that the Constitutional requirement that bills be read on three several days in each House be and the same is hereby suspended; and this Act shall take effect and be in full force from and after its passage, and it is so enacted.
Mr. Thurmond moved that all necessary Rules be suspended for the purpose of adopting the Conference Committee Report on S. B. No. 126.

The motion prevailed by the following vote (having received the necessary two-thirds vote):

<table>
<thead>
<tr>
<th>Yeas</th>
<th>&quot;Yes&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>130</td>
<td></td>
</tr>
</tbody>
</table>

Yeas--130

Mr. Thurmond moved recon sider the vote by which the motion to adopt the Conference Committee Report on S. B. No. 126 prevailed and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 662 ON SECOND READING**

The Chair laid before the House, as a Special Order on its second reading and passage to engrossment,

H. B. No. 662, A bill to be entitled "An Act to amend Article 6212 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 233, Acts of the 53rd Legislature, 1963, Regular Session, to provide for the payment of an increased pension to widows of Confederate Veterans who reside outside the Confederate Home of this State; and declaring an emergency."

The bill was read second time.
Mr. Yezak offered the following Committee Amendment to the bill:

Committee Amendment No. 1
Amend H. B. No. 562 by striking out “Two Hundred ($200) Dollars” and substituting therein “Three Hundred ($300) Dollars” wherever it appears.

The amendment was adopted.

Mr. Yezak offered the following Committee Amendment to the bill:

Committee Amendment No. 2
Amend H. B. No. 562 by striking out “One Hundred ($100) Dollars” and substituting therein “Two Hundred ($200) Dollars” wherever it appears.

The amendment was adopted.

A record vote was requested on the passage of H. B. No. 562 to engrossment.

House Bill No. 562 was then passed to engrossment by the following vote:

Yeas—128

Yeas
Armor Armor
Baker Ehrle
Balman Elliott
Baum Fenoglio
Bass Forrell
Bell Ford
Bishop Foreman
Blaine Foryst
Blanchard Glass
Bowers Glassing
Boyden Goetz
Brancher Green
Bryan Hale
Bullock Harrington
Burtis Healy
Byrd Heffin
Chapman Hollowell
Chiles Holman
Cole Holstein
Coley Hoosier
Coley Hossy
Collins House
Cory Huebner
Cotten Huffman
Cotenum Huffman
Cox Hufner
Cox Hughes of Grayson
Crookswait Hughes of Dallas
de la Garza Hutchins
Dewey Jackson
Dwyer Jackson
Dugas

Nays
Jones Sandahl
Josephson Sanders
Kelly Schwartz
Kennard of Galveston
Kennedy Seeligson
Kilpatrick Shackleford
Kolba Shanes of Etha
Korloch Shannon
Kothmann of Tarrant
Lee Shaw
McCuppin Sherrill
McDonald Slack
McGregor Smith of Hays
McGregor Smith of Jefferson
McGregor of El Paso
McPherson Stewart
Venihony Storey
Mann Stroman
Mathow Suddeth
Mays Sutton
Moore of Harris Tewell
Moore of Tarrant Thurmond
Mullen Tunnell
Murray Turman
Myatt Walling
Oliver Watson
Parish Welch
Patterson Wheeler
Puckin White
Pickin Wilson of Young
Pool Wilson of Potter
Pressler Winfrey
Puckin Wohlford
Richardson Woolsey
Russell Yezak
Sadler Zrenzek

In the Chair
Spilman

Absent
Anderson Ramsey
Atwell Roberts
Bristow Saul
Day Schram
Dills Schwartz
Jameson of Washington
Lanham of Tarrant
Laurel Strickland
Osborn

Absent—Excused
Cloud Martin
Henney Talasek

HOUSE BILL NO. 562 ON THIRD READING

Mr. Dungan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 562 be placed on its third reading and final passage.
The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas—126</th>
<th>Nays—5</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Amendment</th>
<th>House Bill No. 562</th>
<th>Date of Third Reading and Final Passage</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Yeas—132</th>
<th>Nays—14</th>
</tr>
</thead>
</table>
Mr. Dungan moved to reconsider the vote by which H. B. No. 541 was passed and to table the motion to reconsider. The motion to table prevailed.

**REASON FOR VOTE**

Mr. Heflin voted "present, not voting" on H. B. No. 546, on May 12, because of a close family relationship with a member of the Judiciary which in my opinion constitutes my disqualification.

**THURMOND. VOTESRecorded**

By unanimous consent of the House, Mr. Strickland was granted permission to be recorded as voting "yea" on the motion to suspend the regular order of business to consider H. B. No. 299, and on the motion to suspend the Constitutional Rule on H. B. No. 299, on May 13, 1957.

**REPORT OF COMMITTEE PURSUANT TO SENATE CONCURRENT RESOLUTION NO. 9**

The Chair laid before the House and had read the following report:

Committee Report Pursuant to S. C. R. No. 9

Austin, Texas, April 24, 1957

Hon. Ben Ramsey, Lieutenant Governor of Texas and President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your committee appointed pursuant to S. C. R. No. 9 to select a Poet Laureate for the State of Texas, have met and beg leave to report that we have selected Margaret Royalty Edwards of Waco, McLennan County, Texas, to be Poet Laureate of the State of Texas.

Respectfully submitted,

SECRET.
ASHLEY.

On the part of the Senate.

SAUL,
WALLING,

On the part of the House.

PRICE DANIEL,
Governor.
RECESS

Mr. Zbranek moved that the House recess until 2:30 p. m. today.

Mr. Strickland moved that the House recess until 3:00 o'clock p. m. today.

Mr. Hughes of Dallas moved that the House adjourn until 2:30 o'clock p. m. today.

Mr. Moore of Tarrant moved that the House recess until 2:30 o'clock a. m. tomorrow.

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

The motion to adjourn until 2:30 o'clock p. m. today was lost.

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

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

The House accordingly, at 12:37 o'clock p. m. took recess until 2:30 o'clock p. m. today.

AFTERNOON SESSION

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

LEAVE OF ABSENCE GRANTED

Mr. Smith of Jefferson was granted leave of absence for the afternoon, on account of important business on motion of Mr. Husebear.

HOUSE BILL NO. 217 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as pending business, on its passage to engrossment:

H. B. No. 217. A bill to be entitled "An Act amending Subdivision (2), Acts 1954, Fifty-third Legislature, First Called Session, Page 3, Chapter 2, Article III, Sectional; providing for an effective date; and declaring an emergency."

The bill having been read second time on April 29.

Mr. Sanders offered the following Committee Amendment to the bill:

Committee Amendment No. 1

To House Bill No. 217

Amend House Bill No. 217 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Subdivision (2), Acts 1955, Fifty-fourth Session, Page 1086, Chapter 404, Article 14, Section 1, be and the same is hereby amended so that it will hereafter read as follows:

"(2) Corporations, other than those enjoying the use of public highways by virtue of a certificate of public convenience and necessity granted by the Railroad Commission of Texas, which are required by law to pay annually a tax upon intangible assets, and corporations incorporated only for the purpose of owning or operating street railways or passenger bus systems in any city or town and suburbs thereof, and corporations incorporated only for the purpose of maintaining or owning or operating electric interurban railways, and corporations, four-fifths (4/5ths) or more of whose assets are invested in, and four-fifths (4/5ths) or more of whose gross income is received from, voter's common capital stock which comprises four-fifths (4/5ths) or more of the total voting common capital stock of one or more corporations which are public utility corporations under clause (3) hereof, shall be required hereafter to pay a franchise tax equal to one-fifth (1/5th) of the franchise tax herein imposed against all other corporations under Section (1) herein." Section 2. This Act shall be applicable to franchise taxes payable after the effective date of this Act.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. The fact that this Act is in the public interest creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three (3) several days in each House be suspended; and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.
Mr. Sanders offered the following amendment to the Committee Amendment:

Amendment to Committee Amendment No. 1 to H. B. 217

Amend Committee Amendment No. 1 to H. B. No. 217 by changing the word and figures "Article 14" to "Article IV".

The amendment to the Committee Amendment was adopted.

On motion of Mr. Sanders and by unanimous consent of the House, the caption of House Bill No. 217 was ordered amended to conform with the body of the bill.

(Mr. Dewey in the Chair)

House Bill No. 217 was then passed to engrossment.

Mr. Sanders moved to reconsider the vote by which H. B. No. 217 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 217 ON THIRD READING

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 217 be placed on its third reading and final passage.

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

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<thead>
<tr>
<th>Yeas-84</th>
<th>Nays-36</th>
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<td>Cox</td>
<td>Schwartz of Washington</td>
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<td>Jackson</td>
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<td>Year</td>
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<tr>
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<tr>
<td>Dewey</td>
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<td>Bartram</td>
<td>Goetz</td>
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<td>Blanchard</td>
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<td>Burke</td>
<td>Huffer</td>
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<td>Cowen</td>
<td>Hutchins</td>
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<tr>
<td>da Garza</td>
<td>Koliba</td>
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<tr>
<td>Glasing</td>
<td>Lee</td>
</tr>
</tbody>
</table>
The Chair laid before the House, as postponed business on its passage to engrossment, H. B. No. 608, A bill to be entitled "An Act amending Section 194 of the Texas Election Code (Article 13.16, Vernon's Texas Election Code), so as to fix a filing fee for candidates for nomination for State Representative in primary elections in counties having a population of more than seven hundred thousand; providing conditions for payment; repealing conflicting laws; and declaring an emergency."

The bill having been read a second time on April 25, and having been at that time postponed with amendment by Mr. Parish, pending.

The pending amendment by Mr. Parish was withdrawn.

Mr. Lee offered the following Committee Amendment to the bill:

Amend H. B. No. 608 by changing the figures "700,000" in the caption thereof to read "400,000."

The amendment was adopted.

Mr. Cotten offered the following amendment to the bill:

Amend House Bill No. 608 by striking out all of Section 194 of the Election Code, as amended in Section 1 of the bill, and by inserting in lieu thereof the following:

"194. Payment by candidates for State Senator or Representative. "No candidate for nomination for State Senator or Representative shall be required to pay to the county executive committee to have his name placed on the primary ballot more than the following amounts:

1. Five Dollars ($5) per county for counties having a population of five thousand (5,000) or less.

2. Ten Dollars ($10) per county for counties having a population of more than five thousand (5,000) and not more than ten thousand (10,000).

3. Twenty Dollars ($20) per county for counties having a population of more than ten thousand (10,000) and not more than forty thousand (40,000).

4. Fifty Dollars ($50) per county for counties having a population of more than forty thousand (40,000) and not more than one hundred twenty-five thousand (125,000).

5. Seventy-five Dollars ($75) per county for counties having a population of more than one hundred twenty-five thousand (125,000) and not more than two hundred thousand (200,000).

6. One Hundred Dollars ($100) per county for counties having a population of more than two hundred thousand (200,000) and not more than three hundred fifty thousand (350,000).

7. Three Hundred Dollars ($300) per county for counties having a population of more than three hundred fifty thousand (350,000).

8. One Hundred Dollars ($100) per county for all senatorial districts composed of no more and no less than two (2) counties, regardless of the population of such counties.

"A candidate for nomination for State Senator or Representative shall pay the full amount which may be assessed by the county executive committee, as set out above, at the time he files his application for a place on the ballot. The payment must accompany the application and must be in the form of cash, money order, cashier's check or certified check. The application and payment must be delivered to the appropriate chairman or secretary by the deadline for making application for a place on the ballot, and it shall not be sufficient for the application and payment to have been mailed before the deadline unless they are actually delivered by the deadline. After the county executive committee makes the assessments as provided in Section 186 of this Code,
it shall refund to each candidate within thirty days thereafter the amount of the payment in excess of the assessment against the candidate. "The population in each case is to be determined by the last preceding Federal Census."

