organization of Board of Directors; providing for employment of engineers, attorneys, and other employees; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempting property and bonds of District from taxation and related matters; providing District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing for election of Supervisors; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Hon. Austin, Texas, May 11, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 302, An Act creating a Conservation and Reclamation District under the provisions of Section 19, Article XVI, Constitution of Texas, to be known as "Brookshire-Katy Drainage District"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing for dividing said District for election of Supervisors; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 11, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 38, An Act amending Subsections (1) and (4) of Section 2, Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as last amended by House Bill No. 5, Chapter 1, Acts of the Fifty-sixth Legislature, First Called Session, 1959 (compiled as Article 7683a, Vernon's Civil Statutes of Texas); increasing the amounts to be allocated from the Clearance Fund to the Blind Assistance Fund and the Old Age Assistance Fund and allowing certain credits from the first revenues collected to be deposited to these Funds; fixing the operative date of the Act; providing a repealing clause, a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR

May 11, 1961

H. B. No. 38

H. B. No. 302.

SIXTY-SECOND DAY

(Friday, May 12, 1961)

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

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

Mr. Speaker Andrews
Adams of Lubbock
Atwell
Adams of Titus
Barlow
Alcain
Banfield, Mrs.
Allen
Barlow
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### Absent—Excused

- Ballman
- Kilpatrick
- Buchanan
- McCoppin
- Carriker
- Moore
- Chapin
- Niemeyer
- Cole of Harris
- Osborn
- Cook
- Richards
- Cargiont
- Ward
- de la Garza
- Wheatley
- Eckhardt
- Whitfield

A quorum of the House was announced present.

The Invocation was offered by the Honorable D. Roy Harrington, as follows:

"Our Heavenly Father, we are thankful for the privilege of assembling here to deliberate our problems. We ask Thy guidance and Thy blessing as we go about our business. Teach us tolerance and understanding of problems of others. These things we ask in Thy Name. Amen."

### LEAVES OF ABSENCE GRANTED

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

- Mr. de la Garza for today on motion of Mr. Pipkin.
- Mr. Buchanan for today on motion of Mr. Pieratt.
- Mr. Cole of Harris for today on motion of Mr. Grover.
- Mr. Moore for today on motion of Mr. Roberts of Hill.
- Mr. Carricker for today on motion of Mr. Springer.
- Mr. Ward for today on motion of Mr. Springer.
- Mr. Whealley for today on motion of Mr. Springer.
- Mr. Kilpatrick for today on motion of Mr. Harrington.
- Mr. Eckhardt for today on motion of Mr. Mullen.
- Mr. Niemeyer for today on motion of Mr. Dungan.
- Mr. Cook for today on motion of Mr. Petty.
Mr. Ballman for today on motion of Mr. Cotten.

Mr. Curington for today on motion of Mr. Gibbens.

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

Mr. Healy for today on motion of Mr. Slack.

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

The following Members were granted leaves of absence on account of illness:

Mr. Osborn for today on motion of Mr. Cotten.

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

MEMORIAL RESOLUTION
ADOPTED

H. S. R. No. 675, By Mr. Koliba:
In memory of Mrs. Rudolph Hollas.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 670, By Messrs. Jones of Travis, Foreman and Sandahl:
Recognizing students from Wooten School.

H. S. R. No. 671, By Messrs. Jones of Travis, Sandahl and Foreman:
Recognizing Students from Manor High School.

H. S. R. No. 672, By Mr. Stewart of Galveston: Congratulating Yuca Sheafor.

CONGRATULATING THE HONORABLE JAKE JOHNSON

Mr. Spears offered the following resolution:

H. S. R. No. 474

Whereas, Our esteemed fellow Member, Jake Johnson, representing District 68—Place 1, San Antonio, Bexar County, was born on May 12, 1931; and

Whereas, Jake Johnson, on his thirtieth birthday, is a Spanish-loving legislator whose failing is tamales and Latin songs and all the goodies that go with Spanish culture. He is truly bilingual as he speaks the Spanish, drives his small English car, and talks turkey to anyone who challenges him on such legislation as the milk bill for which he fought and on his wish to abolish the position of County school superintendent in Bexar County; and

Whereas, As a matter of fact he's affectionately called "The Knife" by his many friends because of his sharp interest in the switch blade knife bill; and

Whereas, Jake Johnson is un bien legislador y un buen compaeero que adora el Espanol y la vida buena; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature le deseamos un feliz cumpleanos a Jake Johnson, who in plain talk, is a real hot tamales!

SPEARS, BARLOW, SMITH of Bexar, BERRY, ALANIZ, BELL

The resolution was read.

On motion of Mr. Oliver, the names of all Members of the House were added to the Resolution as signers thereof.

The resolution was unanimously adopted.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read severally first time, and referred to the appropriate Committees, as follows:

By Messrs. Nugent, Townsend, Spilman, Kennard, Gladden, Spears and Curington:

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

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

Referred to the Committee on
Conservation and Reclamation.

SENATE BILLS ON FIRST
READING

The following Senate Bills received
from the Senate were today laid
before the House, read severally
and referred to the appropriate
Committees, as follows:
S. B. No. 193 to the Committee
on Finance.
S. B. No. 357 to the Committee
on Insurance.

HOUSE BILL NO. 469 ON
SECOND READING

Mr. Adams of Titus moved that
all the necessary rules be suspended
for the purpose of taking up and
considering at this time House Bill
No. 469.

The motion prevailed by the neces-
sary number of the House.

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

H. B. No. 469, A bill to be entitled
"An Act relating to the acquisition
of high way rights of way by Com-
misioners Courts and cities, and
reimbursement of counties and cities
for the State's share of the cost
thereof; amending Article 6674a of
the Revised Civil Statutes of Texas
1925, as amended, and amending
Section 1 of Chapter 301, Acts of
the 58th Legislature, Regular Ses-
sion, 1957, to conform therewith;
and declaring an emergency."

The bill was read second time.

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

Amend H. B. 469 by deleting the
second paragraph on Page 4 and in-
serting, in lieu thereof, the follow-
ing:

"Upon delivery to the Texas Highway
Department of Acceptable Instru-
ments conveying to the State the
Requested right of way, the Texas
Highway Department shall approve
same. The county judge shall certify
to the Comptroller of Public Ac-
counts the net cost covering the
right of way and request the reim-
bursement to such county or city for
the department's share of the cost
of providing each right of way, and
the Comptroller of Public Accounts
is hereby authorized and directed to
issue warrants on the appropriate
account covering the State's obliga-
tions as evidenced by such vouchers."

The amendment was adopted.

H. B. No. 469 was passed to en-
grossment.

HOUSE BILL NO. 469 ON
THIRD READING

Mr. Adams of Titus moved that
the constitutional rule requiring
bills to be read on three several
days be suspended and that House
Bill No. 469 be placed on its third
reading and final passage.

The motion prevailed by the fol-
lowing vote:

Yea—115
Adams of Lubbock Cowen
Adams of Titus Cowles
Alaiz Craig
Allen Crews
Andrews Dewey
Atwell Duff, Miss
Bailey Daughan
Banfield, Mrs. Ebbie
Barlow Floyd
Barnes Foreman
Bartram Garrison
Bass Gibbons
Bell Glass
Berry Glusing
Blaine Glusing
Boyd Green
Bridges Grover
Burgess Guffey
Butler Harding
Caldwell Harrington
Cannon Haynes
Cole of Hunt Hinson
Collins Hollowell
Connell Huebner
Cory Hughes
Cotten of Grayson
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| James     | Rapp          | The bill was read third time and was passed by the following vote:
| Jamison   | Ratcliff      | Yeas—120
| Johnson of Dallas | Read          |
| Johnson of Bexar | Robert of Hill |
| Johnson of Bell  | Roosen        |
| Jones of Dallas  | Sanford       |
| Jones of Travis  | Schram        |
| Koliba      | Shannon       |
| Lary        | Shipley       |
| Latimer     | Slaughter     |
| La Valle    | Smith of Bexar|
| Leaverton   | Smith of Jefferson |
| Lewis       | Snodgrass     |
| Longoria    | Spears        |
| McGregor of McLennan | Stewart of Galveston |
| Moffampton  | Stewart       |
| Markgraf    | of Wichita    |
| Martin      | Strawn        |
| Miller      | Thurmond      |
| Mutschler   | Townsend      |
| Oliver      | Trevino       |
| Parsons     | Tunnell       |
| Peeler      | Walker        |
| Petty       | Watson        |
| Pieratt     | Wells         |
| Pipkin      | Wilson of Trinity |
| Preston     | Wilson of Potter |
| Price       | Woods         |
| Quilliam    |              |

| Nayes—5  |
| Jarvis    | Yeak          |
| Nugent    |              |
| Absent    |              |

| Fairfield  | McGregor of El Paso |
| Fletcher   | Read             |
| Hae        | Floyd            |
| Harlng     | Foreman          |
| Hughes of Dallas | Roberts of Dawson |
| Isaack, Miss | Splitman       |
| Kennard    |                |

| Absent—Excused |
| Ballman      | Kilpatrick      |
| Buchanan     | McInturff      |
| Carriker     | Moore           |
| Chapman      | Niemeyer        |
| Cole of Harris | Osborn       |
| Cook         | Richards        |
| Curington    | Ward            |
| de la Garza  | Wheatley        |
| Eckhardt     | Whitedale       |
| Healy        |                |

The Speaker then laid House Bill No. 469 before the House on third reading and final passage.
Amend House Bill No. 15 by striking out all after the word "vehicle" in Article 6.13 of Section 1 and in lieu thereof substituting the following:

"owned by a church and which vehicle shall be used solely in the operation of a school for the education of students or for the transportation of said students to and from or in connection with said school or its activities. This tax exemption shall never apply if the vehicle is used for any other purpose, such as private or commercial than is provided herein."

The amendment was adopted.

Mr. Guffey offered the following amendment to the bill:

Amend House Bill No. 15 by striking out the word "children" and in lieu thereof substituting the word "students" wherever the word "children" appears in Article 6.13 of Section 1 on page 1; in subsection (c) of Section 2 on page 1; in subsection (2) of Section 3 on page 2; in subsection (6) of Section 3 on page 5; and in subsection (7) of Section 5 on page 6.

The amendment was adopted.

H. B. No. 15 was passed to engrossment.

REASON FOR VOTE

Reasons for voting on H. B. No. 15: The complete separation of church and state—the bedrock concept of our Constitution demands a vote against this bill.

PAUL FLOYD.

MOTION TO PLACE HOUSE BILL NO. 15 ON THIRD READING

Mr. Guffey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 15 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—69
Adams of Titus
Bartram
Alanis
Bee
Barlow
Bell
Paired: Mr. Huebner (present), who would vote "yea," with Mr. James (absent) who would vote "nay."

Mr. Guffey moved to reconsider the vote by which H. B. No. 15 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

Reason for vote on H. B. 15:

As a believer in absolute separation of church and state, I cannot support that which seeks to accomplish by indirection that which could not be done directly.

W. H. Miller.

Reason for vote

I voted against H. B. No. 15 because I feel that this is opening the door to the destruction of the separation of church and State.

Myra Banfield.

Message from the Senate

Austin, Texas May 12, 1961

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

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

Mr. Huebner  Mr. Miller

Mr. Baker  Mr. Terry

Mr. Smith of Jefferson

Mr. Stewart

James of Wichita

Robert Tucker Waddell

Wilson of Potter

Absent—Excused

Ballman  Kilpatrick

Buchanan  McCoppin

Carrier  Moore

Chapman  Niemann

Cole of Harris  Osborn

Cook  Richards

Curington  Ward

de la Garza  Wheatley

Eckhardt  Whitheld

Healy

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Alfred of Bexar

Johnson of Travis

Kollas  Thurman

LaValle  Watson

Leaverton  Wilson of Trinity

Longoria  Yeak

McGregor of El Paso

Nay—47

Adams of Lubbock  Johnson of Dallas

Allen  Johnson of Bell

Atwell  Kennard

Bailey  Kerith

Banfield, Mrs.  Lack

Caldwell  Lalimer

Cole of Hidalgo  Lewis

Collins  McGregor

Conwell  of McLennan

Cotlen  Nagest

Cowan  Parsons

Cowles  Price

Crow  Ratliff

Davis  Read

Fairchild  Rosson

Garrison  Slidell

Gibbons  Stuewe

Harding  Spears

Houston  Springer

Hughes of Grayson  Townsend

Hughes of Dallas  Walker

Tazewell, Miss  Woods

Jarvis

Present—Not Voting

Andrews  Fletcher

Blain

Boyden

Bredge

Burges

Butler

Cannon

Cory

Danns, Miss

Deardorff

Dreier

Forsman

Gladden

Glass

Glasing

Green

Grower

Guiley

Hall

Harling

Harrington

Haynes

Hollowell

Jameson

Johnson of Bexar

Jones of Travis

Koliba

Lay

LeValle

Leaverton

Longoria

McGregor of El Paso

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John
B. B. No. 2, Creating the University of Houston as a state-supported institution of higher education; and declaring an emergency.

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

HOUSE BILL NO. 377 ON SECOND READING

Miss Duft moved that all necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 377.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 377, A bill to be entitled "An Act amending Sections 101, 107 and 129 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, which are codified as Articles 7880-101, 7880-107, and 7880-129, Revised Civil Statutes of Texas, by lowering the discount rate on certain water district bonds; providing maintenance tax elections for certain districts; providing authority of Board of Water Engineers to inspect certain district projects; containing a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Article 7880.129 as quoted in section 3 of House Bill No. 377 by striking the word "staff" appearing in line 7 of said Article and substituting in lieu thereof the words "designated agents"; by striking the word "and" following the word "Board" in line 10, page 3, of said Bill, and substituting the word "or"; by striking the word "or" in line 11, page 3, of said Bill, and substituting the words "designated agent"; and by further amending said Article by adding the following sentence at the end thereof: "Designated agent, as used in this section shall mean any licensed engineer selected by the Board to perform the functions as specified herein."

The amendment was adopted.

Mr. Murray offered the following amendment to the bill:

Amend House Bill 377 by adding a new section to be known as Sec. 3(a), to read as follows:

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

"'Art. 7880-123a. In the event that any water control and improvement district or any other district created or organized under the provisions of this Act, in the exercise of the power of eminent domain or police power, or any other power, requires the relocation, raising, lowering, re-routing, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph, or telephone lines, conduits, poles, properties, or facilities, or pipeline, all such relocation, raising, lowering, re-routing, or changes in grade or alteration of construction shall be accomplished at the sole expense of the district. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement of such facilities, after deducting therefrom the net salvage value derived from the old facility.'"

The amendment was adopted.

H. B. No. 377 was passed to engrossment.

REASON FOR VOTE

"I wish to be shown voting no on the engrossment of H. B. 377."

DON KENNARD,

TOMMY SHANNON.

HOUSE BILL NO. 377 ON THIRD READING

Miss Duft moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 377 be placed on its third reading and final passage.
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The motion prevailed by the following vote:

Yea--114

Adams of Lubbock La Valle
Adams of Titus Leaverton
Allen Lewis
Allen Longoria
Atwell McGregor
Baasfald, Mrs. of McLennan
Harlow Mcllhany
Harms Markgraf
Hartram Martin
Hass Miller
Bell Mullen
Horry Murray
Haines Muschler
Boyce Oliver
Briggs Parsons
Burgess I. Pearson
Butler Peeler
Caldwell Petty
Cannon Pieratt
Cole of Hunt Pipkins
Collins Preston
Connell Price
Cory Quilliam
Cowless Raff
Drain Read
Crews Richardson
Dewey Roberts of Hill
Duff, Miss Roberts of Dawson
Dungan Ross
Ellis Runyon
Fbuchild Sandahl
Fletcher Schram
Ford Shipley
Foreman Slack
Garris Sluder
Gibbens Smith of Bexar
Gladden Smith of Jefferson
Glass Seaborn
Gluesing Spears
Grogan Spilman
Guflay Springer
Hale Stewart
Harding of Galveston
Harrington Stewart
Hays of Wichita
Hollowell Struve
Hubbs Thurman
Hughes of Dallas Thurmond
Inacks, Miss Townsend
Jamison Trevino
Johnson of Dallas Tunnell
Johnson of Bexar Watson
Johnson of Bell Walls
Jones of Travis Wilson of Trinity
Koliba Wilson of Potter
Lack Woods
Lary Yekak
Leitmer

Nays--12

Andrews Jarvis
Bailey Kenner
Cotten Koroch
Green McGregor
Haring of El Paso
Hargis Nuegent
Grayson Shasson

Absent

Hinson Jones of Dallas
James Walker

Absent--Excused

Ballman Kilpatrick
Buchanan McCoppin
Carriker Moore
Chapman Niemeyer
Cole of Harris Osborn
Cook Richards
Curington Ward
de la Garza Wheelley
Dickard Whithfield

The Speaker then laid House Bill No. 377 before the House on third reading and final passage.