Mr. McIlhany moved to table the amendment by Mr. Cotten. The motion to table prevailed.

A record vote was requested on the passage of H. B. No. 608 to engrossment. House Bill No. 608 was then passed to engrossment by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>49</td>
</tr>
</tbody>
</table>

Mr. Moore of Harris moved to reconsider the vote by which H. B. No. 608 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

The following members voted for reconsideration:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Party</th>
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<tbody>
<tr>
<td>Anderson</td>
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<td>Baker</td>
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<td>Brown</td>
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<tr>
<td>Bell</td>
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</tbody>
</table>

Mr. Moore of Harris moved to reconsider the vote by which H. B. No. 608 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 608 ON THIRD READING

Mr. Moore of Harris moved that the constitutional rule requiring bills to be read on three several days be sus-
Pended and that House Bill No. 608 be placed on its third reading and final passage.

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

<table>
<thead>
<tr>
<th>Yeas</th>
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<tbody>
<tr>
<td>Anderson</td>
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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. 477 to the Committee on Conservation and Reclamation.
- S. B. No. 475 to the Committee on Education.
- S. B. No. 463 to the Committee on Conservation and Reclamation.
- S. B. No. 466 to the Committee on Conservation and Reclamation.
- S. B. No. 490 to the Committee on Conservation and Reclamation.
- S. B. No. 332 to the Committee on Education.
- S. B. No. 474 to the Committee on Counties.
An Act to be entitled "An Act amending Chapter 532, Acts of the Regular Session of the 50th Legislature (as heretofore amended) pertaining to the Employees Retirement System of the State of Texas; establishing an emergency."

Article I. That Chapter 532, Acts of the Regular Session of the 50th Legislature (as heretofore amended) shall be and the same is hereby amended so as to read hereafter as follows:

Section 1. Definitions.

The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

A. "Retirement System" shall mean the Employees Retirement System of Texas as defined in Section 2 of this Act.

B. "Department" shall mean any department, commission, institution, or agency of the State Government.

C. "Employee" shall mean any appointed officer or employee in a department of the State who is employed on a basis or in a position normally requiring not less than nine hundred (900) hours per year, but shall not include members of the State Legislature or any incumbent of an office normally filled by the people; nor persons on piecework basis; nor operators of equipment or drivers of teams whose wages are included in the rental rate paid the owners of said equipment or team; nor any person who is covered by the Teacher Retirement System of the State of Texas or the Judicial Retirement System of the State of Texas.

D. "Employer" shall mean the State of Texas.

E. "Member" shall mean any employee included in the membership of the System as provided in Section 3 of this Act.

F. "Beneficiary" shall mean any person in receipt of a pension, annuity, or any other benefits as provided by this Act.

G. "Service" shall mean service as an employee, as described in Subsection (c) of this Section.

H. "State Board of Trustees" shall mean the Board, provided for in Section 6 of this Act, to administer the Retirement System.

I. "Prior Service" shall mean service rendered prior to the date of establishment of the Retirement System, September 1, 1947, for which credit is allowable under Section 4 of this Act.

J. "Membership Service" shall mean service as an officer or em-
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P. "Retirement" shall mean withdrawal from service with a retirement allowance granted under the provisions of this Act.

Q. "Retirement Annuity Reserve" shall mean the present value of the reserve required to pay a service retirement allowance plan, as provided and set forth in this Act, calculated at age sixty (60) under factors established by the Board of Trustees and divided by the factor of the attained age of the beneficiary and/or the retirement optional plan selection factor of the attained age of the beneficiary and nominee, and said reduced allowance shall be applicable in all instances where the beneficiary is less than age (60) at time of retirement, or in the event of death where an optional plan selection has been made under the provisions as set forth in this Act.

Section 2. Establishment, Name, Powers and Purpose.

1. The Employees Retirement System of Texas heretofore established under the laws of this State shall continue to exist as a system of the State of Texas, and the management and operation of said system shall be governed by the provisions of this Act.

2. Said System shall continue to be known as the Employees Retirement System of Texas, and by such name all of its business shall be transacted, all its funds invested, and all its cash, securities and other properties shall be held.

3. The Retirement System herein provided for shall be maintained and administered in accordance with the provisions of this Act, to provide...
for the payment of retirement annuities and other benefits to employees and to beneficiaries of employees of the several departments, commissions, institutions and agencies of the State government.

4. The Retirement System shall have the powers and privileges of a corporation and shall have also the powers, privileges and immunities hereinafter conferred.

Section 2. Membership

The membership of said Retirement System shall be composed as follows:

A. All persons who on August 31, 1934, are members of the Employees Retirement System of Texas shall continue to be members of this System subject to the provisions of this Act. The following persons shall, however, not be eligible for participation in the Retirement System:

1. Members of the State Legislature or any incumbent of an office normally filled by a vote of the people, nor any person who is covered by the Teachers Retirement System or the Judicial Retirement System of the State of Texas.

2. Persons employed on a piece-work basis or operators of equipment or drivers of teams whose wages are included in the rental rate paid by owners of said equipment or team.

3. Employees who are employed in a position normally requiring less than nine hundred (900) hours per year.

B. Any person who becomes an employee on or after September 1, 1961, shall become a member of the Retirement System on the first day of the month following the month in which he is employed as a condition of his employment. Contributions by such an employee under this Act shall begin with the first monthly payroll period following the month in which he is employed and creditable service shall then begin to accrue.

C. Should any member in any period of six (6) consecutive years after becoming a member be absent from service more than sixty (60) consecutive months he would automatically terminate membership if he has less than fifteen (15) years creditable service or should he withdraw his accumulated contributions, or should he become a beneficiary, or upon death, he shall thereafter cease to be a member. However, during the time the United States was or is involved in organized conflict whether in a state of war or in a police action involving conduct with foreign forces, or for reason of a crisis within this country, and within a period of twelve months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States and their auxiliaries and/or in the Armed Forces Reserve of the United States and their auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted thereinto, or (2) in war work as a direct result of having been drafted and/or conscripted into said war work, shall not be construed as absent from service in so far as the provisions of this Act are concerned. The State Board of Trustees shall determine and by order define the period or periods which shall be recognized as involving organized conflict or crisis within the contemplation of this Act.

Section 3. Creditable Service

A. Under such rules and regulations as the State Board of Trustees shall adopt, each person who was employed, as defined in this Act, at any time prior to the establishment of the system and who becomes an employee and continues as such for a period of five (5) consecutive years, or who was a member at the beginning of the system, shall file a detailed statement of all Texas service, as an employee, rendered by him prior to the date of the establishment of the Retirement System, for which he claimed credit.

B. The State Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one (1) year of service, but in no case shall more than one (1) year of service be creditable for all service in one (1) year.

C. Subject to the above restrictions and to such other rules and regulations as the State Board of Trustees may adopt, the State Board of Trustees shall verify and adjust, as soon as practicable after the filing
of such statements of service, the service therein obtained.

D. Upon adjustment and verification of the statement of service, the State Board of Trustees shall issue a prior service certificate certifying to each member the length of Texas service rendered prior to the date of the establishment of the Retirement System, with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one (1) year from the date of issuance of modification of such certificate, request the State Board of Trustees to modify or correct his prior service certificate.

When membership ceases, such prior service certificate shall become void. Should the employee again become a member, such person shall enter the System as a member not entitled to prior service credit except as provided elsewhere in this Act.

E. Each person who was employed as defined in this Act and who was a member of the Retirement System prior to September 1, 1959 and who had withdrawn his contributions and cancelled his accumulated creditable service for retirement purposes, may, if he has or does return to State employment and continues as such for a period of five (5) consecutive years, be entitled to refund to the Retirement System the amount withdrawn with a penalty of ten per cent (10%) and have his creditable service reinstated for retirement purposes, however. It is provided that if the amount withdrawn by the person and deposited with the System shall have been credited to his individual account in the Employees Saving Fund and the ten per cent (10%) penalty shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Board of Trustees of the Employees Retirement System; and in no event shall any such person be granted retirement upon such former service credits until the amount so determined shall have been paid in full.

F. Credit for Military Service.

During the time the United States was or is involved in organized con-

Section 5. Benefits.

A. Service Retirement Benefits.

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days or more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired provided that retirement will be effective only as of the last day of a calendar month, and provided that the said member at the
time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed ten (10) or more years of creditable service. Any member in service who has attained the age of sixty-five (65) years shall be retired forthwith, provided that with the approval of his employer he may remain in service thereafter as long as he is capable of serving the State efficiently. It is provided further, however, that a member who has completed ten (10) or more years of creditable service as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, Game and Fish Commission, Liquor Control Board, or as a custodial employee of the State Prison System of the State of Texas and who has attained the age of fifty-five (55) years shall be retired forthwith, provided that with the approval of his employer he may remain in service thereafter as long as he is capable of serving the State efficiently.

2. Any member may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least fifteen (15) years of creditable service and shall become entitled to a service retirement allowance upon his attainment of the age of sixty (60) years, or at his option, at any date subsequent to his attainment of said age provided that such member was then living and had not withdrawn his contributions.

3. Any member may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least thirty (30) years of creditable service and shall become entitled to a service retirement allowance provided such member has attained the age of fifty-five (55) and provided further that his retirement allowance shall be actually reduced from age fifty-five (55) to the earlier retirement age.

4. A custodial employee of the Texas Prison System shall be defined as an employee whose duties require supervision of or frequent contact with the inmates of the Prison System, including any employee who is subject to call at the risk of life to suppress riots.

B. Allowance for Service Retirement.

1. The allowance for service retirement shall be computed on the basis of the average annual compensation of the member for the five (5) highest consecutive years of compensation during the last ten (10) years of creditable service. The rate of benefits shall be based on the following schedule:

   - First ten (10) years service: 0.75% per year
   - Second ten (10) years service: 1.25% per year
   - Third ten (10) years service: 1.50% per year

   All subsequent years: 1.75% per year

   If provided, however, that if the retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Thirty Dollars ($30.00) per month then the benefits shall be increased to equal the sum of Thirty Dollars ($30.00) per month.

   It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

2. It is expressly provided that no annuity being paid to a beneficiary of the Retirement System who retired prior to September 1, 1959 shall
be decreased by the provisions of this Act.


With the provision that no selection shall be effective in case a beneficiary dies during the month after retirement, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any service benefit becomes normally due, any member may elect to receive his annuity in an annuity payable throughout life, or he may elect to receive the actuarial equivalent at that time, or his annuity in a reduced annuity payable throughout life with the provisions that:

Option (1) Upon his death, his reduced annuity shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at the time of his retirement, or

Option (2) Upon his death, one-half of his reduced annuity shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at the time of his retirement, or

Option (3) In the event of his death before sixty (60) monthly payments of such annuity have been made, such payments shall be continued to such person as he may nominate in writing, or to the administrator of his estate, until the remainder of the sixty (60) payments have been made; or

Option (4) In the event of his death before One-Hundred and Twenty (120) monthly payments of such annuity have been made, such payments shall be continued to such person as he may nominate in writing, or to the administrator of his estate, until the remainder of the One-Hundred and Twenty (120) payments have been made; or

Option (5) Such other benefit arrangements as may be approved by the Board of Trustees and the whole of which benefit is certified by the Actuary to constitute the reduced actuarial equivalent of the retirement benefit to which the member is entitled.