The bill was read third time and was passed.

Miss Duff moved to reconsider the vote by which H. B. No. 377 was passed and to table the motion to reconsider.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

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

HOUSE BILL NO. 322 ON SECOND READING

Mr. Spears moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 322.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 322. A bill to be entitled "An Act amending Chapter 357, Acts of the 53rd Leg., Regular Session, 1953; changing the name of the
Board of Water Engineers to the
Texas Water Commission and pre-
scribing certain duties, powers and
functions thereof; providing for the
appointment of a Chief Engineer and
prescribing his duties, powers and
functions; enacting other provisions
in regard to the administration of
the water resources of the State;
providing a saving clause; and de-
claring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Committee Substitute No. 1 by
Wells:

Amend House Bill 332 by striking
all below the Enacting Clause
and substituting in lieu thereof the fol-
lowing:

"Section 1. That Paragraphs (1)
through (11), both inclusive, and
Paragraphs (16) and (16) of Sec-
tion One (1) of Chapter 265, page
874 et seq., Acts of the Regular Se-
ssion, Fifty-third Legislature of Tex-
as, 1953 (Article 7477 of Chapter
1 of Title 128 of the Revised Civil Statutes of Texas, 1925, as amend-
ed) be and the same are hereby
amended so as to hereafter read as
follows:

"(1) The name of the Board of
Water Engineers, created and consti-
tuted by the Acts of the Thirty-
third Legislature, Chapter 211, Gen-
eral Laws, approved April 3, 1913,
is hereby changed to the Texas Wat-
er Commission hereinafter some-
times called the "Commission," and
the members constituting the Board
of Water Engineers shall continue
to office for the respective terms for
which they were appointed, and un-
til their successors are appointed
and have qualified. Except as other-
wise herein provided, all provisions
of existing statutes referring to the
Board of Water Engineers shall here-
after have reference to the Texas
Water Commission. Said Commission
shall be composed of three (3) mem-
ers, one of whom shall be appoint-
ed from each of the respective water
divisions described in Article 7475
of the Revised Civil Statutes of
Texas, 1925.

"(2) The members of said Com-
mission shall be appointed by the
Governor, by and with the advice
and consent of the Senate, and each
shall hold office for a term of six
(6) years, and until his successor is
appointed and has qualified, pro-
vided, and the person appointed to
the term beginning in August, 1961,
shall serve for a period ending
February 1, 1969, and the person
appointed to the term beginning in
August, 1965, shall serve for a pe-
riod ending February 1, 1971. No
person shall be appointed a member
of the Commission who has not such
technical knowledge and such prac-
tical experience and skill as shall fit
him for the duties of the office. Each
shall be a citizen of this State and
a bona fide resident of the water
division from which he is appointed.
Each member of the Commission shall
qualify by taking the official
oath of office as prescribed by law,
and by executing an official bond
payable to the State of Texas in the
sum of ten thousand dollars ($10,000)
in accordance with the provi-
sions of the State Employee Bonding
Act. Members of the Commission
shall serve on a full-time basis.

"(3) The Commission shall be
vested with all the authority and
shall perform all the duties now vest-
ed in the Board of Water Engineers
and the authority and duties herein
prescribed, save and except the au-
thority and duties vested in the
Chairman by paragraph (4) hereof
and in the Chief Engineer by par-
agraph (5) hereof.

"(4) On or before February 1
of each year, the Governor shall desig-
nate one (1) member of said Com-
mission who shall serve as Chairman
thereof at the will of the Governor.
The Chairman shall preside at all
meetings of the Commission and
shall have authority to issue notices
of public hearings authorized by the
Commission, to approve payrolls for
the Commission, and to approve pur-
chase requisitions and vouchers for
necessary supplies, equipment and
services for the Commission;
when as the Commission may otherwise
direct, the Chairman shall be the
Chief Administrative Officer of the
Commission with authority to em-
ploy, assign, and re-assign duties, ad-
just salaries of, and discharge from
employment all employees of the
Commission within the limits of appropriation bills enacted by the legislature and to direct the general administration of the office of the Commission. The Chairman may designate another member of the Commission to act for him in his absence or inability to serve, failing which, the other two members may designate an Acting Chairman.

"'(6) The Commission shall employ a Chief Engineer to serve until he is removed by the Commission. He shall be a Registered Professional Engineer under the laws of the State of Texas and shall have such practical experience and such qualifications as the Commission may require. He shall execute an official bond payable to the State of Texas in the sum of Ten Thousand Dollars ($10,000.00) in accordance with the provisions of the State Employee Bonding Act. The Chief Engineer shall have the following authority and duties:

"'(a) Making investigations and studies and collecting data and information on the occurrence, quantity, quality and availability of the surface waters and ground waters within the State, including particularly the technical duties and functions set forth in Articles 7472d, 7524, 7527, 7528, and 7537a Vernon's Annotated Texas Civil Statutes;

"'(b) Developing and keeping current a comprehensive and coordinated plan and program for the orderly development of the water resources of the State in the accomplishment of the purposes and objectives of Article 7472d, Vernon's Annotated Texas Civil Statutes, and of the Texas Water Planning Act of 1937 (Article 7472e, Vernon's Annotated Texas Civil Statutes);

"'(c) Providing forms for, analyzing and filing with the Commission, reports required by Articles 7612, 7614 and 7615, Vernon's Annotated Texas Civil Statutes;

"'(d) Collecting, receiving, analyzing and processing basic data concerning the water resources of the State;

"'(e) Carrying on the program for topographic and geologic mapping of the State;

"'(f) Reviewing, analyzing and advising with the Commission in regard to all projects submitted to the Commission for certification under Sections 12 and 18 of the Texas Water Development Board Act (Article 7472a, Vernon's Annotated Texas Civil Statutes) and inspecting the construction of projects as provided in said Section 18;

"'(g) Reviewing, analyzing and making recommendations to the Commission in regard to engineering reports by Federal agencies submitted to the Commission in accordance with Article 7472a, Vernon's Annotated Civil Statutes of Texas;

"'(h) Reviewing, analyzing and making recommendations to the Commission in regard to presentations filed under Article 7498, Vernon's Annotated Texas Civil Statutes, and all applications to the Commission for permits, or amendments thereof, to appropriate public waters and/or to construct works for the improvement, diversion and transportation of public waters;

"'(i) Reviewing, analyzing and making recommendations to the Commission in regard to the approval of master plans and other reports of conservation districts, river authorities and other agencies in all cases where approval of the Commission is required by law or requested by said districts, authorities or agencies;

"'(j) Providing forms for, analyzing and filing with the Commission, reports required by Articles 7613, 7614 and 7615, Vernon's Annotated Texas Civil Statutes;

"'(k) Reviewing, analyzing and making recommendations to the Commission in regard to proceedings for the cancellation and forfeiture, in whole or in part, of permits and certified slings for the appropriation of public waters as provided in Articles 7474, 7519, 7519a, 7519b and 7544, Vernon's Annotated Texas Civil Statutes;
"(t) Aiding, advising and assisting the Commission in the creation of conservation and reclamation districts;

"(m) Aiding, advising and assisting the Commission in carrying out the duties, powers and functions herefore vested in the Board of Water Engineers by Article 7799 and Article 7880-139, Vernon's Annotated Texas Civil Statutes, relating to projects of water improvement districts and water control and improvement districts;

"(a) Making biennial reports jointly with the Commission to the Governor as provided in Article 7820, Revised Civil Statutes of Texas, 1923;

"(o) Evaluating, preparing for publication, publishing and reproducing engineering, hydrologic and geologic data, information and reports relating to the water resources of the State;

"(p) Employing, assigning, reassigning, promoting, demoting, and adjusting salaries of, and discharging from employment, all employees and personnel authorized by the appropriation bills enacted by the Legislature to be employed for the performance of the duties of the Commission which are herein made the responsibility of the Chief Engineer, including the authority to approve payrolls for personnel under his supervision, purchase requisitions for necessary supplies, equipment and services, and vouchers in payment thereof;

"(q) Aiding, advising, and assisting the Commission in the designation, in accordance with the provisions of Article 7880-5c, Vernon's Annotated Texas Civil Statutes, of underground water reservoirs or subdivisions thereof;

"(r) Determining the sill load of streams and making investigations and studies of the duty of water and surveys to determine the water needs of the distinct regional divisions of the watershed areas of the State;

"(s) Aiding, advising and assisting the Commission, at its request, in regard to other engineering, hydrologic and geologic matters. It is specifically provided that the Chief Engineer or his designated employees shall have the right to appear and, if the Commission directs, shall appear, and present evidence at all public hearings held by the Commission for any purpose involving matters affecting the public interest.

"(t) Performing other technical engineering, hydrologic and geologic functions in the administration of the water resources of the State.

"(e) The Chairman of the Commission and the Chief Engineer may each appoint such other employees as may be deemed necessary by them for the efficient performance of the duties authorized and required of the Commission and the Chief Engineer by law, respectively, subject to, and within the limits of, the provisions of the appropriation acts enacted by the Legislature.

"(a) The Chief Engineer may appoint an Assistant Chief Engineer who shall have the same qualifications as are required by law of the Chief Engineer, in the absence of the Chief Engineer, or in the case of his inability to act, the Assistant Chief Engineer shall perform the duties devolving upon the Chief Engineer by law or by direction of the Commission. At other times, he shall perform such duties and have such functions and authority as may be delegated to him by the Chief Engineer. He shall make a bond in the same amount and conditions as is the Chief Engineer's Bond. In the event of a vacancy in the office of the Chief Engineer, the Assistant Chief Engineer shall perform the duties of Chief Engineer until a Chief Engineer has been appointed and has qualified.

"(f) The Commission shall employ a Secretary at a salary to be fixed by the Legislature in appropriation bills passed by it, and who shall execute a bond in the sum of ten thousand dollars ($10,000) in accordance with the provisions of the State Employees Bonding Act. The Secretary shall keep full and accurate minutes of all meetings of the Commission and complete records of all its proceedings and transactions and of every ruling, order and decision made by it.

"(g) The Commission shall hold regular meetings on dates specified by order of the Commission upon its minutes. Special meetings may be held at such times and places within the State as said Commission may deem necessary and proper in
the performance of its duties. Two (2) members of said Commission shall constitute a quorum for the transaction of business at any regular or special meeting. A quorum shall be present at all times during any hearing conducted under the provisions of this chapter and the Chair­man or Acting Chairman shall presi­dence at all such hearings.

"'(9) The Commission and the Chief Engineer shall jointly make biennial reports in writing to the Governor, in which shall be included statements of their activities, the data and information collected, and such suggestions as to the amend­ment of existing laws and the en­actment of new laws as they may deem desirable. All data collected by the Chief Engineer shall be the property of the State of Texas.

"'(10) The members of the Com­mission and its employees and the Chief Engineer and his employees shall receive such compensation as may be prescribed by the Legislature in appropriation bills enacted by it and shall be entitled to receive from the State their necessary traveling expenses while traveling on official business, upon an itemized state­ment, sworn to by the parties who have incurred the expense, and ap­proved by the Chairman of the Com­mission or the Chief Engineer, as the case may be.

"'(11) The Attorney General shall be the legal advisor of the Commis­sion and the Chief Engineer and shall represent them in litigation to which they may be a party; provided, that in addition, the Chairman of the Commission, subject to the writ­ten consent of the Attorney General of this State, may employ other legal counsel, individually, or may engage their services temporarily. Such legal counsel shall advise the members of the Commission and the Chief En­gineer in regard to official business, but to enforce any provisions of this chapter may be prosecuted in the courts of the State by the Attorney General.

"'(15) The Chief Engineer in making investigations, surveys and studies, and in performing other duties prescribed by this chapter, may cooperate with agencies of the United States, with other agencies of the State or of any other State, with political subdivisions and municipal corporations of the State and with persons and corporations.

"'(16) Upon the application of any person and upon payment of the fees prescribed therefor in the Rules and Regulations of the Com­mission, the Commission or the Chief Engineer shall furnish certi­fied copies of any proceedings or any other official act of record, or of any paper, map, or document filed in the office of the Commission or with the Chief Engineer, in connec­tion with the appropriation of water, determination of water rights, or administration of water rights. Such certified copies under the hand of the Chairman or the Secretary of the Commission as to records in the custody of the Commission, and un­der the hand of the Chief Engineer or Assistant Chief Engineer as to records in the custody of the Chief Engineer and the seal of the Com­mission, shall be admissible as evi­dence in any court or administra­tive proceeding, in the same manner and with like effect as the original would be.

Sec. 2. If any provision of this Act, or the application thereof to any person or circumstance shall be held invalid or unconstitutio­nal, the remainder of the Act and the ap­plication of such provision to other persons or circumstances shall not be affected thereby.

Sec. 3. The fact that there is an urgent need to delineate the tech­nical, engineering, hydrologic and geo­logic authority and duties hereinafter vested in the Board of Water En­gineers and to place the responsi­bility for the performance of such technical engineering, hydrologic and geologic authority and duties upon a Chief Engineer and the great pub­lic importance of the subject mat­ter of this Act, create an emer­gency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted."

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

Amend Committee Substitute No. 1 for H. B. No. 332 by striking
Paragraph (4) and inserting in lieu thereof the following:

"(4) (a) On or before February 1 of each year, the Governor shall designate one (1) member of said Commission who shall serve as Chairman thereof at the will of the Governor. The Chairman shall preside at all meetings of the Commission and shall have authority to issue notices of public hearings authorized by the Commission, to approve payrolls for the Commission, and to approve purchase requisitions and vouchers for necessary supplies, equipment and services for the Commission. The Chairman may designate another member of the Commission to act for him in his absence or inability to serve, failing which, the other two members may designate an Acting Chairman.

"(b) Except as the Commission may otherwise direct, the Chairman shall be the Chief Administrative Officer of the Commission with authority, subject to and within appropriation acts enacted by the Legislature, to employ, assign, and re-assign duties, adjust salaries of, and discharge from employment all employees of the Commission, except as provided in Paragraphs (5) and (7), and to direct the general administration of the office of the Commission.

The amendment was adopted.

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

Amend Committee Substitute No. 1 for H. B. 333 by striking Paragraph (6), and by renumbering Paragraph (6a) as Paragraph (6).

The amendment was adopted.

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

Amend Committee Substitute No. 1 for H. B. 333 by striking Paragraph (10) and inserting in lieu thereof the following:

"(10) The members of the Commission and the Commission's employees and the Chief Engineer and his employees shall be entitled to receive from the State their necessary traveling expenses while traveling on official business, upon an itemized statement, sworn to by the parties who have incurred the expenses, and approved by the Chief Engineer for his employees and by the Chairman of the Commission for all other employees."

The amendment was adopted.

Mr. Spears offered the following amendments to Committee Amendment No. 1:

Amend Committee Substitute No. 1 for H. B. 333 by striking Paragraph (9) and inserting in lieu thereof the following:

"(6) The Commission and the Chief Engineer shall jointly make biennial reports in writing to the Governor as provided in Article 7526, Revised Civil Statutes of Texas, 1986, in which shall be included statements of their activities, the data and information collected, and such suggestions as to the amendment of existing laws and the enactment of new laws, as they may deem desirable. All data collected by the Chief Engineer shall be the property of the State of Texas.