4. Re-employment of Retired Employees.

Any member of the State Employees Retirement System who has accepted service retirement may return to State employment on a temporary basis provided, however, that such re-employment shall not be for a longer period than nine (9) months within any one year. It is provided that in the event a retired employee resumes temporary employment with a State department, commission, institution or agency, he shall notify the Retirement System in writing prior to resuming actual employment, and further it shall be mandatory upon the head of any State department, commission, institution or agency, he shall notify the Retirement System in writing before employment of a retired State employee and shall furnish the Retirement System the name of said retired employee and the date of employment. During the time a retired employee is so employed, retirement benefit payments that would otherwise have been paid to said member shall be suspended and shall be resumed when said member leaves said employment, provided that the annuity payments so suspended shall be paid into the State Accumulation Fund. Part month employment shall constitute a full month and any portion of a month employed shall void a retirement benefit payment for said month of employment. It is provided further that if the retired member had elected to receive an annuity in a guaranteed payment for a certain number of years or months after retirement, that the time so spent in State employment by such retired member after the initial or original retirement shall count as within said certain number of years or months, the same as if said retired member had not returned to State employment, provided that said retired member temporarily employed shall not contribute to the Retirement System during such re-employment, and the Retirement Plan in effect at the time of his original retirement shall remain unchanged.

C. Disability Retirement Benefits.

1. Upon the application of a member or his employer or his legal representative acting in his behalf, any
member, under age sixty (60), who has had ten (10) or more years of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, on a non-occupational disability retirement allowance, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

Upon the application of a member or his employer or his legal representative acting in his behalf, any member regardless of age and regardless of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application on an occupational disability retirement allowance provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such person should be retired.

2. Allowance on Disability Retirement (occupational)

Upon retirement for disability (non-occupational) a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise, he shall receive a disability retirement allowance computed at one and one-fourth (1.25%) per cent per year of service, multiplied by the average annual compensation in the five (5) highest consecutive years during his last preceding ten (10) years of creditable service, provided however, that in no event will his disability retirement allowance be less than twenty-five (25) per cent of his average compensation so computed, or his maximum benefit exceed fifty (50) per cent of his average compensation so computed.

3. Allowance on Occupational Disability Retirement

Upon retirement for occupational disability, a member shall receive a disability retirement allowance or benefit computed at sixty (60) per cent of his last monthly compensation rate, provided, however, that said allowance or benefit shall be reduced to the extent of any other benefit, allowance, pension, payment or compensation received from any other State and Federal agency where a portion of a cost of such other additional benefit, allowance, pension, payment or compensation is paid for by State funds.

4. Once each year during the first five (5) years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the State Board of Trustees may and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or any other place mutually agreed upon by a physician or physicians designated by the State Board of Trustees. Should any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such period by a physician or physicians designated by the State Board of Trustees, his allowance shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his allowance shall be revoked by the State Board of Trustees.

5. Should the Medical Board report and certify to the State Board of Trustees that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, or that such disability beneficiary is engaged in or is able to engage in gainful occupation, the State Board of Trustees should either modify, or allow the payment of the revised allowance, with the consent of the beneficiary, with the State Board of Trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such period by a physician or physicians designated by the State Board of Trustees. Should any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such period by a physician or physicians designated by the State Board of Trustees, his allowance shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his allowance shall be revoked by the State Board of Trustees.

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to the amount earnable by the beneficiary, equals the amount of his compensation for the last year prior to retirement.

6. Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and the balance of his retirement reserve shall be transferred to the Employees Saving Fund and to the State Accumulation Fund respectively, in proportion to the original sum transferred to the Retirement Annuity Reserve Fund at retirement. Upon restoration to membership, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service. Should a disability beneficiary die or be removed from the disability list for any cause other than restoration to active service, an amount equal to the amount by which such beneficiary's accumulat-ed contributions at the time of disability retirement exceed the annuity payments received by such beneficiary under his disability allowance. If any such excess exists, it shall be paid from the Retirement Annuity Reserve Fund to such beneficiary if living; otherwise, such amount shall be paid to employees of the department in which the member applying for Occupational Disability Retirement is employed who has directed such amount to be paid otherwise and provided further, that this refund as set forth herein shall be made only if the cause of the death of the beneficiary is from or connected with the occupational injury or disability resulting in the occupational disability retirement, otherwise, the provisions above set forth in this paragraph shall apply.

7. It is expressly provided herein a member who applies for Occupational Disability Retirement benefits shall be required to furnish the Board of Trustees all information and data requested by the Board of Trustees and provided further that the head and all employees of the department in which the member applying for Occupational Disability Retirement is employed shall be required to furnish all necessary and data concerning the application for Occupational Disability Retirement of the member and further the Board of Trustees shall have the right to inquire and require any additional data concerning the application for Disability Retirement, in order that the Board may have all information necessary to act upon said application for Occupational Disability. In the event that such information is withheld or denied then the Board of Trustees may refuse to accept the application for Occupational Disability Retirement and shall consider the application only for Non-Occupational Disability Retirement benefits. It is expressly provided herein that the Board of Trustees shall act upon the facts and their decision regarding Occupational Disability Retirement herein applied for, shall be final.

D. Return of Accumulated Contributions.

1. Should a member with less than fifteen (15) years of creditable service cease to be employed except by death or retirement under the provisions of this Act, he shall be paid in full the amount of accumulated contributions standing to the credit of his individual account in the Employees Saving Fund, provided, however, that in the event the member withdraws his account before he has accumulated a minimum of five (5) years of service, then the amount of interest previously credited to the account of the member shall be deducted and transferred to the State Accumulation Fund and only the amount contributed by the member shall be refunded.
2. Should an employee die before 
retirement the amount of his accumu-
lated contributions standing to the 
credit of his individual account shall 
be paid as provided by the laws of 
Descent and Distribution of Texas un-
less he has directed the account to be 
paid otherwise.

3. Provided, however, in the event 
that the death of the member is an 
occupational death, there shall be re-
funded in addition to the accumulated 
contributions of the member an 
amount equal to the full annual salary 
of the member based upon his rate of 
pay at the time of death but such ad-
tional refund shall be paid only to 
the surviving spouse and/or depend-
ent children if any, and provided that 
such additional death benefit shall be 
paid from the State Accumulation 
Fund. The Board of Trustees shall de-
termine if the death is an occupa-
tional death and their decision shall be final.

4. After such cessation of service 
if no previous demand has been made 
any accumulated contributions of a 
contributor shall be returned to him 
or to his heirs. If the contributor or 
his heirs cannot be found after seven 
(7) years, his accumulated contribu-
tions shall be forfeited to the Retire-
ment System and credited to the State 
Accumulation Fund.

5. It is provided that any member 
who has completed thirty (30) years 
of creditable State service in Texas, 
may by written designation in such 
form as the Board of Trustees may pre-
scribe, select a nominee and an op-
tional allowance for retirement as set forth 
under the preceding Sub Section B, 
Paragraph 3, providing for optional al-
lowances for service retirements, and 
which shall become effective and pay-
able to such nominee beginning with 
the month following in which the 
member died, provided, how-
however, that it is required that said 
member shall be actively employed 
or on temporary sick leave or on work-
men's compensation at the time of his 
death. Unless such a member having 
completed twenty (20) creditable 
years of State service in Texas shall 
have selected both a nominee and an 
optional allowance herein, then the 
provisions of the preceding Sub Sec-
tion D, Paragraph 1 and 2, pertaining 
to death benefits shall apply upon 
the death of the member.

Section 6. Administration.

A. State Board of Trustees.

1. The General Administration and 
responsibility for the operation of the 
Retirement System and for making 
effective the provisions of this Act 
are hereby vested in a State Board of 
Trustees which shall consist of seven 
(7) members as follows:

a. Three (3) members who shall 
be appointed with the advice and 
consent of the Senate as follows:

(1.) A member who shall be 
appointed by the Governor to hold 
office for the term of six (6) years 
beginning September 1, 1959.

(2.) A member who shall be ap-
ton named the General Administrative 
Assistant Attorney General, ex-of-
icio.

b. One (1) member shall be the 
Attorney General of Texas, ex-officio, 
or an Assistant Attorney General, ex-
officio, designated by him.

c. Three (3) trustees shall be em-
ployee members of the Retirement Sys-
tem and shall be nominated and elec-
ed by the members of the Retirement System for a period of six (6) years each, according to such rules and regulations as the State Board of Trustees shall adopt to cover such nominations and elections and provided, however, that the elected employee members of the Board of Trustees on the date of September 1, 1959, shall continue to serve until the expiration of the term for which they were elected. Thereafter elections shall be held on or before July 31, 1961, and biennially thereafter for the purpose of nominating and electing an employee who is a member of the Retirement System to serve as an ex-officio member of the Board of Trustees for a period of six (6) years, and said employee after being elected shall take the oath and begin his term as an ex-officio member on the first day of September next following the election. It is further provided that all elections held for the nomination and election of an ex-officio employee member trustee shall be on ballots made available to the members by the Board of Trustees. It is further provided that it shall be the additive and cumulative duty of every employee who is a member of the Employee Retirement System to serve as an ex-officio member of the Board of Trustees after being nominated and elected as provided in this Act.

2. Vot. es of elected ex-officio employee members of the Board of Trustees shall be filed by the Board from among members of the System. Provided, however, that no employee of a department shall be eligible to serve as an elected ex-officio employee member of the Board of Trustees, during the term of an elected ex-officio employee member of the Board of Trustees who is also employed by the same department.

3. The Trustees shall serve without compensation, but they shall be reimbursed for the Expense Fund for all necessary expenses that they may incur through service on the Board.

4. Each Trustee shall, within ten (10) days after his appointment, in addition to the Constitutional Oath, subscribe to the following Oath of Office: "I do solemnly swear that I will not knowingly violate or willingly permit to be violated any of the provisions of Law applicable to said Retirement System." This oath shall by subscribed to by members making it before any officer qualified to administer Oaths in Texas, and duly filed in the office of the Secretary of State.

5. Each Trustee shall be entitled to one vote on the Board. A majority of the State Board of Trustees shall constitute a quorum and a majority vote of those present shall be necessary for a decision by the Trustees at any meeting of said Board.

6. Subject to the limitations of this Act, the State Board of Trustees shall, from time to time, establish rules and regulations for eligibility of membership and for the administration of the funds created by this Act for the transaction of its business.

7. The State Board of Trustees shall elect from its membership a Chairman and shall by a majority vote of all its members appoint an Executive Secretary who shall not be one of its members. The Executive Secretary appointed shall have been a citizen of Texas three (3) years immediately preceding his appointment, shall have executive ability and experience to carry out the duties of this office and shall hold his position until removed by the Board. He shall recommend and nominate to the State Board of Trustees such actuarial and other services as shall be required to transact the business of the Retirement System. The compensation of all persons engaged by the State Board of Trustees, and all other expenses of the Board necessary for the operation of the Retirement System, shall be paid at such rates and in such amount as the State Board of Trustees shall approve, provided that in no case shall they be greater than paid for like or similar services of the State of Texas.

8. The State Board of Trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the Retirement System and for checking the expenses of the System.

9. The State Board of Trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the Retirement System for the
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preceding year, the amount of the accumulated cash and securities of the System, and the last balance sheet showing the financial condition of the System.

B. Legal Adviser

The Attorney General of the State of Texas shall be the legal adviser of the State Board of Trustees, and shall represent it in all litigations.

C. Medical Board

The State Board of Trustees shall designate a Medical Board to be composed of three (3) physicians not eligible to participate in the Retirement System. The physicians so appointed by the State Board of Trustees shall be legally qualified to practice medicine in Texas and shall be physicians of good standing in the medical profession. If required, other physicians may be employed to report on special cases. The Medical Board shall pass upon all medical examinations required under the provisions of this Act, and shall investigate all essential statements and certification by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the State Board of Trustees its conclusions and recommendation upon all the matters referred to it.

D. Duties of Actuary

The State Board of Trustees shall designate an Actuary who shall be thoroughly qualified to act as the technical advisor of the State Board of Trustees on matters regarding the operation of the funds created by the provisions of this Act, and shall perform such other duties as are required in connection therewith.

1. Immediately after September 1, 1959, the Actuary shall make, under the direction of the Board, an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and shall make a valuation of the assets and liabilities of the funds of the System, and taking into account the results of such investigation and valuation, the State Board of Trustees shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary.