Amend Committee Substitute No. 1 for H. B. 333 by striking Paragraph (5) and inserting in lieu thereof the following:

"(5) The Commission shall employ a Chief Engineer to serve until he is removed by the Commission. He shall be a Registered Professional Engineer under the laws of the State of Texas and shall have such practical experience and such qualifications as the Commission may require. He shall execute an official bond payable to the State of Texas in the sum of Ten Thousand Dollars ($10,000.00) in accordance with the provisions of the State Employee Bonding Act. The Chief Engineer shall have the following authority and duties:

"A. Making investigations, studies and analyses and collecting and processing data and information on the occurrence, quantity, quality and availability of the surface waters and ground waters within the State, including particularly the technical duties and functions set forth in Articles 7415c, 7524, 7527, 7528 and 7538a, Vernon's Annotated Texas Civil Statutes.

"B. Administering programs for:

1. Topographic and geologic mapping of the State;
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2. Determination of the silt load of streams;
3. Evaluation, preparation for publication, publication and reproduction of engineering, hydrologic and geologic data, information and reports relating to the water resources of the State;
4. Preparation of forms, analysis, and filing with the Commission reports required by Articles 7613, 7614 and 7615, Vernon's Annotated Texas Civil Statutes;
5. Developing and keeping current a comprehensive and coordinated plan and program for the orderly development of the water resources of the State in the accomplishment of the purposes and objectives of Article 7474, Vernon's Annotated Texas Civil Statutes and of The Texas Water Planning Act of 1957 (Article 7472d, Vernon's Annotated Texas Civil Statutes);
6. Reviewing, analyzing, and making recommendations to the Commission in regard to:
1. Projects submitted to the Commission for certification under the Texas Water Development Board Act (Article 7880-7, Vernon's Annotated Texas Civil Statutes) and inspecting the construction of projects as provided in Section 18 thereof;
2. Engineering reports by Federal agencies submitted to the Commission in accordance with Article 7472d, Vernon's Annotated Civil Statutes of Texas;
3. Presentations filed under Article 7496, Vernon's Annotated Texas Civil Statutes, and all applications to the Commission for permits, or amendments thereof, to appropriate public waters and/or to construct works for the impoundment, diversion and transportation of public waters;
4. Approval of master plans and other reports of conservation districts, river authorities and other State agencies in all cases where approval of the Commission is required by law; or requested by said districts, authorities or agencies;
5. Proceedings for the cancellation and forfeiture, in whole or in part, of permits and certified filings for the appropriation of public waters as provided in Articles 7474, 7470, 747a, 7419D and 7444, Vernon's Annotated Texas Civil Statutes;
6. Proceedings for the creation of conservation and reclamation districts;
7. Designation of underground water reservoirs or subdivisions thereof in accordance with the provisions of Article 7880-8c, Vernon's Annotated Texas Civil Statutes;
8. Projects of water improvement districts and water control and improvement districts which make application pursuant to Article 7799 and Article 7880-139, Vernon's Annotated Texas Civil Statutes;
9. Other engineering, hydrologic and geologic matters at the request of the Commission. It is specifically provided that the Chief Engineer or his designated employee shall have the right to appear and, if the Commission directs, shall appear, and present evidence at all public hearings held by the Commission for any purpose involving matters affecting the public interest.
“8. Performing other technical engineering, hydrologic and geologic functions in the administration of the water resources of the State.
9. Employment, assigning, re-assigning, promoting, demoting, and adjusting salaries of, and discharging from employment, all employees and personnel authorized by the appropriation bills enacted by the Legislature to be employed for the performance of the duties of the Commission which are herein made the responsibility of the Chief Engineer, including the authority to approve payrolls for personnel under his supervision, purchase requisitions for necessary supplies, equipment and services, and vouchers in payment thereof.”

Amend Committee Substitute No. 1 for H. B. 322 by striking Paragraph (15) and inserting in lieu thereof the following:

“(15) The Chief Engineer in making investigations, surveys, and studies and in performing other duties prescribed in this chapter, after consulting with the Commission, may negotiate and execute agreements with other State agencies, political subdivisions and municipal corporations of the State, Federal agencies, and private persons and corporations for cooperative or joint studies and investigations of the occurrence, development, management, conservation, and control of water (including ocean water within the State) and water powers, and for study, planning, and development of power, and other public and private purposes, and may enter into agreements for the funding of studies, planning of projects, and development of projects for the purpose of acquiring better data on the occurrence, development, management, conservation, and control of water. Such agreements shall be executed in accordance with the provisions of the law relating to joint studies, joint planning, and joint development of projects, as from time to time amended.”
quantity and quality of the surface and ground waters of the State, the topographical and geological mapping of the State, and the collection, processing and analyzing of other data relating to the development of the water resources of the State, and the administration and performance of such agreements.

The amendments were severally adopted.

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

H. B. No. 332 was passed to engrossment.

HOUSE BILL NO. 332 ON THIRD READING

Mr. Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 332 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--121

Adams of Lubbock
Adams of Titus
Alanis
Allen
Andrews
Atwell
Bailey
Banksfield, Mrs.
Barlow
Barnes
Bartram
Bea
Bell
Blaine
Bowen
Bresen
Bridge
Burgess
Bustler
Caldwell
Canan
Cole of Hunt
Collins
Connell
Corry
Cowen
Cowles
Creel
Crews
Dewey
Duff, Miss
Dungan
Fairchild
Fletcher

Nays--5

Cotter
Ehrle
Haring

Absent

Berry
James

Absent--Excused

Ballman
Buchanan
Carriker
Chapman
Cole of Harris
Cook
Curlington
de la Garza
Dickard
Healy

Kilpatrick

The Speaker then laid House Bill No. 332 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Spears moved to reconsider the vote by which H. B. No. 332 was passed and to table the motion to reconsider.

The motion to table prevailed.
COMMITTEE MEETING

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

There was no objection offered.

CORRECTION AUTHORIZED RELATIVE TO H. B. NO. 998

Mr. Ratcliff asked for unanimous consent of the Clerk to correct the word "time" to read "town" on line 3, page 4 of H. B. No. 998 which passed the House yesterday.

There was no objection offered and it was so ordered.

COMMITTEE MEETING

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

There was no objection offered.

H. B. NO. 1090 ON SECOND READING

Mr. Miller moved that all necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1090.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 1090, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of one million two hundred thousand (1,300,000) or more, according to the last preceding Federal census, as compensation to district and criminal district judges in such counties, providing for the compensation of substitute judges, and declaring an emergency."

The bill was read second time.

Mr. Grover offered the following amendment to the bill:

Amend H. B. 1090 by adding a new sub-section to Section 1 to read as follows:

"b. In all counties of this state having a population of one hundred thousand (100,000) or more, according to the last preceding Federal census, and having eight (8) or more civil district courts and three (3) or more criminal district courts, the Commissioners Court of such counties shall fix the salary of the district attorney or criminal district attorney at not less than Fifteen Thousand Dollars ($15,000.00) and not more than Eighteen Thousand Dollars ($18,000.00) annually. Such salary shall be payable out of the Officers Salary Fund and/or General Fund of said counties in equal monthly installments."

The amendment was adopted.

H. B. No. 1090 was passed to engrossment.

Mr. Miller moved to reconsider the vote by which H. B. No. 1090 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I wish to be recorded as voting "nay" on the passage to engrossment of H. B. No. 1090.

HALE HOUSE BILL NO. 232 ON SECOND READING

Mr. Glasing moved that all necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 232.

The motion prevailed by unanimous consent.

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

H. B. No. 232, A bill to be entitled "An Act to amend Section 2 of House Bill No. 486, Chapter 205, Acts of the 53rd Legislature, Regular Session, 1953, (Article 2460a, Vernon's Annotated Civil Statutes) by providing that the jurisdiction of the Small Claims Court created by said Act shall be increased to include all actions for the recovery of money only where the amount involved exclusive of costs does not exceed $100.00; except for certain claims for wages or salary earned, or for work or labor performed under contract of
employment, not to exceed $200.00; and declaring an emergency."

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

HOUSE BILL NO. 233 ON THIRD READING

Mr. Gwinn moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 233 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—113

Adams of Lubbock Haynes
Adams of Titus
Adams
Allen of Lubbock
Alanis
Allen
Andrews
Atwell
Bailey
Ballfield, Mrs.
Barnes
Bartram
Bartek
Bell
Berry
Blake
Blaine
Boyden
Bonag
Burgess
Butler
Calwell
Cannon
Cole of Hunt
Collins
Connell
Cowen
Cowles
Berry
Blaine
Crews
Boyeen
Bass
Bridges
Bass Cowles
Bass}

The Speaker then laid House Bill No. 233 before the House on third reading and final passage.

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

Yes—104

Adams of Lubbock Bridges
Adams of Titus
Adams
Allen
Allen
Andrews
Atwell
Bailey
Bartek
Ballfield, Mrs.
Barnes
Bartram
Bass
Bard
Bass Cowles
Bass}

The Speaker then laid House Bill No. 233 before the House on third reading and final passage.

The Speaker then laid House Bill No. 233 before the House on third reading and final passage.

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

Yes—104

Adams of Lubbock Bridges
Adams of Titus
Adams
Allen
Allen
Andrews
Atwell
Bailey
Bartek
Ballfield, Mrs.
Barnes
Bartram
Bass
Bard
Bass Cowles
Bass}

The Speaker then laid House Bill No. 233 before the House on third reading and final passage.
Mr. Glusing moved to reconsider the vote by which H. B. No. 232 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

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

S. B. No. 343, Increasing per diem of Veterans Affairs Commission; and declaring an emergency.

H. B. No. 1083, Granting to the Game and Fish Commission regulatory authority over the wildlife resources of Kendall County subject to certain procedures and limitations; and declaring an emergency.

S. B. No. 463, Creating El Paso County Water Control and Improvement District, Westway; and declaring an emergency.

S. B. No. 124, Requiring deposit of $250.00 to accompany petitions to Board of Water Engineers; and declaring an emergency.

S. B. No. 454, Creating Cow Bayou Watershed Authority as a conservation and reclamation district in Falls and McLennan Counties; and declaring an emergency.

S. B. No. 461, Relating to recordation of subdivision plats in certain counties; and declaring an emergency.

S. B. No. 665, Repealing Chapter 192, 55th Leg., which provides for appointment of an assistant district attorney for district attorneys of...
S. B. No. 465, Amending Ch. 197, Acts 57th Leg., to add Kellar Bay and Coy Bay to certain waters closed to netting; and declaring an emergency.

S. B. No. 206, Regarding allocations to distributors, etc., of motor fuel for evaporation and other handling losses; and declaring an emergency.

S. B. No. 146, Amending Article 2324, Revised Civil Statutes, regarding duties and fees of official court reporters; and declaring an emergency.

S. B. No. 76, Relative to powers and duties of Texas Aeronautics Commission; and declaring an emergency.

S. B. No. 462, Authorizing certain counties and cities to finance construction of jails for joint use of such counties and cities; and declaring an emergency.

S. B. No. 446, Authorizing Board of Water Engineers to make study of water-bearing formations and sources of underground water supply; and declaring an emergency.

S. B. No. 448, Increasing per diem of the 56th Legislative District Board of Public Welfare; and declaring an emergency.

S. B. No. 468, Regarding Sabine River Compact; amending S. B. No. 119 Acts 57th Leg., to correct date from June 30, 1958 to June 30, 1958; and declaring an emergency.

S. B. No. 169, Providing teachers shall not be required to or prohibited from engaging in political activities; and declaring an emergency.

S. B. No. 127, Increasing limit of funeral benefits awardable by Industrial Accident Board; and declaring an emergency.

S. B. No. 81, Providing for certification of Engineers-in-Training; and declaring an emergency.

S. B. No. 231, To provide that the franchise tax imposed by Chapter 12 of such title shall not apply to non-profit municipal gas utility corporations; and declaring an emergency.

S. B. No. 467, Relating to Bell County Water Control and Improvement District; and declaring an emergency.

S. B. No. 277, Relating to pay of judges and clerks during elections; and declaring an emergency.

S. B. No. 200, Providing for filing of statistical reports of marriages, divorces and annulments with State Registrar of Vital Statistics; and declaring an emergency.

S. B. No. 326, Providing higher compensation for county officials of certain counties of low population and high assessed value for tax purposes; and declaring an emergency.

S. B. No. 286, Clarifying the requirements for certification of self-proved wills; and declaring an emergency.

S. B. No. 449, Relating to appointment of interpreters for any person who is deaf or a deaf mute, in criminal prosecutions; and declaring an emergency.

S. B. No. 390, Providing that inapplicability, to pending litigation, section in Art. 9661, V.A.B.C., shall apply to questions of annexation as well as incorporation; and declaring an emergency.

S. B. No. 435, To validate annexation proceedings of the city of East Galveston where such annexation took place prior to 1st day of March 1961; and declaring an emergency.

S. B. No. 464, Authorizing any independent school district heretofore created by special law to select its own school depository and its own assessor and collector of taxes; and declaring an emergency.

S. B. No. 569, Authorizing independent school districts to borrow money for current maintenance expenses; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 73 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House an unfinished business, on its passage to engrossment.

H. B. No. 73, A bill to be entitled "An Act amending Chapter 126, Acts
of the Regular Session of the 45th Legislature, as heretofore amended (relating to Firemen's Relief and Retirement Funds); providing for the financing of the benefits herein provided for; levying an additional gross-premiums tax against insurance companies transacting the business of fire insurance, and providing for distribution of the proceeds thereof, providing for contributions to be made by firemen who are covered by the pension plans and organizations provided for in this Act, and for contributions by the cities or towns served by such firemen; creating and establishing the Firemen's Pension System of Texas, and providing for participation therein of Firemen's Relief and Retirement Funds, and of members of such Funds; and declaring an emergency."

The bill was read second time on May 1.

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

Committee Amendment No. 1

Amend H. B. No. 73 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Article 1.—That Section 1 of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be amended so as to read hereafter as follows:

"Section 1. For the purpose of this Act, there is hereby created and established in the State Treasury a special fund, to be held and kept separate and apart from other funds in the Treasury, to be known and denominated the 'State Contribution Fund for Firemen's Pensions,' into which there shall be deposited;

"(a) The proceeds derived from the gross-premiums tax levied by this Act, to the extent and in the manner hereinafter provided; and

"(b) All other sums of money appropriated by the State of Texas for distribution to the several Firemen's Relief and Retirement Funds now or hereafter operating within this State, or for administrative expense of the office of the Firemen's Pension Commissioner.

"All monies so deposited shall be held for disbursement to the several Firemen's Relief and Retirement Funds of this State, and to other public pension systems covering firemen, as hereinafter provided, for the payment of the administrative costs and expenses of the office of the Firemen's Pension Commissioner as authorized by law."

"Article 2.—That Section 2 of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be amended so as to read hereafter as follows:

"Section 2. In all incorporated cities or towns wherein there has been organized or hereafter shall be organized any Firemen's Relief and Retirement Fund, there shall be and there is hereby constituted for each such Fund so established, a Board of Trustees which shall be known as the 'Board of Firemen's Relief and Retirement Fund Trustees of Texas.'"

"Subsection 1. The Board of Trustees of each such Fund shall have five members, and shall be comprised as follows:

"(a) The mayor, or his duly appointed and authorized representative;

"(b) The city treasurer, or if there be no city treasurer, then the city secretary, city clerk, or such other person or officer, as by law, charter provision, or ordinance, performs the duty of city treasurer;

"(c) Three members of the regularly organized active fire department, to be elected by a majority vote of the votes cast by the members of the Fund voting at an election held as below provided. The elected members of the Board of Trustees shall hold office for a term of three years, and until their successors are elected and qualified; provided, however, that the members of the first Board of Trustees elected on organization of a Fund, one such member shall be elected for a term of one year, one member for a term of two years, and one for a term of three years; and provided further that members of Boards of Trustees in office when this amendment takes effect shall continue as members of the Board of Trustees until expiration of their respective terms.