2. On the basis of such tables as the State Board of Trustees shall adopt, the Actuary shall make an annual valuation of the assets and liabilities of the funds created by this Act.

Section 7: Management of Funds

A. The State Board of Trustees shall be the Trustees of the several funds as herein created by this Act and shall have full power to invest and re-invest such funds subject to the following limitations and restrictions:

All retirement funds as are received by the Treasury of the State of Texas as deposits from contributions of employees or employers as herein provided, may be invested only in bonds and other evidences of indebtedness of the United States, and all other evidences of indebtedness which are guaranteed as to principal and interest by the United States; in bonds and other evidences of indebtedness, both general and special obligations, of the State of Texas and any of its agencies, in bonds or other evidences of indebtedness of municipal corporations or political subdivisions of the State of Texas both general and special obligations, which have been approved as to legality by the Attorney General of the State of Texas, and in securities in which the State Permanent School Fund or the Permanent University Fund of the University of Texas may be invested under present or hereafter enacted Laws. The State Board of Trustees shall have full power by proper resolution to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds credited herein shall have been invested, as well as the proceeds of such investments and any moneys belonging to such funds, provided that any money
on hand shall be subject to the State depository Laws of Texas.

B. The State Board of Trustees annually, on August 31st, shall transfer from the Interest Fund to the Expense Fund an amount as shall be determined by the Board to be necessary for the payment of expenses of the Retirement System in excess of the amount available to be paid from the expense Fund to cover the expenses as estimated for the succeeding year. The State Board of Trustees annually, on August thirty-first, shall allow regular interest on the mean amount in the Retirement Annuity Reserve Fund for the year then ending and shall allow current interest on the amount in the State Accumulation Fund at the beginning of such year and on an amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit at the beginning of such year of all members included in the membership of the System on August thirty-first of such year, before any transfers for Service Retirement effective August thirty-first of such year are made. The amounts so allowed shall be due and payable to said funds and shall be credited thereto by the State Board of Trustees on August thirty-first of each year from the moneys of the Retirement System held in the Interest Fund. Provided that current interest shall not be at a rate greater than three per cent (3%) per annum and that any excess earnings over such amount required shall be paid to the State Accumulation Fund.

C. The Treasurer of the State of Texas shall be the custodian of all funds, securities, and funds. All payments from said funds shall be made by him on warrants drawn by the State Comptroller of Public Accounts approved only upon vouchers signed by the Secretary of the Retirement System and the Chairman of the State Board of Trustees. A duly attested copy of a resolution of the State Board of Trustees designating such persons shall be filed with said Comptroller as his authority for issuing such warrants.

D. For the purpose of meeting disbursements for annuities and other payments there may be kept available cash, not exceeding ten (10%) per cent of the total amount in the several funds of the Retirement System, on deposit with the State Treasurer.

E. No trustee and no employee of the State Board of Trustees shall have any direct or indirect interest in the gains or profits of any investment made by the State Board of Trustees, nor as such receive any pay or emolument for his services other than his designated salary and authorized expenses, except such interest as such person or persons may have in the retirement funds as a member in the Retirement System.

Section 8: Method of Financing.

A. The amount contributed by each member to the Retirement System shall be four and one-half percent (41/2%) of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year four and one-half percent (41/2%) of compensation of all members, provided the total amount contributed by the State during any one (1) year shall at least equal the total amount contributed during the same year by all members of the Retirement System; provided further that all contributions made by the State shall be from and charged to the respective funds appropriated, allocated, and provided to pay the salary or compensation of the employee for whose benefit the contribution is made.

All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of five (5) funds, namely, the Employees Saving Fund, the State Accumulation Fund, the Retirement Annuity Reserve Fund, the Interest Fund, and the Expense Fund.

1. The Employees Saving Fund

The Employees Saving Fund shall be a fund in which shall be accumulated four and one-half percent (41/2%) of the annual compensation paid to each employee whose benefit the fund is established for. Contributions to and payments from the Employees Saving Fund shall be made as follows:

a. Beginning on September 1, 1969, each department of the State shall cause to be deducted from the salary of each member on each and every pay roll of such department of the State for each and every pay period, four and one-half percent (41/2%) of his earnable compensation. In determining the amount earnable by a member in a pay period, the State Board of Trustees may consider the
rate of annual compensation payable to such member on the first day of the pay roll period as continuing throughout such pay roll period, and it may omit deductions from compensation for any period less than one-half of a full pay roll period if an employee was not a member on the first day of the pay roll period, and to facilitate the making of deductions, it may modify the deductions required of any member by such an amount as shall not exceed one-tenth (1/10) of one per cent of the annual compensation upon the basis of which such deduction is to be made.

b. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receive for his full salary or compensation, and payment of salary or compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every pay roll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted when paid and shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

c. Current Interest on member's contributions, shall be credited annually as of August thirtieth and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of six (6) consecutive years, the Employees Saving Fund account of each member shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said employee shall receive an interest on the amount due under this subsection, and the amount shall be held in a non-interest-bearing account to be set up for such purpose.

d. Upon the retirement of a member, his accumulated contributions shall be transferred from the Employees Saving Fund to the Retirement Annuity Reserve Fund.

2. State Accumulation Fund.

The State Accumulation Fund shall be the fund in which shall be accumulated all contributions made to the Employees Retirement System by the State of Texas. Contributions to and payments from this fund shall be made as follows:

a. The State of Texas shall pay each year in equal monthly installments into the State Accumulation Fund an amount equal to the contributions of the members during such year. The State Board of Trustees shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so accumulated, and such an amount shall be paid each year in equal monthly installments in the manner hereinafter provided into the State Accumulation Fund by the Comptroller from the funds appropriated as contributions to the Employees Retirement System by the State of Texas.

b. It is expressly provided that the balance in the State Membership Accumulation Fund and the Permanent Retirement Fund of the Employees Retirement System on August 1, 1959, shall on September 1, 1959, be transferred to the State Accumulation Fund.

c. Upon the retirement of a member, an amount equal to the difference between the total reserve at present worth reserve value of the retirement annuity of the member and the amount standing to the credit of the individual account of the member who retires shall be transferred from the State Accumulation Fund into the Retirement Annuity Reserve Fund as a part of the reserve requirements for the annuity to be paid to the retired member.


The Retirement Annuity Reserve Fund shall be the fund in which shall
be held all reserves for annuities granted and in force and from which shall be paid all annuities payable as provided in this Act. This fund shall be made up of the transfers as follows:

a. At the time of service or disability retirement the accumulated contributions of a retiring employee shall be transferred from the Employee Saving Fund to the Retirement Annuity Reserve Fund as a partial reserve for the annuity purchased by his contributions.

b. An amount equal to the difference between the total reserve at present worth reserve value of the retirement annuity of the member and the amount standing to the credit of the individual account of the member who retires shall be transferred from the State Accumulation Fund into the Retirement Annuity Reserve Fund as a part of the reserve requirements for the annuity to be paid to the retired member.

c. Transfers and payments from the retirement annuity reserve fund shall be made as provided in Section 6, Sub Section C, Paragraph 6, upon the death, restoration to active service or removal from the disability list of a beneficiary retired on account of disability.

d. It is expressly provided that the balance in the Membership Annuity Reserve Fund and the Prior Service Annuity Fund of the Employees Retirement System on August 31, 1959, shall, upon September 1, 1969 be transferred to the Retirement Annuity Reserve Fund.

4. Interest Fund.

The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds. All income, interest, and dividends derived from the deposits and investments authorized by this Act shall be paid into the Interest Fund. Once each year on August thirty-first, interest shall be allowed and transferred to the other funds, respectively. The State Board of Trustees shall annually transfer to the credit of the State Accumulation Fund all excess earnings after all interest-bearing funds have been duly credited with interest for the year in the manner provided in this Act.

5. Expense Fund.

The Expense Fund shall be the fund from which the expenses of administration and maintenance of the Retirement System shall be paid. Transfers to and payments from this fund shall be made as follows:

a. The Executive Secretary shall prepare annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year and shall submit the report to the State Board of Trustees for its review and adoption.

b. Each member shall pay with the first payment to the Employees Saving Fund each year and each year thereafter be a member of the System; and in addition thereto, a sum of Two Dollars ($2), which amount shall be credited to the Expense Fund, said payments for the Expense Fund shall be made to the State Board of Trustees in the same way as payments to the Employees Saving Fund shall be made, as provided for in this Act; provided, however, that if said payment for the Expense Fund of any member is not made with said first payment of said member, the State Board of Trustees may deduct the amount of the payment for the Expense Fund from said first payment of said member.

c. If the amount estimated to be required to meet the expenses of the State Board of Trustees is in excess of Two Dollars ($2) per member contributor for the year, the State Board of Trustees as evidenced by the Board recorded in its minutes shall transfer to the Expense Fund from the Interest Fund an amount necessary to cover the expenses as estimated for the year.

B. Collection of Contributions.

1. The collection of members' contributions shall be as follows:

a. Each department of the State shall cause to be deducted on each and every payroll of a member for each and every payroll period beginning on September 1, 1959 the contributions payable by each member, as provided in this Act. Each department head of the State shall certify to the treasurer of said department on each and every payroll a statement for the amount so deducted.

b. The Treasurer or proper disbursing officer of each State department on authority from the department head shall make deductions from salaries of employees as provided in this Act, and shall transmit monthly, or at such time as the State
Board of Trustees shall designate a certified copy of the payroll or report and the amount specified to be deducted shall be paid to the Employees Saving Fund of the Employees Retirement System, after which the Executive Secretary of the Board of Trustees shall make a record of all receipts and turn payments over to the Treasurer of the State of Texas and by him be credited to the Employees Saving Fund, and such funds shall be deemed as appropriated for use according to the provisions of this Act.

The State Treasurer shall furnish annually to the State Board of Trustees a sworn statement of the amount of the funds in his custody belonging to the Retirement System. The records of the State Board of Trustees shall be open to public inspection and any member of the Retirement System shall be furnished with a statement of the amount to the credit of his individual account upon written request by such member, provided that the State Board of Trustees shall not be required to answer more than one such request of a member in any one year.

2. The collection of the State's contributions shall be made as follows:
   a. From and after September 1, 1959, there is hereby allocated and appropriated to the Employees Retirement System, in accordance with this Act, from the several funds from which the employees benefited by this Act receive their respective salaries, a sum equal to four and one-half percent of the total compensation paid to the said respective employees who are members of said Retirement System and whose compensation is paid from funds directly controlled by the State.
   b. Thereafter, on or before the first day of November next preceding each regular Session of the Legislature, the State Board of Trustees shall certify to the Legislative Budget Board and Budget Division of the Governor's Office for review the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennial. This amount shall equal four and one-half percent (4 1/2%) of the total compensation paid members of the Retirement System and shall be included in the budget of the State which the Governor submits to the Legislature. The State Board of Trustees shall certify on or before August thirty-first of each year to the State Comptroller of Public Accounts and the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.
   c. All money hereby allocated and appropriated by the State to the Employees Retirement System shall be paid to the Employees Retirement System in equal monthly installments based upon the annual estimate by the State Board of Trustees of the Employees Retirement System of the contributions to be received from the members of said System during said year, provided further in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the employees' contributions during the year, then such adjustment shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the State Accumulation Fund in the amount certified by the State Board of Trustees.

Section 9. Exemption from Execution.

The right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit or any other right accrued or accruing to any person under the provisions of this Act, and the moneys in the various funds created by this Act, are hereby exempt from any State or municipal tax, and exemption from levy and sale, garnishment, attachment, or any other process whatsoever shall be unsalved except in this Act specifically provided.