"The initial election for selection of elective members of the Board of
Trustees shall be ordered by the mayor to be held on the date specified in his order, within thirty days after first establishment of the Fund. All such elections in existing Funds shall be held during the month of January of each year, on a date fixed by order of the Board of Trustees, and conducted by a judge and such clerks as the said Board of Trustees may appoint from among the membership of the Fund. If a vacancy occurs in the membership of said Board of Trustees by reason of the death, resignation, removal, or disability of any incumbent such vacancy shall be filled in the manner herein provided for the selection of such member to be so succeeded.

"The Board of Trustees shall elect annually from among their number a chairman and a vice-chairman. The city treasurer shall be the secretary-treasurer of the Board of Trustees.

"Such Board of Trustees shall hold regular monthly meetings at such time and place as they may designate by resolution, and may hold such special meetings upon call of the chairman as he may deem necessary. The Board of Trustees shall keep accurate minutes of its meetings and records of its proceedings; such secretary of the Board of Trustees shall, within seven days after each meeting forward true copies of the minutes of such meeting to each fire station and to each division of the fire department, and to the Firemen's Pension Commissioner.

"Members of the Board of Trustees shall receive no compensation for their service as such members.

"Subsection 3. The Board of Trustees of each Firemen's Relief and Retirement Fund shall have authority to receive, manage, control and invest all monies coming into and all assets of said Fund, and to dispose of the same in payment of benefits authorized under this Act and for the payment of necessary expenses incurred by the Board of Trustees in administration of said Fund. Said Board of Trustees shall have authority to hear and determine all applications and claims for benefits by members of such Fund or by persons claiming benefits as dependents of members of such Fund.

Such Board of Trustees shall keep all monies and assets of said Fund separate and apart from all other city or town funds; shall keep a record of all claims, receipts and disbursements in a book or books to be furnished by said city or town for the purpose; shall make disbursements from said Fund only upon regular voucher signed by the treasurer, and countersigned by the chairman, and at least one other member of said Board of Trustees. The city or town treasurer, as the treasurer of said Board of Trustees shall be the custodian of the Firemen's Relief and Retirement Fund for such city and town under penalty of his official bond and oath of office.

"The Board of Trustees of each such Fund shall annually and not later than the 31st day of January of each year after this Act takes effect, make and file with the Firemen's Pension Commissioner, a detailed and itemized report of all receipts and disbursements with respect to such Fund, and shall make and file such other reports and statements, and furnish such further information as, from time to time, may be required by the Firemen's Pension Commissioner."

Article 4.—That Section 3A of Chapter 125, Acts of the Session of the 45th Legislature, as said Act has herebefore been amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 3A—In cities having a population of one hundred eighty thousand (180,000) or more according to the last preceding Federal Census, and only in such cities, the composition and duties of Boards of Firemen's Relief and Retirement Fund Trustees shall be subject to and controlled by the provisions of this Section 3A, as well as to the provisions of Section 3 of this Act. All provisions of Section 3 of this Act which conflict with this Section 3A are hereby declared to be inapplicable to cities having a population of one hundred eighty thousand (180,000) or more according to the last preceding Federal census.

"In all such cities of more than one hundred eighty thousand (180,000) population Board of Firemen's Relief and Retirement Fund Trustees shall be constituted as follows:
(a) The mayor or his duly appointed and authorized representative of the city shall elect by a majority vote five (5) members of the regularly organized active fire department of the city to serve as members of said Board of Trustees.

"Three (3) of the members so elected shall be elected from said Suppression Division of said fire department. One (1) member so elected from said Suppression Division shall have the rank of Private or Chauffeur, and the position on the Board to which such member is elected shall be designated as Position I. One (1) member so elected from said Suppression Division shall have the rank of Captain, and the position on the Board to which such member is elected shall be designated as Position II. One (1) member so elected from said Suppression Division shall have the rank of Battalion Chief or District Chief or Deputy Chief or Assistant Chief, and the position on the Board to which such member is elected shall be designated as Position III.

One (1) of the members so elected shall be elected from among those fire department members who devote full time to prevention and investigation of fire, or who are permanently assigned in the Record Division or Fire Chief's Office and who are not members of the Suppression Division; and the position on the Board to which such member is elected shall be designated as Position IV.

"One (1) of the members so elected shall be elected from the Fire Alarm Operators Division or the Fire Department Repair Division, and the position on the Board to which such member is elected shall be designated as Position V.

"One (1) of said members so elected shall serve for one (1) year, two (2) of said members shall serve for two (2) years, and two (2) of said members shall serve for three (3) years as members of said Board of Trustees.

"Two (2) legally qualified taxpayers of each city, residents thereof for the preceding three (3) years are to be chosen by the elected members of the Pension Board, being neither employees nor officers of said city. One (1) of these appointed members shall be appointed for a term of two (2) years. Annually thereafter on the third Monday in January, the elected members of the Pension Board are to fill one (1) of the appointed positions of the Pension Board for a term of two (2) years. The appointed members of the Pension Board are to take the same oath of office required of the elected members. A vacancy occurring by death, resignation or removal of a member chosen by the elected members of the Pension Board shall be filled by the elected members of the Board. A member who is selected to fill a vacancy shall hold office for the unexpired term of the appointed member who vacated his position. The two (2) appointed positions of the Pension Board are to be filled by the elected members of the Pension Board on the third Monday in January following the effective date of this Section of this Act.

"Each member of the Board of Trustees shall, within ten (10) days after his election, take an oath of office that he will diligently and honestly administer the affairs of the Fireman's Relief and Retirement Fund and that he will not knowingly violate or willingly permit to be violated any provision of this Act.

"Said Board of Trustees shall elect annually from among their number a Chairman and a Vice-Chairman and a Secretary.

"The terms of office of those persons who are members of existing Boards of Trustees in cities coming under the provisions of this sec.
Article 5.—That Section 4 of Chapter 105, Acts of the Regular Session of the 45th Legislature, as said Act has herefore been amended, be and the same hereby amended so as to read hereafter as follows:

"Section 4.—

"Subsection 1. On or before the first day of March of each year, the Firemen's Pension Commissioner shall transmit to the State Board of Insurance a list: (a) of the several Firemen's Relief and Retirement Funds existing and operating in incorporated cities and towns under this Act, and (b) of other incorporated cities and towns whose firemen are covered (separately or in combination with coverage for other employees) in other public pension systems established by statute or operating in this State.

"Subsection 2. On or before the first day of May in each year, the Chief Engineer of the State Board of Insurance shall determine the area served by the fire department of each incorporated city or town included in the list transmitted to him by the Firemen's Pension Commissioner, as above provided, and the amount of gross-premium taxes imposed under Section 2 of this Act on the basis of fire insurance written in each such area during the preceding calendar year; and he shall certify such findings and determinations to the Firemen's Pension Commissioner, to the State Comptroller, and to the State Treasurer.

"Subsubsection 3. The State Treasurer shall deposit to the credit of the State Contribution Fund for Firemen's Pension three-fourths of the proceeds collected from the gross-premium taxes imposed under Section 2 of this Act until there shall have been deposited therein three-fourths of the aggregate sum certified by the Chief Engineer of the State Board of Insurance as derived from such taxes in all areas listed in the certificate provided for in Subsection 2 of this Section. The remainder of the proceeds of such taxes, apart from the one-fourth allocated to the Available School Fund, shall be deposited by the State Treasurer to the account of the general revenue fund of the State of Texas.

"Subsection 4. Every Firemen's Relief and Retirement Fund organized and operating in accordance with the provisions of this Act and every Firemen, Policeman and Fire Alarm Operators Pension Fund operating under the general laws of this State to provide retirement coverage for volunteer firemen of or the paid firemen employed by an incorporated city or town in this State, shall be entitled to participate in the distribution of sums collected from the gross premiums tax levied by this Act and deposited to the credit of the State Contributions Fund for Firemen's Pension, in accordance with the terms and conditions hereinbelow set out.

"(a) There shall be allocated and paid over to each of the several pension funds and systems entitled to participate in such monies, other than Firemen's Relief and Retirement Funds operating under this Act, an amount equal to three-fourths of the gross-premium taxes collected under this Act as determined by the Chief Engineer of the State Board of Insurance on the basis of fire insurance written within the area served by the fire department of the city or town in which such pension fund or system operates. It shall be the duty of the Firemen's Pension Commissioner to transmit to the State Comptroller and the State Treasurer a certified list of the several funds or systems entitled to participate in distribution of such monies under this section.

"(b) The balance remaining in the State Contribution Fund for Firemen's Pensions after making the payments and distributions authorized in the foregoing paragraph,
shall be apportioned among and paid over to the Board of Trustees of the several Firemen's Relief and Retirement Funds existing and operating under this Act, in the proportion that the gross-premiums taxes collected under this Act, on the basis of fire insurance written within the area served by the fire department of the particular city or town bears to the total of such taxes; save and except that the Treasurer shall retain as an emergency reserve for such purposes such amount as the Firemen's Pension Commissioner shall estimate will be needed to cover additional temporary apportionments pursuant to Section 29 of this Act prior to the first day of May of the ensuing year, and such amount as is required to cover appropriations made by the Legislature out of such special fund for the operation of the office of the Firemen's Pension Commissioner.

"No Firemen's Relief and Retirement Fund shall be eligible to participate in the distribution of monies under this Act for any year unless the amortizing payments and current cost contributions prescribed by this Act are being met and discharged by the employer city and by the firemen members; and the Firemen's Pension Commissioner shall be charged with determination of the question of eligibility of each such Fund to participate.

Article 6.—That Section 6 of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended, so as to hereafter read as follows:—

"Section 6.—

"Subsection 1. Any member of a Firemen's Relief and Retirement Fund who has been duly appointed and enrolled and who has attained the age of fifty-five ($55) years, and who has served actively for a period of twenty (20) years in any rank, whether as woolly-paid, part-paid or volunteer fireman, in one (1) or more regularly organized fire departments in any city or town in this State having a population of less than one hundred and eighty thousand ($180,000) according to the last preceding federal census, which city or town is now within or may hereafter come within the provisions of this Act, shall be entitled to be retired from such service or department, and shall be entitled to be paid from the Fund of which he is a member a monthly base pension equal to one-half (½) of his average monthly salary, not to exceed a maximum pension of One Hundred Dollars ($100) per month, except as hereinafter provided. The average monthly salary on which such pension shall be based shall be the monthly average of the salary of the member for the five-year period preceding the date of such retirement provided, however, that if average monthly salary of such member is Fifty Dollars ($50) or less per month, or if he is a volunteer fireman with no salary, he shall be entitled to a monthly pension or retirement allowance of Twenty-Five Dollars ($25). It is further provided that the schedule of benefits in effect on January 1, 1961 as to Firemen's Relief and Retirement Funds existing and operating under existing laws at the effective date of this amendment shall remain in force and effect until changed by election as hereinafter authorized.

"Any such Firemen's Relief and Retirement Fund may by majority vote of the paid firemen who are members of such Fund increase the maximum monthly pension allowance from the sum of One Hundred Dollars ($100) per month as limited, to such greater dollar amount as may from time to time be approved by majority vote of the members of such Fund voting at an election held on the question in form and manner prescribed by the Firemen's Pension Commissioner.

"Any such Firemen's Relief and Retirement Fund in any city or town may by majority vote of the volunteer members of such Fund increase the minimum monthly pension or retirement allowance from Twenty-Five Dollars ($25) as above provided, to the sum of Fifty Dollars ($50) per month.

"No election to increase benefits under this section, or to adopt or increase any other optional benefits authorized under this Act may be held until the actuary shall determine and certify the amount and rate of current cost contributions required to provide for the payment of such other or increased benefits.

"No fireman who retires under the provisions of this Section or of Section 7 or 1A shall in any case receive
any pension in excess of that which an assistant fire chief in the employ-er city or town would receive, and no fireman in such cities shall be required to pay a contribution calculated on compensation which is in excess of that paid by the employer city or town to an assistant fire chief therein.

"Subsection 2. Notwithstanding any other provision of this Act, it is hereby specially provided that any eligible and qualified fireman who shall complete twenty (20) years of active service before reaching the age of fifty-five (55) years, may apply to the Board of Trustees for, and it shall be the Board's duty to issue, a service pension certificate showing the completion of such service and certifying that such fireman, upon reaching the age of fifty-five (55) years shall be entitled to the retirement and other applicable benefits of this Act. Any fireman who has earned and has been issued a service certificate as above provided, and who has left active service before reaching retirement age shall be entitled, upon reaching the age of fifty-five (55) years, to a monthly pension based on the schedule of benefits in effect during the final full month of his active service, and upon his average monthly salary determined at the end of his final full month of his active service, provided, however, that in order to participate in the benefits authorized by this Act, any person holding a service pension certificate who leaves active service with the fire department of the employer city or town, shall nevertheless make current cost contributions to the Fund of which such person is a member, in an amount equal to the contribution required during his final month of active service, for and during each month after leaving active service until he becomes eligible to receive and elects to receive his monthly pension as hereinabove provided."

Article 7.—That Section 6A of Chapter 126, Acts of the Regular Session of the 45th Legislature, as that Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows: "Section 6A.—Any full-paid fireman who shall be entitled to be retired under the provisions of Section 4 of this Act, and who shall retire under Section 6 or Section 7 or Section 7A with additional time of service and of participation in a Fund after the date upon which he has become entitled to be retired or with more than twenty-five (25) years of service and of participation in a Fund, shall be entitled to be paid from the Firemen's Relief and Retirement Fund of the city or town in which he last served, in addition to any other benefits provided by this Act, and additional monthly pension allowance which shall be computed as follows: the sum of Four Dollars ($4) per month shall be allowed for each full year of service and of participation in a Fund after the date upon which such fireman shall have become entitled to be retired under Section 6, or after the date upon which each fireman shall have completed twenty-five (25) years of service and of participation in a Fund, whichever date shall first occur: provided, however, that such additional pension allowance shall not exceed the sum of Fifty-six Dollars ($56) per month."

"If any person shall die from any cause whatsoever, and if at the time of death, such person shall have retired with or shall have been entitled to retire with an additional pension allowance as hereinabove provided by this section, and in which such deceased was retired or entitled to retire shall be paid monthly to the widow of such deceased so long as she remains his wife and such allowance provided by this paragraph shall be paid in addition to any other benefits provided by this Act."

"Provided, however, that the provisions of this section shall not be applicable to any particular relief and retirement fund until after an election has been held and the majority of the participating members of that respective fund have agreed to include the provisions contained in this section within that Relief and Retirement Fund."
amended so as to read hereafter as follows:

"Section 6B—Any person who has been duly appointed and enrolled and who has attained the age of fifty (50) years, and who has served actively for a period of twenty (20) years in any rank in one or more regularly organized fire departments in any city in this State having a population of one hundred and eighty thousand (180,000) or more according to the last preceding federal census, which city is now within or may come within the provision of this Act, shall be entitled to be retired from such service or department and shall be entitled to be paid from the Fireman's Relief and Retirement Fund of that city or town, a monthly pension equal to forty per cent (40%) of his average monthly base salary, such average monthly base salary to be based on the monthly average of his base salary over the five (5) year period preceding the date of retirement, provided, however, that such monthly pension shall not be less than one hundred and fifty dollars ($150) per month.

"The members of any such Firemen's Relief and Retirement Fund may, by a majority vote of the members of such Fund, increase the monthly pension from forty per cent (40%) of average base salary as above provided, to fifty per cent (50%) of average salary; provided, however, that no election shall be held on the question of increasing pension and the salary shall first have determined and certified the amount and rate of current cost contributions required to provide for the payment of such increase benefits.

"Any fireman who shall be entitled to be retired under the provisions of this Section or Section 7B or Section 7C, and who shall retire with more than twenty (20) years of service and of participation in a fund shall be entitled to be paid from the Firemen's Relief and Retirement Fund of the city in which he last served, in addition to the basic monthly pension above provided and any other benefits provided by this Act, an additional monthly pension allowance which shall be computed as follows: The sum of two dollars ($2) per month shall be allowed for each full year of service and of participation in a fund after the date upon which such fireman shall have completed twenty (20) years of service and of participation in a fund; provided, however, that such additional pension allowance shall not exceed the sum of thirty dollars ($30) per month.