A. That any retired employee who has been a member of a group insurance plan prior to retirement and who wishes to continue same after retirement may have any premiums due him to be paid by group insurance deducted from his retirement allowance by specifically authorizing such deduction and payment in writing addressed to the Executive Secretary of the Employees Retirement System, provided, however, that such retired employee may
thereafter withdraw such authorization by a thirty (30) day written notice addressed to the Executive Secretary of such Retirement System.

Sec. 10. Protection Against Conversion of Funds and Fraud.

Any person who shall misappropriate or convert moneys representing deductions from employees' salaries before such moneys are received by the Retirement System or after such moneys are received by the Retirement System shall be guilty of a felony and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Any person who shall knowingly make any false statement, or shall fail or permit to be falsified, any record or records of this Retirement System in any attempt to defraud such System as a result of such act shall be guilty of a felony and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one (1) or more than five (5). Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the State Board of Trustees shall correct such error, and so far as practicable shall adjust the account in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

Violation of Provisions.

Any person, including department heads, and any member of the employees' and/or its beneficiaries or proper disbursing officers, who violates any provision of this Act other than those which the first paragraph of this Section applies shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) nor more than One Thousand Dollars ($1,000). Any member of the System who knowingly receives money as a salary, which money should have been deducted from his salary under the provisions of this Act, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) and not more than Five Thousand Dollars ($5,000).

Section 11. Surety Bonds.

The Treasurer of the State of Texas shall, upon becoming custodian of the Employees Retirement Funds, give a bond in the sum of Fifty Thousand Dollars ($50,000); the Executive Secretary shall give bond in the sum of Twenty-Five Thousand Dollars ($25,000), and the State Board of Trustees shall require any other employees and members of the State Board of Trustees to give bond in such amounts as the Board may deem necessary, conditioned that said bonded persons will faithfully execute the duties of the respective offices. All bonds shall be made with a good and solvent surety company, authorized to do business in the State of Texas, said bonds shall be made payable to the State Board of Trustees and shall be approved by it and the Attorney General of Texas. All expense necessary and incident to the execution of such bonds, including premiums thereon, shall be paid by the State Board of Trustees from the Expense Fund.

Section 12.

A. It is expressly provided that no member who is entitled to a Service Retirement on or before August 31, 1969, shall receive a Service Retirement Benefit, or its actuarial equivalent, an amount which is less than he would have been entitled to receive at the date of his retirement in an equivalent benefit calculated under the laws covering the Employees Retirement System of Texas as effective August 31, 1959.

B. Nothing in this Act shall be construed as reducing the annuity or benefit allowances hereof approved for or awarded to any person prior to September 1, 1959, in accordance with the laws relating to the Employees Retirement System in effect August 31, 1959, provided that if the Service Retirement Benefit of any such retiree is less than the minimum prescribed under Section 5, Sub Section A, Paragraph 1, as applicable then from and after September 1, 1959, such benefits shall be increased to the minimum prescribed for equivalent service as if said minimum retirement benefit was applicable on the effective date of the retirement.
C. It is further expressly provided herein that creditable service of all members of the Employees Retirement System of Texas as accumulated by each member and granted by this System as of August 31, 1959 shall not be reduced but shall be granted and shall be effective upon the effective date of this Act, September 1, 1959.

Section 13.
If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency; provided, however, that this Act shall not be construed as repealing or affecting the provisions of any Statute which may be enacted by the Fifty-Fifth Legislature to make effective the provisions of Sub Section (a) Section 62, Article XVI of the Constitution of Texas but such Statute shall be construed as being definitive of the retirement rights and benefits of the persons to whom they pertain.

Article II
This Act shall become effective September 1, 1959, and operative as a law only upon the condition that the Constitutional Amendment to be known as Sub Section (a) of Section 62, Article XVI of the Constitution of Texas which is proposed by Senate Joint Resolution No. 37 of the Fifty-Fifth Legislature, 1957, or as proposed by House Joint Resolution No. 37 of the Fifty-Fifth Legislature, 1957, shall be adopted and become a part of the Constitution of Texas; and in the event of adoption of the said Constitutional Amendment, this Act shall become operative as a law September 1, 1959. In the event the proposed Constitutional Amendment shall fail to be adopted, then in such event this Act shall never become effective or operative in whole or in part.

Article III
The crowded condition of the calendar and the importance of the adoption of this legislation at this present session create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended; and said rule is hereby suspended; and this Act shall take effect and be in force from and after the date herein above specified and upon the conditions herein above stated; and it is so enacted.

Mr. Spilman offered the following amendment to the Committee Amendment:

Amend Committee Amendment to House Bill No. 790 as follows:

On page 9, Line 36, by substituting September 1, 1958 for September 1, 1959.

And further that August 31, 1958, be substituted for August 31, 1959, wherever it appears in this Act.

And further that September 1, 1958, be substituted for September 1, 1959, wherever it appears in this Act.

The amendment to the Committee Amendment was adopted.

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

House Bill No. 790 was then passed to engrossment.

HOUSE BILL NO. 790 ON THIRD READING

Mr. Spilman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 790 be placed on its third reading and final passage.
The motion prevailed by the following vote:

Yea—128

Anderson
Armour
Atwell
Ballman
Bartram
Bass
Bell
Bishop
Blaine
Bowers
Boyce
Brazner
Bullock
Byrd
Chapman
Clise
Cole
Coley
Conley
Cory
Cotes
Cox
Crosthwaite
Day
de la Garza
Duff, Miss
Dugas
Dungan
Ehrle
Elliot
Ellis
Engel
Farrell
Ford
Foreman
Forayth
Glass
Gissing
Goetz
Hale
Harrington
Hensley
Hollowell
Holman
Holstein
Hooks
Hoeby
Huebner
Huffman
Hughes
Hughes of Dallas
Hutchins
Jimenez, Miss
Jackson
Jameison
Johnson
Jones

The Chair then laid House Bill No. 790 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. Spilman and by unanimous consent of the House, the Capitol of House Bill No. 790 was ordered amended to conform with the body of the bill.

HOUSE BILL NO. 386 ON SECOND READING

Mr. Forsyth moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 386.

The motion prevailed by the necessary two-thirds vote.

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

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23. page 30 (codified as Section 1, Article 1111b, Vernon's Annotated Civil Statutes); amending Article 112, Revised Civil Statutes of Texas for 1925, as amended; amending Article 115, Revised Civil Statutes of Texas for 1925; amending Section 1 of House Bill 386, Acts 1951, Forty-Second Legislature, Regular Session, Chapter 314, page 743, (codified as Section 1 of Article 111a, Vernon's Annotated Civil Statutes); providing a severability clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time.

Mr. Forsyth offered the following Committee Amendment to the bill:

Committee Substitute as amended.

Committee Amendment No. 1

Amend House Bill No. 386 by striking out all of the bill after the casting clause and substituting in lieu thereof the following:

Section 1. Any city or town, including any Home Rule City operating under Title 24 Revised Civil Statutes of the State of Texas of 1925, as amended (hereafter referred to as "city" or "such city") shall have power to own, hold, purchase, construct, improve, extend and operate street transportation systems for the carrying of passengers for hire within such city, its suburbs and adjacent areas.

Any such city shall have full power to issue bonds and notes from time to time and in such amounts as it shall consider necessary or appropriate for the acquisition, purchase, construction, improvement or extension of such street transportation systems. All such bonds and notes shall be fully negotiable and may be made redeemable before maturity, at the option of the issuing city, at such price or prices and under such terms and conditions as may be fixed by the issuing city in the ordinance authorizing such bonds or notes. Such bonds and notes shall be sold for such price as the governing body of the city shall consider to be for the best interest of such city, provided that no such sale shall be made at a price so low as to require the payment of interest on the money received therefrom at a rate of more than six and one-half (6.5%) per cent per annum, computed with relation to the absolute maturity of the bonds or notes in accordance with standard tables of bond values, excluding however, from such computations the amount of any premium to be paid on redemption of any bonds or notes prior to maturity. Subject to the restrictions contained in this Act each such governing board is given complete discretion in fixing the form, conditions and details of such bonds and notes.

Section 3. Prior to delivery thereof, all bonds and notes authorized to be issued hereunder and the records relating to their issuance shall be submitted to the Attorney General of Texas for examination and if he finds that they have been issued in accordance with the Constitution and this Act, and that they will be binding special obligations of the city issuing same, he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas, and after such approval and registration they shall be incontestable.

Section 4. Before passage of an ordinance authorizing the issuance of bonds or notes under this Act, the governing body of each city shall give notice of the time when such ordinance is to be passed. Such notice shall be published in a newspaper of general circulation in such city. In at least two issues thereof, the date of the first publication to be not less than fourteen (14) days prior to the date so fixed for passage of the ordinance. Unless prior to the scheduled time for passing the ordinance a petition is filed with the City Secretary, signed by not less than 10% of the qualified voters of the city who have duly rendered their property for taxation, requesting that an election be held on the question of issuing such bonds or notes, the governing body may proceed in the issuance thereof without an election. If such petition is duly filed, it shall be the duty of the governing body to proceed in the manner prescribed in Chapter I of Title 22 of the Revised Civil Statutes of Texas of 1925, with an election on the question, and such bonds...
Section 5. In order to secure the payment of such bonds or notes, any city may, by the terms of the instrument evidencing such encumbrance, grant to the purchaser under the power of sale in such instrument, a franchise to operate any such transportation system, and the properties thereof so purchased, for a term of not over twenty-five years after purchase, subject to all laws regulating same then in force. No such obligation of any such system shall ever be a debt of such city, but solely a charge upon the properties, including the pledged revenues, of the system so encumbered and shall never be reckoned in determining the power of any such city to issue any bonds or notes for any purpose authorized by law. But no such city shall be prohibited from making payment of such bonds or notes out of any other source as may be lawfully used for the purpose. Any such city shall have full power and authority to encumber separately any item of real estate or personal, including motor buses or other vehicles, machinery or other equipment of any nature, or to acquire, use, hold, and contract for any such property under any lease arrangement, chattel mortgage, or conditional sale, including but not limited to transactions commonly known as equipment trust transactions. Nothing herein shall be construed as prohibiting any such city from encumbering any one or more transportation systems for the purposes of purchasing, building, constructing, mortgaging, enlarging, extending, repairing, or re-constructing another one or more of said systems and purchasing necessary property, both real and personal in connection therewith.

Section 6. Any city issuing bonds or notes payable from and secured by a pledge of revenue from the operation of a street transportation system and while all or part of such bonds remain outstanding, shall have the power, from time to time, and on one or more occasions to issue bonds or notes for the purpose of extending or improving, or both, any such transportation system, or to require another or other such transportation system or systems, and such bonds or notes shall constitute a lien upon the revenues, in the order of their issuance, inferior to the liens securing the payment of any or all issues and series of bonds or notes previously issued; provided, however, the foregoing provisions shall not be construed to prevent the payment of an ordinance or execution and issuance of any deed of trust, trust indenture, or similar instrument, providing therein for the subsequent issuance of additional bonds or notes on a parity with or of equal dignity with the previously issued revenue bonds or notes, and where any such ordinance, deed of trust, trust indenture or similar instrument may so provide, any such city shall have the power to authorize, issue, and sell additional bonds or notes, from time to time and in different series, payable from the revenues of any transportation system, and the revenues to be derived from such additional issues, on a parity with those previously issued and secured by liens on such transportation system, on a parity with and of equal dignity with the lien securing bonds or notes previously issued and subject to such conditions as may be contained in the ordinance, deed of trust or trust indenture providing for or securing such issue of original bonds or notes.