"No fireman who retires under the provisions of this Section, or Section 7B, or Section 7C shall receive any pension allowance in excess of that which an assistant fire chief would receive, and no fireman in cities which come within the provisions of said Sections shall be required to pay a contribution to a fund in excess of that which an assistant fire chief would pay.

"Notwithstanding any other provision of this Act, it is hereby specially provided that any eligible and qualified fireman who shall complete twenty (20) years of active service before reaching the age of fifty (50) years, may apply to the Board of Trustees for, and it shall be the Board's duty to issue, a service pension certificate showing the completion of such service and certifying that such fireman, upon reaching the age of fifty (50) years shall be entitled to the retirement and other applicable benefits of this Act. Any fireman who has earned and has been issued a service certificate as above provided, and who has left active service before reaching retirement age shall become entitled, upon reaching the age of fifty (50) years, to a monthly pension computed on the schedule of benefits in effect during the final full month of his active service, and upon his average monthly salary determined at the end of his final full month of his active service; provided, however, that in order to participate in the benefits authorized by this Act, any person holding a service pension certificate who leaves active service with the fire department of the employer city or town, shall nevertheless make current cost contributions to the Fund of which such person is a member, in an amount equal to the contribution required during his final month of active service, for and during each month after leaving service until he becomes eligible to receive and elect to receive his
monthly pension as hereinabove pro-
vided."

Article 9.—That Section 7 of Chap-
ter 125, Acts of the Regular Session
of the 45th Legislature, as said Act
has heretofore been amended, be and
the same is hereby amended so as
to read hereafter as follows:

"Section 7.—Whenever a person
serving as an active fireman duly
enrolled in any regularly active fire
department in any city or town in
the State having a population of
less than one hundred eighty thou-
sand (180,000) according to the
last preceding Federal Census, which
city or town is now within, or may
hereafter come within the provisions
of this Act, shall become physi-
\(\text{cal or mentally disabled while}
\) in and/or in consequence of, the
performance of his duty, said
Board of Trustees shall upon his
request, or without such request,
if it shall deem proper and for the
good of the department, retire such
person from active service either up-
on total or partial disability as the
case may warrant and shall order
that he be paid from such Fund, (a)
if for total disability, an amount
equal to one-half (\(\frac{1}{2}\)) the average
monthly salary of such fireman,
not to exceed the sum of One Hun-
dred Dollars ($100) per month, ex-
cept as hereinafter provided, such
average monthly salary to be based
on the monthly average of his sal-
ary for the five (5) year period,
or so much thereof as he may have
served, preceding the date of such
retirement; provided that if such
average monthly salary be Fifty
Dollars ($50) or less per month, or
if he be a volunteer fireman with no
salary, the amount so ordered paid
shall not be less than Twenty-five
Dollars ($25) per month; and pro-
vided further that any regularly or-
ganised 'full paid' fire department
in any city or town in this State
now within or that may come within
the provisions of this Act may, upon
a majority vote of the participating
members of that respective Fund,
increase the maximum disability pen-
sion to One Hundred and Fifty Doli-
ars ($150) per month; or (b) if the
disability be less than total, then
such sum as in the judgment of the
Board of Trustees may be proper and
commensurate with the degree of
disability, provided further that if
and when such disability shall cease,
such retirement or disability allow-
ance shall be discontinued and such
person shall be restored to active
service at not less than the same
salary he received at the time of
his retirement for disability.

Article 10.—That Section 7A of
Chapter 125, Acts of the Regular
Session of the 45th Legislature, as
said Act has heretofore been amendsed,
be and the same is hereby amended so as to read hereafter as follows:

"Section 7A.—Whenever any mem-
er of a Fund who is serving as a
full-paid fireman duly enrolled in any
regularly active fire department in
any city or town in the State having
a population of less than one hun-
dred and eighty thousand (180,000)
according to the last preceding Feder-
el Census, which city or town is now
within or may hereafter come with-
in the provisions of this Act, shall
die or become disabled from any
cause other than a disability acquir-
ed in the performance of his duty as
d a fireman, a pension allowance shall
be paid to the widow or fireman.
The monthly pension allowance shall
be computed as follows: five per-
cent (5%) of the total amount the
individual fireman or widow would
have been entitled to receive under
Section 7 or Section 12 had such
dead or disability occurred as the
result of such fireman's being in-
capacitated or killed in and/or
in consequence of the performance
of his duty as a fireman shall be
allowed for each year of partici-
pation in the relief and retirement
fund, provided the same shall not be
computed on the basis of more than
twenty (20) years. In no event, ho-
ever, shall such fireman or widow receive an amount less than Fifty Dollars ($50) per
month.

"If any such full-paid fireman
who is a member of a Fireman's
Relief and Retirement Fund that
has adopted the benefits authorized
by this Section shall die from any
cause not growing out of the per-
formance of his duty as a fireman
and shall leave surviving him a child or children under the age of eighteen (18) years or a
dependent parent, the Board of
Trustees shall order paid a monthly
pension allowance as follows: (a)
the guardian of each child the
sum of Twenty Dollars ($20) per
The total date of his death; and the presence of the guardian of any dependent minor child or children under the age of eighteen (18) years shall be Forty Dollars ($40) per month for each such dependent minor child; and (e) to the dependent parent only in case no widow or child is entitled to allowance, the amount the widow would have received to be paid to but one (1) parent and such parent to be determined by the Board of Trustees; provided, however, that the total allowance to be paid all beneficiaries or dependents as herein provided shall not exceed the monthly allowance to be paid the pensioner had he continued to live or be retired on allowance at the date of his death; and further provided, that if such amount be insufficient to pay the full schedule of benefits as herein provided, such benefits shall be prorated. Allowance or benefits payable to any minor child shall cease when such child becomes eighteen (18) years of age or marries.

The Board, however, that the provisions of this Section shall not apply if the death or disability of the fireman was caused while such fireman was gainfully employed by someone other than the respective fire department for which he was employed or contributed his service.

Provisions of this Section as amended shall be automatically applicable to any relief and retirement fund in which such Section was included by majority vote of the members prior to the effective date of this amending Act; provided further, however, that the provisions of this Section shall not be applicable to any particular relief and retirement fund in which such Section was not included prior to the effective date of this amending Act until after an election has been held and the majority of the participating members of that respective fund have voted to include the provisions contained in this Section within the Relief and Retirement Fund. At such election the effective date of these provisions shall also be set.

Article 11—That Section 7B of Chapter 135, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 7B—Whenever a person serving as an active fireman duly enrolled in any regularly active fire department in any city in the State having a population of one hundred eighty thousand (180,000) or more according to the last preceding Federal Census, which city is now within or may come within the provisions of this Act, shall become physically or mentally disabled while in and/or in consequence of the performance of this duty, or shall become physically or mentally disabled from any cause whatsoever after he has become entitled to a pension certificate, said Board of Trustees shall, upon his request, or without such request if it shall deem proper and for the good of the department, retire such person from active service either for total or partial disability as the case may warrant and shall order that he be paid a monthly pension allowance from such Fund. (a) If for total disability, an amount equal to forty per cent (40%) of the average monthly base salary of such fireman, such average monthly base salary to be based on the monthly average of his base salary for the five (5) year period, or so much thereof as he may have served, preceding the date of such retirement; provided, however, that the monthly pension allowance provided by this Section shall not be less than One Hundred and Fifty Dollars ($150) per month; (b) If the disability be less than total, then such sum as in the judgment of the Board of Trustees may be proper and commensurate with the degree of disability; provided further, that if and when such disability shall cease, such disability allowance shall be discontinued and such person shall be restored to active service at not less than the same salary he received at the time of his retirement for disability.

Article 13—That Section 7C of Chapter 135, Acts of the Regular Session of the 45th Legislature, as said act has heretofore been amended...
ed, be and the same is hereby amended so as to read as follows:

"Section 7C. Whenever a person serving as an active fireman duly enrolled in any regularly active fire department in any city in the State having a population of One hundred eighty thousand ($180,000) or more according to the last preceding Federal Census, which city is now within or may hereafter come within the provisions of this Act, shall die or become disabled from any cause other than a disability acquired in the performance of his duty as a fireman, a monthly pension allowance shall be paid to such fireman or his beneficiaries. Such monthly pension allowance shall be computed as follows:

"(a) If such fireman shall become disabled, he shall be paid a monthly pension allowance equal to twenty per cent (20%) of the average monthly base salary of such fireman plus two per cent (2%) of such average monthly base salary for each full year of service and of participation in a Fund, provided however, that such monthly pension allowance shall not exceed forty per cent (40%) of such average monthly base salary. Such average monthly base salary shall be based on the monthly average of such fireman's base salary for the five (5) year period, or so much thereof as he may have served, preceding the date of such retirement.

"(b) If such fireman shall die and shall leave surviving him both a widow who married such fireman prior to his retirement and a child or children of such fireman under the age of eighteen (18) years, said Board of Trustees shall order paid to the widow, so long as she remains the widow of such fireman, a monthly pension allowance equal to one half (1/2) of the amount such fireman would have been entitled to receive if disabled, under the provisions of paragraph (a) of this Section, and in addition thereto the Board of Trustees shall order paid to such widow or other person having the care and custody of such child or children under the age of eighteen (18) years a monthly pension allowance, for the use and benefit of such child or children, equal to the amount hereinafter provided for the widow. If such fireman shall leave no child under the age of eighteen (18) years surviving him or if at any time after the death of such fireman no child is entitled to allowance, then the monthly pension allowance to be paid such widow, so long as she remains a widow, shall equal the full amount such fireman would have been entitled to receive, if disabled, under paragraph (a) of this Section provided however, that such allowance to a widow, as herein provided if no child is entitled to allowance, shall not exceed one half (1/2) of the base salary provided for the position of pipefitter at the time of the death of such fireman.

"(c) If such fireman shall die and if his widow dies after being entitled to her allowance as herein provided, or in the event there be no widow to receive an allowance, then the amount of the monthly pension allowance to be paid, for the use and benefit of the child or children under the age of eighteen (18) years, to the person having the care and custody of such child or children shall be computed as follows: an amount equal to one half (1/2) of the amount such fireman would have been entitled to receive, if disabled, under the provisions of paragraph (a) of this Section shall be paid for each of such fireman's children under the age of eighteen (18) years, provided that the monthly pension allowance provided hereby for children shall not exceed the amount to which such fireman would have been entitled under paragraph (a), nor shall such allowance for such children exceed one half (1/2) of the base salary provided for the position of fireman at the time of the death of such fireman.

"(d) If such fireman shall die and only if no widow or child is entitled to an allowance under the provisions of this Section, a monthly pension allowance equal to one half (1/2) of the amount such fireman would have been entitled to receive, if disabled, under the provisions of paragraph (a) shall be paid to each parent of such deceased fireman upon proof to the Board of Trustees that such parent was dependent upon such fireman immediately prior to the death of such fireman, provided that the to-
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The monthly pension allowance provided herein for parents shall not exceed one-half (½) of the base salary provided for the position of

Ordered: April 11, 1961

Mr. Speaker: The last two sentences of Section 2, which reads, "...if the employer city or town...</n

The Board of Trustees, each of which shall have the power to dissolve the said Board by vote of ten of the forty members thereof ...".

The Board of Trustees, as heretofore been amended, and the same is hereby amended so as to read hereafter as follows:

Section 9—

Subsection 1. No person shall be retired either for total or temporary disability, except as herein provided, nor receive any allowance therefor, unless and until there shall have been filled the Board of Trustees, certificates of his disability and eligibility, signed and sworn to by said person and by the city or town physician, if there be one, or if none, then by any physician selected by the Board of Trustees. Said Board of Trustees may, in its discretion, require other or additional evidence of disability before ordering such retirement or payment.

Subsection 2. Whenever any member has been retired on a disability benefit, and the board of Trustees thereafter determines that the disability has ceased, the member shall immediately be removed from the retirement rolls and his retirement benefit shall cease, and the employer city or town shall immediately restore such fireman to active duty in the same rank that he held at the time he retired, and at the same rate of compensation which he would have received had he remained on active duty throughout the period of disability. If any such member, after having been restored to active duty from a disability retirement, shall again become an invalid at any time before he shall have completed five additional years of active service following his restoration to duty, he shall receive on such subsequent retirement the same monthly retirement allowance which he received during the earlier period of retirement.

Subsection 3. Any person who has heretofore retired, or who shall hereafter retire, with either a disability benefit or service retirement benefit or other allowance under this Act shall be ineligible to receive any further salary or compensation for services rendered as a fireman in or for the employer city or town from which he retired on such benefit or allowance.

Article 14—That Section 10 of Chapter 126, Acts of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

Section 10—

Subsection 1. Each Firemen's Relief and Retirement Fund heretofore organized and now operating in this State, whose entire membership at the effective date of this amendment is comprised of volunteer firemen, shall be operated and contributions shall be required of members of such fund under the provisions of this Act, unless a majority of the membership of such existing Firemen's Relief and Retirement Fund shall, prior to January 1, 1962, vote to dissolve the same in the manner and upon the conditions following.

In the event any ten members of any such existing Firemen's Relief and Retirement Fund shall so vote, such Fund shall cease to exist on the effective date of the vote of such ten members in the manner and upon the conditions hereinafter following.
and Retirement Fund, or a majority of the membership if there be less than twenty members, shall sign and present to the Board of Trustees thereof prior to the 15th day of November, 1961, a petition for an election on the question, then the Board of Trustees shall, or if no such petition is filed, may of its own motion, order an election to be held on a date specified by the Board, at which the active members of such Firemen’s Relief and Retirement Fund shall be entitled to vote, and at which election there shall be submitted the question of whether such Firemen’s Relief and Retirement Fund shall be dissolved.

“In the event the members of such existing Firemen’s Relief and Retirement Fund shall vote to dissolve the same, the assets of the Fund shall be received by the City Treasurer of the employer city or town, and by his successors in office, in trust, to provide for future payment of all unpaid benefits owing to annuitants of such Fund, and to provide for payment of benefits due to be paid on death or retirement of holders of service-pension certificates issued by such Funds.

“If, after the payment of future benefits for present annuitants of such dissolved Fund and of such benefits due to or on account of holders of service-certificates issued against said Fund, there shall remain a balance in the tangible assets of the dissolving Fund, then in such event such remaining amount belonging to the dissolved Fund shall be refunded and paid to the persons who were active members thereof at the date of dissolution, in proportion to the sums respectively contributed by them to the dissolving Fund.

“Subsection 2. Each Firemen’s Relief and Retirement Fund heretofore organized and now existing under the laws of this State, whose active membership is composed in whole or in part of paid firemen, shall continue in operation under the management of the Board of Trustees of such Fund; but contributions to such Fund, and all rights, obligations and privileges of membership, shall hereafter be governed by the provisions of this Act.

“Subsection 3. In any incorporated city or town in this State having a regularly organized active fire department, that has members that are not included for coverage in any existing pension system operated under State law, charter provision or ordinance, such firemen in majority of such firemen so vote may establish a Firemen’s Relief and Retirement Fund; and such such fireman of such department shall become a member thereof providing he was under the age of 35 years at the time he first began his service as a fireman.

“Subsection 4. Each person who is an active member of a Firemen’s Relief and Retirement Fund previously organized and existing under the laws of this State at the effective date of this amendment, shall continue as a member of such Fund (unless the same be one dissolved as provided in Subsection 1, above), and he shall retain and be allowed credit for all service to which he was entitled in the Fund of which he was a member immediately prior to the effective date of this amendment; but all obligations of membership in such Fund shall hereafter be governed by the provisions of this Act.