Section 7. Refunding bonds or notes may be issued for the purpose of refunding the bonds or notes of a single series or issue or two or more issues or series of bonds or notes and
such refunding bonds or notes shall enjoy the same priority of lien on the revenues pledged to their payment as pledged to the bonds or notes refunded, provided that when two or more series or issues of bonds or notes are refunded in a single issue of refunding bonds or note the lien of each refunding bond or note shall be equal to all of the outstanding bonds or notes at the several series or issue to be refunded and that the annual principal and interest burden will not be increased so as to infringe upon or impair the rights of the holders of any bonds or notes, if any, enjoying a prior or inferior lien. Any such bonds or notes may be so refunded by the issuance of refunding bonds or notes, either to be exchanged for the bonds or notes being refunded and cancelled, or to be sold, with the proceeds thereof to be used for redemption and cancellation of the bonds or notes being refunded. Such city may provide in any refunding bond or note issue such money as may be needed for paying a call premium and for payment of interest to the date fixed for calling for redemption the outstanding bonds or notes.

Section 8. Whenever the revenues of any street transportation system shall be encumbered under this law, the expense of operation and maintenance, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service and every proper item of expense shall always be a first lien and charge against such revenues. Provided, that only such extensions, as in the judgment of the governing body of such city, are necessary to keep the system in operation and render adequate service to such city and the inhabitants thereof, or such as might be necessary to meet some condition which would otherwise impair the original securities shall be a charge prior to any existing lien. The taxes charged for transportation of passengers by any transportation system may be based on a zone system of determining fares or other fare classification determined by such city to be reasonable. There shall be charged and collected for such services a sufficient rate to pay all operating, maintenance, depreciation, replacement charges (and to provide for extensions to the extent permitted and limited hereby) and to provide and maintain in the manner and at the times prescribed in such ordinances, deeds of trust and indentures, money sufficient for debt service and reserves for the security and orderly payment of such bonds or notes. Except as may be otherwise permitted under the ordinance authorizing or the deed of trust or indenture securing the bonds or notes, no part of the revenues of any such system shall be ever used to pay any other debt, expense, or obligation of such city, except that any such city may receive payments from any such system in lieu of ad valorem taxes previously paid by the owners of an acquired system until the indebtedness so secured shall have been finally paid.

Section 9. All such bonds and notes shall be and are hereby authorized and directed to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, saving and loan associations and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto.

Section 10. It shall be the duty of the mayor of such city to install and maintain, or cause to be installed and maintained, a complete system of records and accounts showing the revenues collected and show-
Section 11. During the time any such system is encumbered either as to its revenues or as to both its properties and revenue, the management and control of such system may by the terms of the instrument evidencing such encumbrance be placed with the governing body of such city, or may be placed with a board of trustees to be named in such instrument, consisting of not more than five members, one of whom shall be the mayor of such city. The compensation of such trustees shall be fixed by such instrument, but shall never exceed two per cent of the gross receipts of such systems in any one year. The terms of office of such board of trustees, their powers and duties, the manner of exercising same, the election of their successors, and all matters pertaining to their organization and duties may be specified in such instrument. In all matters where such instrument is silent, the laws and rules controlling the governing body of any city shall govern said board of trustees so far as applicable. The governing body of such city or any board of trustees in whose management and control any such system may be placed, with the approval of the governing body of such city, evidenced by adoption of a resolution, in lieu of operating any such system, shall have power and authority to enter into any lease or other contractual arrangement for the operation of such system by any privately owned and operated corporation in consideration of such rent or other guaranteed or contingent, based on revenues or gross profits or not profits, or any other basis of compensation, which may be determined to be reasonable by such governing body or such board as the case may be, providing however, that any such lease or contractual arrangement between such city and private corporation, shall be preceded by a public notice and request for the submission of bids in the manner required by law for the taking of bids for public construction contracts, and said city shall accept the best bid submitted, taking into consideration the rental to be paid, the experience and financial responsibility of the corporations submitting such bids.

Section 12. In case any one or more of the sections, provisions, clauses or words of this Act or the application of such sections, provisions, clauses or words to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses or words of this Act or the application of such sections, provisions, clauses or words to any other situation or circumstance, and it is intended that this law shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause or word had not been included herein.

Section 13. All laws and parts of laws in conflict herewith shall be and the same are hereby expressly repealed.
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Section 14. The fact that cities shall be authorized to own and operate street transportation systems to be acquired through issuance of revenue bonds which impose no tax burden on the people and their property, that they shall have the right to fix reasonable fares for such service; and should have permissive authority to make contracts for the operation thereof, create an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three (3) several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Parish offered the following Committee Amendment to the bill:

Committee Amendment No. 2

To H. B. 386

Amend the Caption of House Bill No. 386 so as to be and read as follows:

“A BILL

To Be Entitled

An Act applicable to all cities and towns in this State herein referred to as “city” or “such City,” authorizing any city to acquire, own, hold, purchase, construct, improve, extend and operate a street transportation system or systems, and in connection therewith to issue and sell its revenue bonds or notes, secured in the manner prescribed herein; providing an opportunity for a referendum election before issuance thereof; authorizing the issuance of refunding bonds or notes; requiring approval of all bonds and notes by the attorney general and prescribing the effect of such approval; an authorizing execution of instruments for properly securing the bonds or notes by pledges and liens; providing for the issuance subsequently of additional bonds or notes subject to restrictions prescribed; requiring all such bonds or notes to be so issued that the holder shall never have the right to demand payment out of funds raised or to be raised by taxation; prescribing duties of cities, their governing bodies, boards of trustees and officials, which shall have any acquired street transportation systems; permitting the operation thereof through leases or contracts; prescribing the eligibility of such bonds for investment and security of public funds; prescribing a severability provision; repealing laws in conflict herewith, enacting other provisions related to the subject; and declaring an emergency.”

The amendment was adopted.

House Bill No. 386 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 386 ON THIRD READING

Mr. Forsyth moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 386 be placed on its third reading and final passage.

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

Yeas—74

Anderson 
Bell 
Blaine 
Bowen 
Boren 
Bullock 
Byrd 
Chapman 
Coley 
Cory 
Crostwait 
Day 
de la Garza 
Dugas 
Dungan 
Ehrle 
Ferrell 
Ford 
Foreman 
Forsyth 
Green 
Hale 
Healy 
Holman 
Holstein 
Hossey 
Huffman 
Hufford 
Isacks, Miss 
Jackson 
Jazwieniewicz 
Jones 
Kelly 
Kennedy 
Kihm 
Koliba 
Kochmann 
Latomer 
Laurel 
McDonald 
McGregor 
McGregor 
McPhee 
of El Paso 
McNelly 
More of Tarrant 
Mollen 
Murray 
Oliver 
Parish 
Parsons 
Pickin 
Pool 
Preluer 
Puckett 
Richardson 
Russell 
Schram 
Schwartz 
of Galveston 
Shannon of Erath 
Shannon of Tarrant 
Storey
MESSAGE FROM THE SENATE

Austin, Texas, May 14, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 332 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Fly, Hardeman, Bradshaw, Lane and Parkhouse.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Poet Laureate Committee Report by a voice vote.

Respectfully,

CHARLES SCHNADEL,
Secretary of the Senate.

HOUSE BILL NO. 480 ON SECOND READING

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

The motion prevailed by the necessary two-thirds vote.

Mr. Cotten raised a point of order on further consideration of H. B. No. 480 on the ground that Mr. Sutton has used his suspension.

The Chair overruled the point of order.

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

H. B. No. 480. A bill to be entitled "An Act amending Article 3.40 of the..."
provisions of Senate Bill 236, known as the Insurance Code, Acts 1951, 52nd Legislature, as amended by Senate Bill No. 12, Acts 1955, 54th Legislature, pertaining to investments by life, health or accident insurance companies in real estate by adding to said Article a paragraph permitting such companies to acquire, secure, hold and convey, in addition to real property now authorized by law, branch office buildings as shall be requisite for its accommodation in the transaction of its business and for lease and rental subject to certain restrictions, limitations and exceptions; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency."

The bill was read second time.

Mr. Sutton offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend H. R. 480 by striking out all below the enacting clause and substituting in lieu thereof as follows:

Section 1. That Article 3.40 of the Insurance Code, as amended, be amended by adding thereto a paragraph as follows:

"In addition to real property which may be acquired pursuant to other provisions of this Article, every such insurance company may acquire, secure, own, hold and convey branch office buildings in the State of Texas and elsewhere within the United States wherein such company is authorized to do business and one parking lot adjacent to or in the vicinity of such office building owned by such insurance company as shall be requisite for its convenient accommodation in transaction of its business and for lease and rental; however, at least seventy-five per cent (75%) of the space in each such branch office building and parking lot which is available for occupancy (for business purposes) shall be used by such insurance company for the transaction of its business and not for lease and rental to others; and such investments shall be subject to all of the limitations, restrictions, and exceptions contained in paragraphs 1(b) and 1(c) of this Article and for this purpose all investments pursuant to the provisions of this paragraph shall be deemed to be 'Properties described in paragraph 1(a) of this Article."

Section 2. All laws or parts of laws that conflict herewith are to that extent hereby repealed; and this Act shall prevail over any conflicting provisions of law.

Section 3. The fact that present laws do not adequately provide for investments by life, health and accident insurance companies in real estate creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

A record vote was requested on the Committee Amendment by Mr. Sutton.

The amendment by Mr. Sutton was lost by the following vote:

Year—42

Yeas—42

Nays—71

Anderson Lee
Armstrong McGreggor
Atwell of El Paso
Baker
Ballman
Barram
Baron
Hitch
Henderson
Huff
Hughes of Grayson
Isaacks, Miss

Bass
Bowers
Bowen
Bracken
Byrd
Chapman
Cline
Cole
Cox
Day
De la Garza
DuBois
Dible

Hefner of Dallas
Springer
Sutton
Thurmond
Walling
Walt

Forbes
Forrester
Glass
Gresham
Hale
Harrington
Hersch
Hooks
Honey
Hubbard
Hughes of Grayson
Husak, Miss
In the Chair
Dewey

Present—Not Voting
Cory

Absent
Blaine
Blanchard
Brittow
Bryan
Burkett
Cotton
Cowen
Duff, Miss
Ellis
Ferrall
Glueck
Goets
Healy
Heflin
Koliba

Present—Excused
Cloud
Honeale
Martins

Mr. Sutton moved to lay H. B. No. 480 on the table subject to call.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 524 ON SECOND READING

Mr. Jones moved that all the necessary rules be suspended for the pur-
pose of taking up and considering at this time, House Bill No. 524.

The motion prevailed.

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

H. B. No. 524, a bill to be entitled "An Act requiring all contracts relating to the distribution and licensing of motion pictures or films to be shown in theaters in the State of Texas, shall be construed in accordance with the laws of this State; providing venue of suits arising out of such license agreements; providing a repealing clause; providing a severability clause and declaring an emergency."

The bill was read second time.

(Speaker in the Chair.)

House Bill No. 524 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 524 ON THIRD READING

Mr. Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 524 be placed on its third reading and final passage.

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

Texas—99

Anderson
Armstrong
Arwell
Ballman
Barn
Bell
Bishop
Byrd
Chapman
Chung
Coley
Corby
Cox
Crosswhite
de la Garza
Dewey
Duff, Miss
Ehrle
Elliot
Elia
Fengillo
Ford
Foreman
Forrest
Glass
Goets
Hale
Harrington
Healy
Holloway
Holman
Holstein
Hooks
Hosky
Husen
Huxten
Hughes of Dallas
Hutchins
Isaak, Miss
Jackson
Jones
Kelly
Kennard
Kilpatrick
Mr. Jones moved to reconsider the vote by which H. B. No. 524 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

TO GRANT NORTH PLAINS TELEPHONE COMPANY, INC. PERMISSION TO SUE THE STATE OF TEXAS

The Speaker laid before the House for consideration at this time, H. C. R. No. 101, Granting North Plains Telephone Company, Inc., permission to sue the State of Texas.

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

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

Committee Amendment No. 1
To H. C. R. No. 107
Amend H. C. R. No. 107 by adding an additional Resolving Clause to read as follows:
"Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid North Plains Telephone Company, Inc., 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 it seeks to recover must be proved in court as in other civil cases."

The amendment was adopted.

The resolution as amended was adopted.

CHANGING THE EFFECTIVE DATE OF SENATE BILL NO. 303

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

S. C. R. No. 90

Whereas, Senate Bill No. 303 has been returned from the Governor's Office and is now in the Engrossing and Enrolling Room of the Senate; and
Whereas, It has been discovered that entire Section 40 is incorrect and should be as follows:

'Section 49. Time of Taking Effect.
For the purpose of the appointment of and for the purpose of control and management of the Galveston State School, the Galveston State School, and the Crockett State School, the members of the Youth Council and the organization of the Youth Council, this Act shall take effect on September 1, 1967; for the purpose of the transfer of the control and management of the Cordana State Home, The Texas Blind, Deaf and Orphan School, and the Waco State Home, this Act shall take effect on September 1, 1967.'

Now, therefore, be it resolved, by the Senate of the State of Texas, the House of Representatives concurring, that the Enrolling Clerk is hereby authorized to make said corrections in said Senate Bill No. 263.

The resolution was read and was adopted.

PROVIDING FOR MEMBERS TO ATTEND CONVENTION OF THE INTERNATIONAL GOOD NEIGHBOR RELATIONS COUNCIL

Mr. Dugas offered the following resolution:

H. B. No. 488

Whereas, The International Good Neighbor Relations Council will hold its Sixth Annual Convention in San Luis Potosi, S. L. P., Republic of Mexico, May 16-18, 1967; and

Whereas, Texas has been an active participant in former conventions the business of which has resulted in greatly improved relations between border states of this country and Mexico; and

Whereas, The Governor has been asked to designate two representatives from Texas and he is desirous of appointing same from the membership of the House of Representatives; therefore be it

Resolved by the House of Representatives, That the two members from this body officially designated by the Governor are hereby authorized to attend said convention in San Luis Potosi and further that their actual and necessary traveling and living expenses to attend shall be paid out of the Contingent Expenses Fund upon presentation of sworn expense accounts, such expense accounts to be approved by the Chairman of the Contingent Expense Committee and the Speaker before reimbursement warrants are drawn.

The resolution was referred to the Committee on Contingent Expenses.

BILLS SIGNED BY THE SPEAKER

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

S. B. No. 438, An Act to amend Articles 3.42 and 3.43 of the Insurance Code (Acts 1961, 52nd Leg., Ch. 411, as amended) relating to the filing with an approval by the Board of Insurance Commissioners of all policy forms, endorsements, and riders issued by any life, accident, health, accident and health or hospitalization insurance company, doing business in this State; prescribing the method of filing and providing for its approval within thirty days unless disapproved or approved within such time by written order of the Board; providing specific grounds for disapproval; providing for judicial review of any such orders; repealing all laws in conflict herewith; providing for a severability and savings clause; and declaring an emergency.

S. B. No. 473, An Act authorizing the Board of Regents of the University of Texas, in consideration of the payment to it of the appraised value, to convey to the Trustees of the Sealy-Smith Foundation certain land in the City of Galveston, Texas, for the purpose of constructing thereon a psychopathic hospital; prescribing procedures and conditions for the sale of this property; making an appropriation; and declaring an emergency.

RECESS

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

The vote of the House was taken on the motion to recess and the vote was announced, yeas 63, nays 59.
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A verification of the vote was requested and granted.

Mr. Shaw moved to dispense with the verification.

The motion of Mr. Shaw prevailed.

The motion to recess until 9:00 o'clock a. m. tomorrow prevailed by the following vote:

Yeas--64

Anderson
Armour
Barron
Bell
Bishop
Blaine
Boysen
Brashear
Chapman
Cole
Coley
Corz
Cotten
Cowan
de la Garza
Delaney
Dewey
Ehrle
Elliott
Epps
Fowden
Glover
Goetz
Hansen
Helfrich
Hughes
Hughes
Jackson
Johnson
Jones
Koliba
Kohut
Kolbn
Leitner

Nays--58

Atwell
Balfour
Bass
Bowers
Bullard
Burkett
Cline
Crook
Day
Deff, Miss
Dugas
Dungan
Pennington
Ford

Korioth
Lee
McCoppin
McLain
Mann
Murray
Oliver
Parsons
Pool
Puckett
Sanders
Scheuer
Shackelford

Hearns of Erath
Springer
Storey
Sutton
Tunnell
Walling
Watson
White
Wilson of Young
Wilson of Potter
Winkford
Wootley
Yenak
Zbornik

Absent

Baker
Blanchard
Bristow
Brown
Bryan
Ellis
Ferrell
Glazing
Heady
Heflin
Johnson
Kennard
Kennard
Kilpatrick
Korioth
Korte
Lee
McGregor
McHurley
Moore
Moore
Moore
Myatt

Rogers of El Paso
Rogers of Tarrant
Myers
Parish
Patterson
Pipkin
Ramsey
Richardson
Roberts
Russell
Sadler
Sanchez
Schwartz
Schwartz
Seekins
Shannon
Shannon
Shaw
Slack
Spurlin

Terrell
Thurmond
Welch
Wheeler
Wilson
Wilson
Wilson
Yezak
Zbranek

APPENDIX

STANDING COMMITTEE REPORTS

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

ATWELL

Balfour
Bass
Bowers
Bullard
Burkett
Cline
Crook
Day
Deff, Miss
Dugas
Dungan
Pennington
Ford

Korioth
Lee
McCoppin
McLain
Mann
Murray
Oliver
Parsons
Pool
Puckett
Sanders
Scheuer
Shackelford

Hearns of Erath
Springer
Storey
Sutton
Tunnell
Walling
Watson
White
Wilson of Young
Wilson of Potter
Winkford
Wootley
Yenak
Zbornik

Absent

Baker
Blanchard
Bristow
Brown
Bryan
Ellis
Ferrell
Glazing
Heady
Heflin
Johnson
Kennard
Kennard
Kilpatrick
Korioth
Korte
Lee
McGregor
McHurley
Moore
Moore
Moore
Myatt

Rogers of El Paso
Rogers of Tarrant
Myers
Parish
Patterson
Pipkin
Ramsey
Richardson
Roberts
Russell
Sadler
Sanchez
Schwartz
Schwartz
Seekins
Shannon
Shannon
Shaw
Slack
Spurlin

Terrell
Thurmond
Welch
Wheeler
Wilson
Wilson
Wilson
Yezak
Zbranek

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:
H. B. No. 687, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 3 providing benefits, Section 6 providing for disqualification for benefits, Section 7 providing for contributions, Section 8 providing for duration of coverage, Section 9 providing for the unemployment compensation fund, Section 11 providing for administration, Section 12 providing for the collection of contributions, Section 16 providing for penalties, Section 17 providing for representation in court, and Section 19 providing definitions of terms, of the Texas Unemployment Compensation Act, as amended (Senate Bill No. 8, Chapter 483, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended); and to repeal subsection (f) of Section 10 and Section 20 of the Texas Unemployment Compensation Act, as amended; providing an effective date for this Act and its Sections; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
May 14, 1957

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equipped with, and to use, stop and turn signal lamps; by authorizing the use of lighting equipment on motor vehicles to warn of the presence of a vehicular traffic hazard; and by authorizing the use of flashing lights to indicate the presence of a vehicular traffic hazard; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 89, A bill to be entitled "An Act relating to dividends and guaranty funds for credit unions; amending Sections 21 and 22 of Chapter 27, Acts of the Thirty-third Legislature, Regular Session, 1913, as amended, (codified as Articles 2481 and 2482 of Vernon's Texas Civil Statutes), so as to provide that in each of the first five (5) fiscal years of the existence of the credit union, twenty per cent (20%), and in each of the remaining fiscal years, ten per cent (10%), of the income for each fiscal year which remains after the deduction of expenses shall be credited to a guaranty fund; to provide that "expenses" shall not be construed to include losses on bad debts; to eliminate the phrase, "and the investments thereof"; to provide that losses on bad debts for a fiscal year may be charged against the guaranty fund to the extent of any balance thereof regardless of whether the net income after expenses is sufficient to cover such losses; to substitute the word, "amount" for "proportion of profits"; to provide that a dividend may be paid from income which has actually been collected from the time the association began business to the close of the fiscal year next preceding such payment, after deduction of expenses and guaranty fund; providing that any such dividend shall first be declared at an annual meeting; to provide for a reversal in the former sequence and Article numbers in which the two (2) sections appeared in the Statutes, and to clarify the meaning of the existing law; repealing all laws in conflict herewith; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 297, A bill to be entitled "An Act providing transfer and appeals procedure for public schools in cases involving constitutional questions or a petition for transfer from school of pupil's race into school designated for the other race; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 297, A bill to be entitled "An Act providing transfer and appeals procedure for public schools in cases involving constitutional questions or a petition for transfer from school of pupil's race into school designated for the other race; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1957
"Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 316, A bill to be entitled "An Act amending Section 8 of Article 11 of Acts of the Fifty-fourth Legislature, Regular Session, Chapter 494, page 1080, (1966), codified as Article 7065b-14a of Vernon's Annotated Civil Statutes; and declaring an emergency." has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 320, A bill to be entitled "An Act making an appropriation of Eight Hundred and Forty-two Thousand, Six Hundred and Thirty-three Dollars and Ninety-four Cents ($842,633.94) due on certain judgments obtained against the State of Texas for recovery of Gas Gathering Taxes paid under Section XXIII of House Bill No. 285 Chapter 69, Acts of the Fifty-third Legislature, according to the tenor, effect and reading of such judgments, directing the Comptroller of Public Accounts to cause the necessary warrants to be drawn on the State Treasurer and issued to the persons, firms and corporations, or their assigns, in lieu of obtaining refunds, may use their judgments as offsets against future tax liabilities to the State of Texas, and directing the Comptroller of Public Accounts to recognize said judgments and allow same as offsets against such tax liabilities; declaring that items and amounts shall be severable each from the others, and containing a general severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency." has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 387, A bill to be entitled "An Act to amend Article XV of Chapter 452, Acts of the Fifty-third Legislature, Regular Session, 1957, as amended by Chapter 296, Acts of the Fifty-third Legislature, Regular Session, 1953, relating to the inspection of vehicles, by amending Section 142 thereof, authorizing the Department of Public Safety to designate the position of inspections certificate, and by adding a new section to be numbered Section 142A requiring the inspection of the steering mechanism of all registered motor vehicles; providing for severability and declaring an emergency." has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 13, 1967
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 413, A bill to be entitled "An Act providing for release of interest and penalties on all State ad valorem taxes and on certain county ad valorem taxes that were delinquent on or before January 1, 1951, if paid before November 1, 1957; providing conditions for partial payment; releasing certain costs that have accrued or attached by reason of the delinquency; providing for publication and posting of notice of the contents of this Act; suspending conflicting laws; and declaring an emergency." has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.
May 14, 1957

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Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
H. B. No. 519, A bill to be entitled "An Act amending Sections 61, 62 and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06 and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain other provisions relative to the form of the ballot and the method of marking the ballot; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

finds it correctly engrossed.