“Subsection 5. Each person who shall hereafter become a fireman in any city which has a Firemen’s Relief and Retirement Fund to which he is eligible for membership, shall become a member of such Fund as a condition of his appointment, and shall by acceptance of such position agree to make and shall make the contributions required under this Act of members of such Fund, and shall participate in the benefits of membership in such Fund as provided in this Act; provided, however, that no person shall be eligible to membership in any such Fund who is more than thirty-five years of age at the time he first enters service as a fireman; and provided further that any such person who enters service as a fireman may be denied or excused from membership in the
Fund if the Board of Trustees of the Fund determines that such person is not of sound health. The applicant shall pay the cost of any physical examination required in such instance by the Board of Trustees.

"Subsection 6. Any fireman who is a member of a department which had an existing Firemen’s Relief and Retirement Fund prior to May 22, 1957, and who elected not to participate in such Fund, shall not be liable for any salary deduction provided for by this Act, and shall not be entitled to participate in any of the benefits of this Act. But any such person may at any time hereafter, if he is at the time less than thirty-five years of age, become a member of such Fund, but without credit towards retirement or other benefits for any service performed prior to the date on which he may hereafter become a member of such Fund. Any such person shall, upon determining to become a member of such Fund, file with the Board of Trustees a written consent that the deductions required by this Act shall be made from compensation due him, and paid in to the Fund as required by this Act.

Article 15—That Section 10A of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be amended so as to read hereafter as follows:

"Section 10A. Method of Financing—The revenue to defray the cost of administering this Act, and of providing the allowances and benefits authorized hereunder, shall be derived from the following sources: (a) from contributions to be made by the State of Texas as provided in this Act; (b) from contributions to be made as herein provided by incorporated cities and towns which are employers of paid firemen or which are served by volunteer firemen who are members of the Firemen’s Relief and Retirement Funds; (c) from contributions to be made as hereinbelow provided by the members of Firemen’s Relief and Retirement Fund; and (d) from interest and other earnings derived from investment of the money and other assets held by or for the account of the several Firemen’s Relief and Retirement Funds.

"Subsection 1. (Determination of Initial Unfunded Accrued Liability.) As soon as practicable, the actuary shall calculate and the Firemen’s Pension Commissioner shall determine as of January 1, 1962, the initial unfunded accrued liability of each Firemen’s Relief and Retirement Fund then existing. As used herein, the term ‘initial unfunded accrued liability’ shall mean the amount by which the present value of future benefit payments to or on account of present annuitants plus the present value of prospective benefit payments to or on account of present active members of the Fund, exceeds on the specified date, the present value of all of the assets of the Fund. The assets of the Fund, for purposes of such determination shall consist of: the market value of tangible assets of the Fund; and the present value as of such date of the ‘entry age normal cost contributions’ anticipated to be received in the future on account of future service of firemen who then are active members of the Fund.

The present values and benefits shall be calculated on the basis of rates and tables adopted by the Firemen’s Pension Commissioner and on the basis of the schedule of benefits in effect on January 1, 1961. The ‘entry age normal cost contribution’ for each member is the fixed percentage of salary in a paid fireman, or the dollar amount payable monthly in the case of a volunteer fireman, which, when applied to all members of the Fund of the same entry age, is exactly sufficient to provide all of the benefits which will be payable to or on account of all members of said entry age, who actually become entitled to receive benefits under this Act, calculated on the assumption that:

(a) The Fund throughout the period of service of its members had been in existence and operating under this Act and the schedule of benefits used in calculating the present value of future benefit payments to present annuitants and the present value of future benefit payments to present active members of the Fund had been in effect throughout the period; and

(b) Experience in the past had always been consistent with the as
The required entry age normal cost contribution was paid monthly for all Firemen from the time they first became members (or would have become members of the Fund according to the provisions of this Act) up to January 1, 1962, or in the case of such Firemen who terminated active service at an earlier date, up to the date on which their active service was so terminated.

"All Firemen's Relief and Retirement Funds which shall be established subsequent to the effective date of this amendment shall have their initial unfunded accrued liability calculated in the same manner as described above, except that the effective date of the establishment of the Fund shall be used as the date as of which such determination shall be made, and the schedule of benefit in effect on the date of establishment of the Fund shall be used in such determination.

"Subsection 2. (Amortizing Payments)

"The term 'amortizing payment' or 'amortisation payment' as used in this Act shall mean the fixed monthly payments required, assuming regular interest, to discharge the initial unfunded accrued liability of a Firemen's Relief and Retirement Fund within a period of forty years equal amounts paid during each month of the fifth and succeeding years of the period, and (a) by monthly payments during the first year of the period which are twenty per centum (20%) of the monthly payments during the fifth year of the period; (b) by monthly payments during the second year of the period which are forty per centum (40%) of those for the fifth year; (c) by monthly payments during the third year of the period which are sixty per centum (60%) of those for the fifth year; and (d) by monthly payments during the fourth year of the period which are eighty per centum (80%) of those for the fifth year.

"Subsection 3. (Application of State Funds to Amortizing Payments)

"Excepting monies granted as a temporary additional apportionment pursuant to Section 29 of this Act, any monies appropriated or distributed by the State of Texas to any Firemen's Relief and Retirement Fund, in any year, shall first be applied to the payment or reduction of the amortization payment required for the ensuing calendar year, and if the amount distributed shall be in excess of the amount required for discharge of the amortization payment for the ensuing year, then the monies distributed shall be applied to pay the 'amortization payment' for the next ensuing year or years, until the amount paid in, allowing regular interest, shall equal the initial unfunded accrued liability of the Fund.

"When the initial unfunded accrued liability of a Fund has been fully amortized by distributed state monies and/or city payments, the state monies thereafter distributed to or paid for the benefit of such Firemen's Relief and Retirement Fund in any calendar year shall be applied to, and shall operate to reduce the 'current cost contributions' (hereinbelow provided for) payable in the next following calendar year.

"Subsection 4. (Amortizing Payments of Employer Cities and Towns.)

"When the Firemen's Relief and Retirement Fund in any incorporated city or town in this State has an initial unfunded accrued liability, determined as above provided for, there exists an unpaid balance on the amortizing payment due thereon for the ensuing calendar year after application of state monies to the reduction of such amortizing payment as provided in Subsection 3, then in such event such employer city or town shall discharge the unpaid balance of the amortizing payment due in the ensuing calendar year.

"Subsection 5. (Current Cost Contributions by Cities and by Firemen).

"The required entry age normal cost contribution was paid monthly for all Firemen from the time they first became members (or would have become members of the Fund according to the provisions of this Act) up to January 1, 1962, or in the case of such Firemen who terminated active service at an earlier date, up to the date on which their active service was so terminated.

"All Firemen's Relief and Retirement Funds which shall be established subsequent to the effective date of this amendment shall have their initial unfunded accrued liability calculated in the same manner as described above, except that the effective date of the establishment of the Fund shall be used as the date as of which such determination shall be made, and the schedule of benefit in effect on the date of establishment of the Fund shall be used in such determination.

"Subsection 2. (Amortizing Payments)

"The term 'amortizing payment' or 'amortisation payment' as used in this Act shall mean the fixed monthly payments required, assuming regular interest, to discharge the initial unfunded accrued liability of a Firemen's Relief and Retirement Fund within a period of forty years equal amounts paid during each month of the fifth and succeeding years of the period, and (a) by monthly payments during the first year of the period which are twenty per centum (20%) of the monthly payments during the fifth year of the period; (b) by monthly payments during the second year of the period which are forty per centum (40%) of those for the fifth year; (c) by monthly payments during the third year of the period which are sixty per centum (60%) of those for the fifth year; and (d) by monthly payments during the fourth year of the period which are eighty per centum (80%) of those for the fifth year.

"Subsection 3. (Application of State Funds to Amortizing Payments)

"Excepting monies granted as a temporary additional apportionment pursuant to Section 29 of this Act, any monies appropriated or distributed by the State of Texas to any Firemen's Relief and Retirement Fund, in any year, shall first be applied to the payment or reduction of the amortization payment required for the ensuing calendar year, and if the amount distributed shall be in excess of the amount required for discharge of the amortization payment for the ensuing year, then the monies distributed shall be applied to pay the 'amortization payment' for the next ensuing year or years, until the amount paid in, allowing regular interest, shall equal the initial unfunded accrued liability of the Fund.

"When the initial unfunded accrued liability of a Fund has been fully amortized by distributed state monies and/or city payments, the state monies thereafter distributed to or paid for the benefit of such Firemen's Relief and Retirement Fund in any calendar year shall be applied to, and shall operate to reduce the 'current cost contributions' (hereinbelow provided for) payable in the next following calendar year.

"Subsection 4. (Amortizing Payments of Employer Cities and Towns.)

"When the Firemen's Relief and Retirement Fund in any incorporated city or town in this State has an initial unfunded accrued liability, determined as above provided for, there exists an unpaid balance on the amortizing payment due thereon for the ensuing calendar year after application of state monies to the reduction of such amortizing payment as provided in Subsection 3, then in such event such employer city or town shall discharge the unpaid balance of the amortizing payment due in the ensuing calendar year.

"Subsection 5. (Current Cost Contributions by Cities and by Firemen).
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"(a) For paid firemen, each fireman and the employer city shall make current cost contributions to the Fund of which he is a member of a percentage of each payment of earnings made to each member-fireman by such city as hereinafter provided. For volunteer firemen and for holders of service-pension certificates who are not retired but who are not in active service, each member-fireman and the city shall make monthly current cost contributions to the Fund of a dollar amount as hereinafter provided. Such percentage of earnings of paid firemen and such dollar amount payable for volunteer firemen shall be calculated as being the necessary and required dollar amount per month which shall be certified by the actuary and approved by the Firemen’s Pension Commissioner from the most recent data available at the time of such determination and shall be certified to each Firemen’s Relief and Retirement Fund prior to the beginning of each calendar year.

(b) The current cost contribution rate as to Funds whose members are paid firemen who shall be calculated as being the necessary and required per cent of the earnings of all its members, on the basis of regular interest and the rates and tables adopted by the Firemen’s Pension Commissioner, so that the sum of the present values of an annuity of such dollar amounts for each volunteer fireman shall be equal to (1) the present value of future benefit payments to present annuitants of the Fund, plus (2) the present value of future benefit payments to or on account of present active members and inactive service-pension certificate holders, less (3) the present tangible assets of said Fund, less (4) the present value of unpaid future amortization payments as defined in Subsection 2 above. Such current cost contribution rate for volunteer firemen shall be paid $2.00 per month by the volunteer fireman and the balance by the city; provided, however, that if the benefits payable are increased above that in effect on January 1, 1961, the amount per month which shall be paid by the volunteer fireman shall be in the same ratio to $2.00 that the total current cost contribution rate required under the increased schedule of benefits bears to the total current cost contribution rate which would have been required under the schedule of benefits in effect: January 1, 1961.

(d) These current cost contribution rates shall be calculated by the actuary during each calendar year on the basis of information available at the beginning of such year to be effective for the next following calendar year, except that current cost contribution rates for 1962 shall be estimated by the actuary and approved by the Firemen’s Pension Commissioner, and these rates will be used until such time that exact rates can be calculated.

(e) When any paid-fireman has qualified for and has received a service-pension certificate as authorized under Section 6 or 6B of this Act, and he terminates active service with his fire department, he shall be required (as a condition to entitlement to benefits hereunder) to continue to make, during each and every month thereafter until he is eligible to receive and elects to receive a retirement benefit, a current cost contribution equal to the monthly contribution which he was required to make during the last full month of active service as a member of the Fire Department.
"Subsection 6. In determining the initial unfunded accrued liability of each Firemen's Relief and Retirement Fund whose membership is composed in part of paid firemen, and in part of volunteer firemen, and for the purpose of computing the current cost contributions to be made by the individual firemen and by the employer city on account of future service of such firemen, it is specially provided that:

"(a) There shall be established and maintained for such Fund two accounts, one covering the past and present members of the Fund who are (or were) paid firemen, and the other covering the past and present members of the Fund who are (or were) volunteer members of such Fund.

"(b) The liabilities of such Firemen's Relief and Retirement Fund existing at the date of determination of the initial unfunded accrued liability thereof, for benefits chargeable against the same, including prospective benefits of the active members, shall be determined, and shall be allocated to and divided between the two accounts on the basis of whether the person whose membership gives rise to the liability was or is a paid fireman, or was or is a volunteer fireman; and for purposes of making the determinations aforesaid, shall apportion the value of the tangible assets of the Fund between the two accounts in the same ratio as the liabilities are apportioned between the accounts.

"(c) The calculation of liabilities and rates for the two accounts shall then be established as if the volunteer firemen had always been members of a separate and distinct Firemen's Relief and Retirement Fund, and as if the paid firemen had always been members of another and distinct Firemen's Relief and Retirement Fund.

"(d) The employer city and the firemen members shall make contributions and payments as if each such account were a separate and independent Firemen's Relief and Retirement Fund; and any change in basis subsequent to the initial unfunded accrued liability of the accounts shall be reflected in changes of applicable current cost contributions solely by and for members of the account whose rate of benefits are affected.

"Subsection 2. The current cost contributions of volunteer firemen,

Article 16—That Section 10B of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has herefore been amended, be and the same is hereby repealed; provided, however, that rights to service credits acquired in accordance with the provisions of said section prior to the effective date of this amending Act shall be unaffected by repeal of said section hereby.

"Section 11—The collection of contributions from firemen members of each Firemen's Relief and Retirement Fund in this State shall be made as follows:

"(a) Each employing municipality shall cause to be deducted from each and every payroll of firemen who is a member of such Fund, for each and every payroll period subsequent to the effective date of this amendment, the current cost contributions payable by such member as provided in this Act. As used herein the term 'earnings' means the amount or sum of payments made to such person for personal services rendered as a fireman for the employing municipality; provided however, that earnings of a member which are in excess of the compensation paid to an assistant fire chief in such city shall be excluded in computing the amount of current cost contributions of such member.

"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 less such deduction a receipt 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 for by this Act.

"Subsection 2. The current cost contributions of volunteer firemen,
and the current cost contributions required of non-active holders of service-pension certificates, shall be made monthly by each such fireman to the treasurer or other proper disbursing officer of the employing city or town.

"Subsection 3. The treasurer or other proper disbursing officer of each employing city or town shall make the deductions from earnings of paid firemen, and shall receive and collect all current cost contributions made by volunteer firemen.

"All current cost contributions, and amortizing payments, coming into the hands of such treasurer or other disbursing official for the credit or benefit of each Firemen's Relief and Retirement Fund shall be held by him as custodian for such Fund, as hereinafter provided, subject to the lawful orders and directions of the Board of Trustees of such Fund."

Article 18 — That Section 12 of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 12. If any member of any fire department in any city or town having a population of less than one hundred eighty thousand (180,000) according to the last preceding Federal Census, which city or town is now within or may hereafter come within the provisions of this Act, who has been retired on allowance because of length of service or disability, shall thereafter die from any cause whatsoever; or if while in service, any member shall die from any cause growing out of and/or in consequence of the performance of his duty; or shall die from any cause whatsoever after he has become entitled to an allowance or pension certificate and shall leave surviving a widow, a child or children under the age of eighteen (18) years, the sum of Six Dollars ($6) per month for part-paid or volunteer Departments, and the sum of Twenty Dollars ($20) per month for fully paid Departments; (c) in the event the widow dies after being entitled to her allowance as herein provided or in the event there be no widow to receive an allowance, then the amount to be paid to the guardian of any dependent minor child or children under the age of eighteen (18) years shall be Twelve Dollars ($12) per month for each such dependent minor child for part-paid or volunteer departments, and the sum of Forty Dollars ($40) per month for each such dependent minor child for fully paid departments; (d) to the dependent parent only in case no widow or child is entitled to allowance, the amount the widow would have received to be paid to but one (1) parent and such parent to be determined by the Board of Trustees; provided however, that the total allowance to be paid all beneficiaries or dependents as herein provided shall not exceed the monthly allowance to be paid the pensioner had he continued to live or be retired on allowance at the date of his death; and further provided, that if such amount be insufficient to pay the full schedule of benefits as herein provided, such benefits shall be prorated. Allowance or benefits payable to any minor child shall cease when such child becomes eighteen (18) years of age or marries.

Article 19—That Section 12A of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 12A. If any member of any fire department in any city having a population of one hundred eighty thousand (180,000) or more according to the last preceding Federal Census, which city is now within or may hereafter come within the provisions of this Act, who has been retired on allowance because of length of service or disability, shall thereafter die from any cause whatsoever; or if while in service, any member shall die from any cause growing out of and/or in consequence of the performance of his duty; or shall die from any cause whatsoever after he has become entitled to an allowance or pension certificate and shall leave surviving a widow, a child or children under the age of eighteen (18) years, the sum of Six Dollars ($6) per month for part-paid or volunteer Departments, and the sum of Twenty Dollars ($20) per month for fully paid Departments; (c) in the event the widow dies after being entitled to her allowance as herein provided or in the event there be no widow to receive an allowance, then the amount to be paid to the guardian of any dependent minor child or children under the age of eighteen (18) years shall be Twelve Dollars ($12) per month for each such dependent minor child for part-paid or volunteer departments, and the sum of Forty Dollars ($40) per month for each such dependent minor child for fully paid departments; (d) to the dependent parent only in case no widow or child is entitled to allowance, the amount the widow would have received to be paid to but one (1) parent and such parent to be determined by the Board of Trustees; provided however, that the total allowance to be paid all beneficiaries or dependents as herein provided shall not exceed the monthly allowance to be paid the pensioner had he continued to live or be retired on allowance at the date of his death; and further provided, that if such amount be insufficient to pay the full schedule of benefits as herein provided, such benefits shall be prorated. Allowance or benefits payable to any minor child shall cease when such child becomes eighteen (18) years of age or marries.
The allowance or allowances provided hereby shall be paid as follows:

(a) If such member shall die and shall leave surviving him both a widow who married such member prior to his retirement and a child or children of such member under the age of eighteen (18) years, said Board of Trustees shall order paid to the widow, so long as she remains the widow of such member, a monthly pension allowance equal to one half (1/2) of said amount such member would have been entitled to receive, and in addition thereto the Board of Trustees shall order paid to such widow or other person having the care and custody of such child or children under the age of eighteen (18) years a monthly pension allowance for the use and benefit of such child or children, equal to the amount hereabove provided for the widow. If such member shall leave no child under the age of eighteen (18) years surviving him or if at any time after the death of such member no child is entitled to allowance, then the monthly pension allowance to be paid such widow, so long as she remains a widow, shall equal the full amount such member would have been entitled to receive, provided, however, that such allowance to a widow, as herein provided, if no child is entitled to allowance, shall not exceed one half (1/2) of the base salary provided for the position of pipeman at the time of the death of such member.

(b) If such member shall die and if his widow dies after being entitled to her allowance as herein provided, or in the event there be no widow to receive an allowance, then the remaining amount of the monthly pension allowance to be paid, for the use and benefit of the child or children under the age of eighteen (18) years, to the person having the care and custody of such child or children under the age of eighteen (18) years, shall be computed as follows: an amount equal to one half (1/2) of said amount such member would have been entitled to receive shall be paid for each such member's children under the age of eighteen (18) years, provided that the total monthly pension allowance provided hereby for children shall not exceed said amount which such member would have been entitled to receive, nor shall such allowance for such children exceed one half (1/2) of the base salary provided for the position of pipeman at the time of the death of such member.

(c) If such member shall die and if no widow or child is entitled to an allowance under the provisions of this Section, a monthly pension allowance equal to one half (1/2) of said amount such member would have been entitled to receive shall be paid to each parent of such deceased member upon proof to the Board of Trustees that such parent was dependent upon such member immediately prior to the death of such member, provided that the total monthly pension allowance provided hereby for parents shall not exceed one half (1/2) of the base salary provided for the position of pipeman at the time of the death of such member.

Provided further, however, that in no event shall the total of the allowances paid to one (1) member's beneficiaries under the provisions of this Section be less than eighty dollars ($80) per month, provided that such minimum shall not be applicable if only one (1) child or only one (1) parent is entitled to an allowance.

“Allowance or benefits payable under the provisions of this Section for any minor child shall cease when such child becomes eighteen (18) years of age or marry.

Article 29—That Section 19 of Chapter 132, Acts of the Regular Session of the 46th Legislature, as said Act heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

“Section 19—for the purposes of co-ordinating the operations of the various Board of Firemen's Relief and Relief Society.
Retirement Fund Trustees: to provide examination from time to time of the accounts of such Boards; to determine and certify to the State Treasurer such Boards as shall, under provisions of this Act, qualify for, and be entitled to consecutive apportionment from said Fireman's Relief and Retirement Fund and to hear, determine, and review appeals from the decision or order of any such Boards of Trustees, there is hereby created the office of Fireman's Pension Commissioner, whose office shall be located in the City of Austin, Texas, to be appointed biennially by the Governor from a list of not less than three (3) nor more than (10) nominees submitted by the State Firemen's and Fire Marshals' association of Texas. Such Commissioner shall hold office for a term of two (2) years, and shall receive an annual salary and compensation as fixed by the Legislature from time to time in the general appropriation bill. Such Commissioner shall have authority to examine the accounts and records of the various Boards of Trustees; shall make rules and regulations not otherwise provided herein, and prepare forms for the use by the various Boards of Trustees in order to assist in the work and duties thereof; shall classify and co-ordinate the reports of the various Boards of Trustees and shall issue his certificate to the State Treasurer that liability has been discharged not later than April 1st of each year, certifying such Boards of Trustees as shall, in his opinion, have complied with the provisions of the Act thereby becoming entitled to apportionment from said Funds for the coming current year, shall examine, approve or disapprove any and all applications of the Boards of Trustees for additional apportionment from the emergency reserve of said Fund as herein provided; and shall hear, determine, and/or review all appeals herein provided.

The Fireman's Pension Commissioner shall designate an actuary who shall be the technical advisor concerning the operation and the present and prospective liabilities of the several Fireman's Relief and Retirement Funds operating under this Act, the actuary shall make such investigations of the mortality, service and compensation experience of members of each such Fund, as may be necessary and as the Fireman's Pension Commissioner shall authorize, and on the basis of such investigation, the actuary shall recommend for adoption by the Fireman's Pension Commissioner such tables and rates of contribution as are required.

"On the basis of calculations prepared by the actuary, the Fireman's Pension Commissioner shall have power to determine, fix and certify the 'initial unfunded accrued liability' of each Fireman's Relief and Retirement Fund existing and operating in this State on the effective date of this Act, and of such Funds as may hereafter be organized; and to determine, fix and certify for payment by the city or town in which each such Fund exists, the amount of contribution required to be made by such city or town to discharge the initial unfunded accrued liability of such Fund in the manner prescribed in this Act; and to determine, fix and certify for observance the 'current cost contributions' required of such cities or towns, and required of the active members of each such Fireman's Relief and Retirement Fund.

"For any wilful failure of any Board of Trustees of any such Fund or of the employing city, to comply with the provisions of this Act, the Fireman's Pension Commissioner shall have power to order withheld from such offending Fund any monies appropriated by the Legislature to the State to which such Fund otherwise would be entitled until the default is corrected.

"In each circumstance under this Act where an election is authorized to be held in any Fireman's Relief and Retirement Fund for the purpose of determining questions of participation in the System, or of adoption or limitation of any benefit or schedule of benefits applicable to any such Fund, or for any other purpose where the vote of membership of such a Fund is permitted under this Act to be determinative, the Fireman's Pension Commissioner shall have power to order such election to be held in any Fireman's Relief and Retirement Fund, in such manner as he shall direct, and to prescribe the forms and content of petitions, ballots, notices, orders and returns to be used in such elections and to prescribe the manner in which such elections shall be conducted, where such forms and procedures are not otherwise prescribed by this Act."
"The Firemen's Pension Commissioner shall have authority to establish and adopt such reasonable rules and regulations not inconsistent with the provisions of this Act as he shall think necessary or desirable for the administration of the provisions of this Act."

Article 21—That Section 20 of Chapter 126, Acts of the Regular Session of the 45th Legislature, as amended, be amended so as to read hereafter as follows:

"Section 20—Whenever any Board of Trustees shall find the fund as hereinafter provided within their control insufficient to meet the demands against such fund, such Board of Trustees may make written application to the Firemen's Pension Commissioner for additional temporary apportionment from the emergency reserve of such fund, such application by the sworn statement of at least three (3) members of such Board of Trustees showing that the department applying for such temporary apportionment has assessed its members the maximum assessment provided hereunder and showing further the necessity and reasons for such additional temporary apportionment and if approved by the Firemen's Pension Commissioner, he shall certify his approval to the State Treasurer and shall order the amount to be allowed on such application within the following limits, to:—

Boards in cities or towns having a population of less than one hundred thousand ($1,000) or less, not to exceed the sum or Five Thousand Dollars ($5,000),

Boards in cities or towns having a population of more, but less than one hundred and fifty thousand ($15,000), not to exceed the sum of Fifty Thousand Dollars ($50,000),

Boards in cities or towns having a population of more, but less than two hundred thousand ($200,000), not to exceed the sum of Four Hundred Thousand Dollars ($400,000),

Boards in cities or towns having a population of one hundred and fifty thousand ($150,000), not to exceed the sum of Three Hundred Thousand Dollars ($300,000),

Boards in cities or towns having a population of two hundred thousand ($200,000), not to exceed the sum of Five Hundred Thousand Dollars ($500,000),

Boards in cities or towns having a population of one hundred thousand (100,000) or more, but less than one hundred and fifty thousand (150,000), not to exceed the sum of Three Thousand, Two Hundred and Fifty Dollars ($3,250) annually; to Boards in cities or towns having a population of one hundred and fifty thousand (150,000), not to exceed the sum of Three Thousand Dollars ($3,000) annually; to Boards in cities having a population of one hundred and fifty thousand (150,000), not to exceed the sum of Three Hundred Dollars ($300) annually; to Boards in cities or towns having a population of one hundred and fifty thousand (150,000), not to exceed the sum or Three Thousand Dollars ($3,000) annually.

Upon such certificate of approval of such application by the Firemen's Pension Commissioner, the state Treasurer shall pay to such applicant Board the sum stated in such certificate from the emergency reserve of the State Contribution Fund for Firemen's Pension and in addition to the amount to be paid such Board under the regular apportionment as herein provided due such Board.

Article 22—That Section 21 of Chapter 126, Acts of the Regular Session of the 45th Legislature, as amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 21—

"Subsection 1. In computing the time, and determining the period of entitlement to benefits hereunder, only periods of active service as an active fireman shall be included. Any member of said State Relief and Retirement Fund who is continuously absent from active service for a period of sixty consecutive months, shall thereby cease to be a member of the Fund, and if he again becomes a fireman in the service of the employer city or town, he shall enter the Fund as a new member without credit for earlier service, provided he has been eligible for membership. Provided, however, that if absence from service is continuously produced by service in the military forces of the United States, and if the United States may be at war and for a period of twelve months thereafter, or as a result of service in such armed forces during periods of national emergency by reason of conscription of the member, and such member resumes active service
within ninety days after termination of such service in the armed forces, he shall on resumption of membership be entitled to credit for all active service rendered prior to such period of military duty; and if the period of absence in discharge of such military duty is not in excess of sixty (60) months, such member may be given credit for active service for the period of such absence, provided he shall make application for such credit within sixty (60) days after resumption of active service, and provided he shall deposit with the Fund of which he is a member the full amount of the current cost contributions he would have made during the period of such absence, calculated on the basis of his salary during the final full month of active service before entering such period of military duty. In such latter event, the employer city or town shall in like manner pay into the Fund of which such person is a member the full amount of current cost contributions that it would have made by reason of the service of such person had he been continuously employed in the position he occupied immediately before entering such period of military duty.

"Subsection 2. Whenever any member of a Firemen's Relief and Retirement Fund shall by reason of change of employment or status, transfer from the Fund of which he was a member to another Fund of the same or of another employer city or town, and he performs total active service which if continuously performed as a member of a single Fund would entitle such person to a retirement allowance, he shall be entitled to receive had all his service been performed while a member of that Fund and at the average compensation received during his service while a member of such Fund, that his years of active service in the particular Fund bears to his total years of active service during membership in all such Funds."

Article 23—That Section 23A of Chapter 125, Acts of the Regular Session of the 45th Legislature, as said Act has heretofore been amended, be and the same is hereby amended, so as to read hereafter as follows:

"Section 23A—In cities having a population of one hundred and eighty thousand (180,000) or more according to the last preceding Federal Census, and only in such cities whenever, in the opinion and judgment of said Board of Trustees, there is on hand in the said Firemen's Relief and Retirement Fund for that city, a surplus over and above a reasonably safe amount, to take care of the current demands upon such fund, such surplus or as much thereof as in the judgment of said Board is deemed proper, may be invested in Federal, State, County, or Municipal Bonds, and in shares or share accounts of Building and Loan Associations organized under the laws of this State, or Federal Savings and Loan Associations domiciled in this State, where such shares or share accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation, and in such other securities as are now or may hereafter be authorized by law to be acquired as investments for the Permanent School Fund of Texas or for the Permanent University Fund of the University of Texas; and the interest or dividends therefrom and thereon shall be deposited into said fund as a part thereof."

Article 24—That Section 23B of Chapter 125, Acts of the Regular Session of the 45th Legislature as said Act has heretofore been amended, be and the same is hereby amended so as to read hereafter as follows:

"Section 23B. In cities having a population of one hundred and eighty thousand (180,000) or more according to the last preceding Federal Census, and only in such cities, the Mayor of such city shall appoint an Investment Advisory committee consisting of not less than three (3) nor more than five (5) qualified persons to be selected from the personnel of the banks of such city. Such persons, so appointed, shall be experienced in the handling of securities and investment matters and shall serve for a two (2) year term. This Committee shall review the investments of the Fund as made by the Pension Board and shall make recommendations on the investment procedures and policies from time to time. This Committee shall also..."
make an annual report to the Board of Pension Fund Trustees of such city within ninety (90) days after the end of each calendar year.

Article 26—That Section 31 of Chapter 126, Acts of the Regular Session of the 46th Legislature as said Act has heretofore been amended, be and the same is hereby amended so as to read as follows:

"Section 26—As used in this Act, the following words and phrases shall have the following meanings, unless a different meaning is plainly indicated by their context:

"(a) 'Fund' means a Firemen’s Relief and Retirement Fund established in any incorporated city or town in this State, under previous laws or under this Act.

"(b) 'Board of Trustees' means the Board of Trustees established and constituted for each Firemen’s Relief and Retirement Fund pursuant to Section 3 or Section 3A of this Act.

"(c) 'Firemen' or 'fireman' as used herein means and includes all active members of any regularly organized fire department of any incorporated city or town of this State, having fire fighting equipment or apparatus of the minimum value of One Thousand Dollars ($1,000) or more, whether such members are wholly paid, partly paid and partly volunteer, or wholly volunteer. The term "firefighting" is not limited to, firemen, mechanics, investigators, inspectors, fire marshals, fire-alarm dispatchers and maintenance men.

"(d) 'Active firemen,' 'active firemen' means all members of any regularly organized fire department, means and includes all paid firemen who receive regular salaries as firemen, and such partly paid or volunteer firemen as in each calendar year answer at least twenty-five per cent (25%) of all fire alarms and at least forty per cent (40%) of all drill or practice calls. All other members shall be deemed honorary or inactive members and as such not entitled to the benefits provided by this Act.

"(e) 'Paid firemen' or 'paid firemen' means such active firemen as receive regular compensation as members of the fire department of the employer city in excess of the sum of Fifty Dollars ($50.00) per month, 'Volunteer firemen' or 'volunteer firemen' means active firemen who receive less than Fifty Dollars ($50.00) per month compensation as members of such fire department.

"(f) ‘Annuitant’ means any person who is in receipt of an annuity, a retirement benefit or allowance, or any other benefit authorized by this Act.