HERMAN YEZAK, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 231, An Act to declare the public policy of the State of Texas with respect to public education: to provide for further study and analysis as a basis for general reconsideration of the efficiency of the system in promoting the progress of pupils in accordance with their aptitudes and in furtherance of social order and good will; pending such reconsideration to authorize district and county Boards of School Trustees to provide for the continuation or establishment of units, facilities and curricula and the placement of pupils therein so as to assure the best practical educational curriculum and environment for the individual pupil consistent with the educational progress of others and the paramount function of the State's police power to assure social order, good will and the public welfare; and to prohibit such Boards from making or administering any order or reallocation of pupils without a finding by the Board or authority designated by it that such transfer or placement is as to each individual pupil consistent with policies prescribed by this Act; authorizing transfer of pupils and funds from adjoining districts; authorizing assignment and reassignment of teachers; to establish the right of parents or guardians to withdraw children from public schools under certain conditions; to provide for appeals from the decisions of such Boards in certain cases; providing that nothing in this Act shall affect any action heretofore taken by any school district in this State covering the subject matter of this Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 253, An Act amending Article 2875, Revised Civil Statutes of 1925, as amended, so as to permit common school districts and/or common consolidated school districts with a scholastic population of three hundred (300) or more to requisition textbooks in the same manner as city and town superintendents; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on enrolled Bills to whom was referred

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.
In the House of Representatives, May 13, 1967.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 288, An Act fixing the deadline for filing applications of candidates in elections for the office of county school trustee or trustee of any school district; fixing the time for printing of the ballots in such elections; making provisions relative to absentee voting in such elections; amending Article 3744a, Revised Civil Statutes of Texas, 1935, as amended; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1967.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 425, An Act authorizing cities to hold an election to authorize the use of proceeds of sale of bonds for other purposes where the purpose for which the bonds were voted has been accomplished by other means or has been abandoned; containing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1967.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 527, An Act amending Section 3, Section 9(A), Section 10, Section 13, Section 15, Section 17, Section 19, Section 19(A) and Section 21, of Chapter 318, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended by Chapter 334, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Chapter 176, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended by Chapter 639, Acts of the Fifty-fourth Legislature, Regular Session, 1965; providing for the issuance of negotiable bonds not exceeding the aggregate sum of Two Hundred Million Dollars ($200,000,000), to mature not later than forty (40) years from their date; providing that any bonds previously issued shall mature in accordance with their provisions; providing for the signatures and seal to be placed on the bonds; providing that for each year until December 1, 1966, sufficient money shall be set aside to pay the interest and principal due on all bonds, therefore issued and outstanding, and after December 1, 1966, all monies received, or so much thereof as may be necessary, shall be used to pay the principal and interest on all outstanding bonds; providing that until December 1, 1966, the Veterans’ Land Fund, except a sufficient amount to pay interest and principal due on outstanding bonds, shall be used for the purpose of purchasing land to be sold to veterans; providing for the sale of land subdivided by the Board, the method of sale, and the maximum amount; a preference right to disabled veterans; providing that no land shall be sold at less than its actual cost to the Board except forfeited lands; providing that no veteran shall be permitted to purchase more than one (1) tract under this Act; providing for the sale of land by Contract of Sale and Purchase and the recording of such contract; providing that the initial payment, amortization of the selling price and the interest rate; providing that no property sold under the provisions of this Act shall be conveyed until the original veteran purchaser has enjoyed possession for a period of three (3) years except in the case of death or incapacitation by reason of illness or accident; providing for the sale by a veteran after three (3) years and the conditions of such sale; providing a restriction on the leasing of such land; providing for the issuance of a deed by the Board when the entire indebtedness has been paid; providing for the forfeiture of Contracts of Sale and Purchase, notice thereof, and the manner of forfeiture; providing for revesting of title in the Board upon forfeiture; providing for the recognition of outstanding valid oil and gas or mineral leases; providing that a notice of the action of forfeiture shall be mailed to the County Clerk; providing for reinstatement of the Cost-
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H. B. No. S76. An Act to amend Chapter 58, Acts of the Fifty-second Legislature, Regular Session, 1951, (codified as Article 3288-45, Vernon's Texas Civil Statutes), to provide an additional compensation to the District Attorney of the 79th Judicial District, and providing for payment thereof; to authorize the District Attorney of the 79th Judicial District, with approval of the Commissioners Courts of the Counties comprising the 79th Judicial District, to appoint a First and Second Assistant District Attorney of said District, fixing their compensation, duties, and qualifications, and providing the manner of payment of their compensation; providing the Second Assistant shall serve for a term not to exceed December 31, 1958; to provide for special assignment of one of the Assistant District Attorneys to one or more counties in the 79th Judicial District, and prescribing the manner of payment of his salary in this event; to authorize appointment of a stenographer to the District Attorney of the 79th Judicial District, to appoint a First and Second Assistant District Attorney of said District, fixing their compensation, duties, and qualifications, and providing the manner of payment of their compensation; providing the Second Assistant shall serve for a term not to exceed December 31, 1958; to provide for special assignment of one of the Assistant District Attorneys to one or more counties in the 79th Judicial District, and prescribing the manner of payment of his salary in this event; to authorize appointment of a stenographer to the District Attorney of the 79th Judicial District, providing for her appointment, compensation, and mode of payment of compensation; providing a severability clause; and declaring an emergency.

Sir: Your Committee on Enrolled Bills to whom was referred

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

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H. B. No. 167. An Act creating, as a temporary Court, the County Court at Law of Hunt County, prescribing the jurisdiction, terms, and duration of the Court; limiting the jurisdiction of the County Court at Law of Hunt County during the existence of the Court herein created; providing for the qualifications, selection, and compensation of the Judge of the County Court at Law and for the selection and compensation of a Special Judge thereof; providing for the selection, designation, and compensation of other officers of the Court; making other provisions relative to the business and functioning of the Court; providing for severability; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled. 

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

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H. B. No. 396. An Act requiring a fishing license of persons who fish; providing for exceptions; providing for a fee for a fishing license; providing a fee to compensate persons who issue fishing licenses; providing for exceptions; providing for the issuance of duplicate fishing licenses; prescribing

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 921, An Act relating to Tarrant County Water Control and Improvement District No. 1; providing for the annexation of territory to the District and methods of assuming of outstanding tax-supported indebtedness by such territory or by the District as thus enlarged; providing for detachment of territory from the District under certain conditions; making additional provision for the issuance of bonds and providing for the payment thereof; authorizing the District to make contracts for supplying water and contracts with cities for rental, leasing or operation of water supply and other water works of cities; making bonds of the District eligible for investment by certain funds and eligible to secure deposits of certain public funds; declaring the accomplishment of the purposes of this Act is for the benefit of the people of this State and constitutes an essential public function under the Constitution; exempting District properties, its bonds and the transfer of and income from its bonds, including profit on the sale thereof, from taxation; providing for the selection of more than one successor; authorizing the District to purchase properties of other water districts; validating the boundaries of the District; enacting other provisions relating to Tarrant County Water Control and Improvement District No. 1; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. C. R. No. 46, Providing for the Continuation of the Texas Surplus Property Agency in Fiscal Years 1957-58 and 1958-59.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. C. R. No. 108, Recalling House Bill No. 967 from the Senate.

Has carefully compared same and finds it correctly enrolled.

JIMMY DAY, Acting Chairman.

Austin, Texas, May 13, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 68, An Act to amend Chapter 136, Acts of the Forty-fifth Legislature, 1937, as amended, (codi-
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...if to a Fund only upon the vote of the members of such Fund; and by amending the second new section numbered Section 1A, as amended by Section 8 of Acts of Fifty-third Legislature, 1953, by adding thereto a new section numbered Section 2A, as amended by Section 10 of Acts of Fifty-third Legislature, 1953, by limiting the provisions of such Section to cities having a population of less than five hundred thousand ($500,000), and by adding thereto a new section numbered Section 4A, as amended by Section 12 of Acts of Fifty-third Legislature, 1953, by adding an additional monthly pension allowance for members of "full paid" fire departments who have additional service after being entitled to retire or after twenty-five (25) years of service for widows of such firemen, and providing that the provisions of such Section shall become applicable to a Fund only upon the vote of the members of such Fund: and by adding thereto a new section numbered Section 6B, as amended by Section 2 of Acts of Fifty-third Legislature, 1953, by providing retirement and pension allowances for age and length of service for firemen in cities having a population of five hundred thousand ($500,000) or more, and providing an additional pension for time of service after being entitled to retire, and limiting pensions and contributions in such cities to those of an Assistant Fire Chief; and by amending Section 7 thereof, as amended by Section 2 of Acts of Fifty-third Legislature, 1953, by limiting the provisions of such Section to cities having a population of less than five hundred thousand ($500,000); and by amending Section 1A thereof, as amended by Section 5 of Acts of Fifty-third Legislature, 1953, by limiting the provisions of such Section to cities having a population of less than five hundred thousand ($500,000), and by limiting to twenty (20) years the basis of computation of the allowance provided by such Section, and by decreasing the minimum allowance provided thereby for volunteer firemen or widows from Twenty-five Dollars ($25) to Twelve Dollars and Fifty Cents ($12.50), and by providing allowances for surviving minor children and, if no widow or children survive for one surviving dependent parent of firemen serving in "full paid" fire departments whose deaths are not caused in performance of duty, and making such Section applicable only to funds which have heretofore voted to include this Section and to those which shall hereafter so vote: and by adding thereto a new section numbered Section 7D, as amended by Section 2 of Acts of Fifty-third Legislature, 1953, by increasing the minimum allowance provided for such Boards' and directing that the election be distributed; and by amending Section 6 thereof, as last amended by Section 1 of Chapter 82, Acts of the Fifty-third Legislature, 1953, by limiting the provisions of such Section to cities having a population of less than five hundred thousand ($500,000), and by adding thereto a new section numbered Section 6A, as amended by Section 7 of Acts of Fifty-third Legislature, 1953, by adding thereunto a new section numbered Section 10, as amended by Section 1 of Acts of Fifty-third Legislature, 1953, by providing the procedure by which members of "full paid" fire departments may pay unpaid contributions and receive credit for prior time of service during which such firemen...
I did not participate in a Fund by contributing thereto, and limiting the right to begin participation in a Fund to persons thirty-five (35) years of age or less at the time of beginning service as a fireman; and prescribing the procedure by which contributions by firemen shall be determined and paid into a Fund, and permitting old members of a fire department to elect not to participate in its Fund, and requiring new members of a department to participate in its Fund unless rejected or excused because not of sound health; and by amending Section 12 thereof, as amended by Section 2 of Chapter 157, Acts of the Fifty-fourth Legislature, 1955, by limiting the provisions of such Section to cities having a population of less than five hundred thousand (500,000) and by providing a larger allowance for children if there is no widow even though there be a dependent parent, and providing that the allowance for a dependent parent shall be paid only if there be no widow or child entitled to allowance; and by adding thereto a new section numbered Section 12A, providing certain allowances for widows and children or dependent parents of members who die after being retired or entitled to an allowance or in the performance of duty in cities having a population of five hundred thousand (500,000) or more; and by amending Section 21 thereof, as amended by Section 3 of Chapter 157, Acts of the Fifty-fourth Legislature, 1955, by correcting the reference to Section 10 so that such Section properly refers to the new Section 10B which contains the provisions referred to; and by adding thereto a new section numbered Section 23A, controlling and regulating the investment of surplus on hand in Funds in cities having a population of five hundred thousand (500,000) or more; and by adding thereto a new section numbered Section 23B, providing for the creation and appointment of an Investment Advisory Committee and prescribing the duties of such Committee; and by adding thereto a new Section numbered Section 27A concerning the applicability of such Act in certain cities; and providing that rights of persons entitled to pensions from Firemen's Relief and Retirement Funds prior to the effective date of this amending Act shall not be diminished by this amending Act; and providing a saving clause; and declaring an emergency.

Has carefully compared same and finds to correctly enrolled.

JIMMY DAY, Acting Chairman.

May 13, 1957

H. B. No. 931.
H. B. No. 562.
H. B. No. 525.
H. B. No. 568.
H. B. No. 455.
H. B. No. 527.
H. B. No. 667.
H. B. No. 876.
H. B. No. 595.
H. B. No. 931.
H. C. R. No. 13.
H. C. R. No. 46.
H. C. R. No. 108.

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H. B. No. 88.
H. B. No. 847.