"(g) ‘Retirement’ shall mean withdrawal from service as a fireman upon a disability or service retirement allowance granted in accordance with the provisions of this Act.

"(h) 'Employer city or town' means the incorporated city or town which pays the salary or compensation of paid firemen; it also means the incorporated city or town served by volunteer firemen who are members of a Firemen's Relief and Retirement Fund established or operating under the provisions of this Act.

Article 26—If any article, section, part, subsection, sentence, clause, phrase, or paragraph of this Act, be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof and all other provisions shall remain valid and unaffected by any invalid portion, if any.

Article 27—This article shall take effect and be in force from and after September 1, 1911.

Article 28—The crowded conditions of the calendar, and the importance of the adoption of this legislation at the present session, create an emergency and an imperative public necessity that the Consideration of the House be postponed until next Friday, May 19, at 10:00 a.m.

A record vote was requested on the motion to postpone H. B. No. 73.

The motion to postpone further consideration of H. B. No. 73 was lost by the following vote:

Yes—43

Allen   Bantleld, Mrs.   Andrews
Bartram   Barnes   Atwell
Mr. Jarvis (present), who would vote "nay," with Mr. Moore (absent) who would vote "yea."

Mr. Gibbens (present), who would vote "yea," with Mr. Curington (absent) who would vote "nay."

VIOTIONS TO ADJOURN AND TO RECESS

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

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

The motion to adjourn until 10:00 o'clock a.m. next Monday was lost.

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

CONSIDERATION OF H. B. NO. 73

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

Amend the Committee Amendment to House Bill No. 73 by adding a new subsection, Subsection 7, to Article 14 thereof, to read:

"Subsection 7. The provisions of this Act shall not apply to volunteer firemen in municipalities having a population of ten thousand (10,000) persons or less according to the last preceding Federal census, unless there is an affirmative vote favorable by a majority of the firemen and of
the governing body of the municipality involved.”

The amendment was adopted.

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

Amend Committee Amendment No. 1 to H. B. 73 by striking out the words and figures “fifty-five (55) years” wherever it appears in subsection 1 of Section 6 of Article 6 of said bill and wherever it appears in any other section of said bill and inserting in lieu thereof the words and figures “sixty (60) years.”

Mr. Spears moved to table the amendment by Mr. Murray.

The motion to table the amendment by Mr. Murray prevailed.

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

Amend Committee Amendment No. 1 to H. B. 73 by striking out paragraphs 2, 3, and 4 of subsection 1 of Section 6 of Article 6 of said bill.

Mr. Spears moved to table the amendment by Mr. Murray to Committee Amendment No. 1.

The motion to table the amendment by Mr. Spears prevailed.

Mr. Richardson moved the previous question on the passage of H. B. No. 73 to engrossment, and the motion was seconded.

A record vote was requested on the motion for the previous question.

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

Year—66

Adams of Lubbock
Cory
Bailey
Bartram
Bass
Berry
Blaine
Bridges
Caldwell
Cannon
Collins
Connell

Harrington
Haynes
Hinson
Hughes
Johnson of Dallas
Johnson of Bexar
Jones of Travis
Kennard
Koliba
Krooth
Leaverton
McGregor
Markgraf
Martin
Miller
Mullen
Oliver
Peeler
Pieratt
Preston
Page
Raincliff
Richardson
Roberts of Hill
Dawson
Robert
Shaffle
Shapley
Smith of Bexar
Smith of Jefferson
Spears
Springer
Stewart
Struve
Swan
of Wichita
Thurmond
Watson
Wilson of Trinity
Yeak

Adams of Titus
Allen
Bansfield, Mrs.
Barfield
Boyars
Burgess
Butler
Cars
Cows
Crews
Dewey
Fairchild
Forsman
Gahrenheit
Glusling
Hall
Haring
Hollowell
Huebner
Hughes of Dallas
Jamison
Johnson of Bell
Jones of Dallas
Lattimer
La Valle
Lewis
Lewis

Aberg
Andrews
Atwell
Bartram
Barron
Bell

Aberg
Andrews
Atwell
Bartram
Barron
Bell

Aberg
Andrews
Atwell
Bartram
Barron
Bell

Aberg
Andrews
Atwell
Bartram
Barron
Bell
A record vote was requested on the adoption of Committee Amendment No. 1. Committee Amendment No. 1 was adopted by the following vote:

**Yeas-76**

Adams of Lubbock
Adams of Titus
Allen
Allen of Bexar
Allen of Bell
Allen of Dallas
Allen of El Paso
Allen of Galveston
Allen of Grayson
Allen of Houston
Allen of Jefferson
Allen of Johnson
Allen of Travis
Allen of Travis (Present), who would vote “nay,” with Mr.TODO:fill in name (absent) who would vote “yea.”

**Nays—46**

Allen of Bexar
Allen of Dallas
Allen of Jefferson
Allen of Johnson
Allen of Travis

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<th>Yeas</th>
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<td>46</td>
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Mr. Tunnell (present), who would vote “nay,” with Mr. McCoppin (absent) who would vote “yea.”

Mr. Walker (present), who would vote “nay” with Mr. James (absent) who would vote “yea.”

Mr. Andrews (present), who would vote “nay” with Mr. Whitfield (absent) who would vote “yea.”

Mr. Cotton (present), who would vote “yea” with Mr. Osborn (absent) who would vote “nay.”

Mr. Hughes of Dallas (present), who would vote “nay” with Mr.
Mr. Jarvis (present), who would vote "yea" with Mr. Moore (absent) who would vote "nay."

Mr. Adams of Titus (present), who would vote "nay" with Mr. Cole of Harris (absent) who would vote "yea."

H. B. No. 73 was passed to en-grossment.

MOTION TO PLACE HOUSE BILL NO. 73 ON THIRD READING

Mr. Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 73 be placed on its third reading and final passage.

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

**Yea—73**

Adams of Lubbock  
Bailey  
Bass  
Bass  
Berry  
Blaine  
Bridges  
Caldwell  
Cannon  
Connell  
Cory  
Crawford  
Crawford  
Crawford  
Dewey  
Fairchild  
Foreman  
Glading  
Harting  
Hollowell  
Huebner  
Johnson of Bexar  
Johnson of Bell  
Jones of Dallas  
Jones of Dallas  
LaValle  
Lewis  

**Nays—48**

Allen  
Atwell  
Bannard, Mrs.  
Barnes  
Bartram  
Boykin  
Butler  
Cole of Hunt  
Collins  
Crews  
Dewey  
Fairchild  
Foreman  
Glading  
Harting  
Hollowell  
Huebner  
Jarvis  
Johnson of Bexar  
Johnson of Bell  
Johnson of Bexar  
KoUba  
Korioth  
Lack  
Lary  
Leaverton  
McGregor  
McIntyre  
McKee  
McKee  
Miller  
Miller  
Mullin  
Mullin  
Mullin  
Mullin  
Mullin  
Niemeyer  
Osborn  
Richards  
de la Garza  
Ward  
Wheatley  
Whitefield  

**Absent—Not Voting**

Adams of Titus  
Andrews  
Burdzak  

**Present—Not Voting**

Baird  
Buchanan  
Carriker  
Critten  
Curry  
Dungan  
Eckhardt  
Erickson  
Floyd  
Floyd  
Garrett  
Gibbons  
Gladden  
Glass  
Green  
Grover  
Guflley  
Haile  
Hardin  
Harrington  
Haynes  
Hixson  
Hughes  
Issacks, Miss  

Stewart of Galveston  
Stewart of Wichita  
Stewart of Trinity  

**PaireD**

Mr. Andrews (present), who would vote "nay" with Mr. Whitefield (absent) who would vote "yea."

Mr. Adams of Titus (present), who would vote "nay" with Mr. Cole of Harris (absent) who would vote "yea."

Mr. Spears (present), who would vote "yea" with Mr. Moore (absent) who would vote "nay."
Mr. Cotten (present), who would vote "yea" with Mr. Osborn (absent) who would vote "nay."

Mr. Burgess (present), who would vote "nay" with Mr. Curington (absent) who would vote "yea."

Mr. Hughes of Dallas (present), who would vote "nay" with Mr. McGregor of El Paso (absent) who would vote "yea."

Mr. Spears moved to reconsider the vote by which H. B. No. 73 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
Reason for vote against engrossment of H. B. 73.

While I am in favor of providing an adequate pension system for firemen, I do not believe H. B. 73 has had sufficient study to determine whether or not it is actuarially sound.

REED QUILIAM.

HOUSE BILL NO. 391 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House on its passage to engrossment:

H. B. No. 391, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Fifty-fourth Legislature, Chapter 388, Section 2, as last amended by Acts of the Fifty-fifth Legislature, Regular Session, Chapter, 337, by providing certain additional exemptions from jury service; and declaring an emergency."

The bill was read second time on April 24 and failed to pass to engrossment.

The vote by which the bill failed to pass to engrossment having heretofore been reconsidered, Mr. Harrington called from the Journal the motion to reconsider the vote by which the amendment offered by Mr. Bell was adopted.

The motion to reconsider the vote by which the amendment by Mr. Bell was adopted then prevailed.

Mr. Harrington moved to table the amendment by Mr. Bell.

The motion to table the amendment by Mr. Bell prevailed.

Mr. Jones of Dallas offered the following amendment to the bill:

Amend H. B. No. 391, line 16, by striking all after the word "amend-" and substitute the following:

"All competent jurors are liable to jury service except ministers and those persons excused from such service by the judge of the Court for which he was or is called for service."

Mr. Harrington moved to table the amendment by Mr. Jones of Dallas.

The motion to table the amendment by Mr. Jones of Dallas was lost.

A point of order was raised on further consideration of the amendment by Mr. Jones of Dallas on the ground that it is not germane to the bill.

The Speaker sustained the point of order, stating his reasons as follows:

"The Chair finds that the bill as written simply adds one more exemption to the rules in the statute. Whereas the amendment would permit the Judge to excuse (there is a difference between excuse and exempt) from jury service any person called for service which in the opinion of the Chair represents by all measures of germaneness, a gross violation."

Mr. Harrington moved that House Bill No. 391 be recommitted to the Committee on Judiciary.

The motion prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1961
Hon. James A. Turman, Speaker of the House of Representatives,

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 100 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:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to Senate Bill No. 247 by the following vote: Yeas 24, Nays 4.

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

H. J. R. No. 51—Constitutional Amendment authorizing the Legislature to create hospital districts (as amended).

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

HOUSE BILL NO. 559 ON PASSAGE TO ENGROSSMENT

Mr. Dewey asked unanimous consent of the House to take up and consider at this time, H. B. No. 559, Amending Para. (1), Art. 11.03, Title 122a, Taxation-General, R.C.S. to extend the application of the occupation tax on the gross receipts of certain gas, electric and water utilities to all Intrastate gross receipts, and imposing a gross receipts tax at a uniform rate of 1.997% of all such gross receipts; and declaring an emergency.

There was no objection offered.

The Speaker then laid H. B. No. 559 before the House for consideration at this time.

The bill having heretofore been read second time.

Mr. Dewey moved that House Bill No. 559 be recommitted to the Committee on Revenue and Taxation.

The motion prevailed by unanimous consent.

RELATIVE TO H. B. NO. 524

Mr. Jones of Dallas asked unanimous consent for the Engrossing and Enrolling Clerk to add words "deputies in their" in H. B. No. 524, page 2, Section 1, Subsection C, line 2.

There was no objection offered and it was so ordered.

RELATIVE TO HOUSE BILL NO. 441

Mr. Barlow submitted the following motion:

I ask unanimous consent for the Engrossing and Enrolling Clerk to add to Committee Amendment No. 1 to H.B. No. 441:

Sections 3, 4 and 5 of the original bill, passed yesterday, being the severability, repealer and emergency clauses, left out by inadvertence and have the enrolling clerk show them as part of the bill adopted.

BARLOW.

There was no objection offered and it was so ordered.

INTRODUCTION OF HOUSE BILL NO. 1119

Mr. Cory asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 1119.

There was no objection offered and it was so ordered.

RELATIVE TO H. B. NO. 471

On motion of Mr. Hughes of Dallas, and by unanimous consent of the House, an emergency clause was added to House Bill No. 471.

REQUEST OF SENATE GRANTED

On motion of Mr. Watson, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 100.

CONGRATULATORY RESOLUTION ADOPTED

H. S. R. No. 475, By Messrs. Hale, Bridges, Peeler and Glueing: Commending Students from Bishop High School.

H. B. NO. 623 LAID ON THE TABLE SUBJECT TO CALL

Mr. Stewart of Galveston asked unanimous consent of the House that House Bill No. 623 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 83 WITH SENATE AMENDMENTS

Mr. Spears called up with Senate Amendments.

RELATIVE TO HOUSE BILL NO. 441

Mr. Barlow submitted the following motion:
May 12, 1961

H. B. No. 83, A bill to be entitled
"An Act amending, repealing from
and adding to Chapter 276, Acts of
the 45th Legislature, p. 556 (1937),
as subsequently amended by Spec. L.,
Acts of the 46th Legislature, p. 1088
(1939), Chapter 69, Acts of the
53rd Legislature, p. 440 (1957), Chapter 31,
Acts of the 54th Legislature, p. 78
(1959), and as codified under
Article 8280-119, Vernon's
Civil Statutes
of the State of Texas: to enlarge and
redefine the territorial jurisdiction
of the San Antonio River Authority
(hereinafter called 'District'); etc.,
and declaring an emergency."

Mr. Spears moved that all neces­
sary rules be suspended for the pur­
pose of concurring in the Senate
Amendments to H. B. No. 83.

The motion prevailed by the fol­
lowing vote:

Yeas-121

Absences-121

TEXT OF SENATE AMENDMENTS
TO HOUSE BILL NO. 83

Committee Amendment No. 1 To
House Bill No. 83

Amend House Bill No. 83 on page
33, line 23 by inserting the name
"E. W. Schneider" before the words
"of Wilson County..."
"committed, provided however, that"

and by changing the word "no" appearing on line 19 of page 36 to read "No."

Amend House Bill No. 53 by striking "A. B. Schroeter and" and by changing the word "no" appearing on line 19 of page 36 to read "No."

Amend House Bill No. 83 by striking "A. B. Schroeter and"

of Karnes County, and John Weber and illness of Goliad County" on page 19, lines 35, 60 and 61 of the printed copy of said bill and substituting in lieu thereof the following:

"Thomas B. Baker and Hugh B. Ruckman, Jr., of Karnes County; and John Weber and L. H. VonDohlen of Goliad County."

SENATE BILL ON FIRST READING

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

S. B. No. 76 to the Committee on Aeronautics.

ADJOURNMENT

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

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

Mr. Robert of Dawson moved that the House adjourn until 11:00 o'clock a.m. next Monday.

The motion to adjourn until 10:00 o'clock a.m. next Monday was lost.

The motion to adjourn until 10:30 o'clock a.m. next Monday was lost.

The motion to adjourn until 11:00 o'clock a.m. next Monday prevailed.

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

In accordance with the motion to adjourn the House at 1:56 o'clock p.m. adjourned until 11:00 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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

Highways and Roads: H. B. No. 462.


Oil, Gas and Mining: H. B. No. 60.

State Affairs: H. C. R. No. 46.

SIXTY-THIRD DAY

(Monday, May 16, 1951)

The House met at 11:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker Crews

Adams of Lubbock Carrington

Adams of Tatum Dewey

Allen Duff, Miss

Allen Enhardt

Andrews Ehrle

Atwell Fairchild

Bailey Fletcher

Rankfield, Mrs. Floyd

Barlow Foreman

Barnes Garrison

Bartram Gibbens

Bass Gladman

Bell Glass

Berry Glasing

Blalke Green

Bohren Grover

Bridges Guffey

Burgess Hale

Butler Harding

Caldwell Haring

Cannon Harrison

Carriker Haynes

Chapman Healy

Cole of Harris Hinson

Cole of Hunt Hollowell

Collins Huesner

Connell Hughes

Cook of Grayson Hughes of Dallas

Cottle Iseacks, Miss

Cowen James

Cowles Jamison

Craig Jarvis