of the Game and Fish Commission to three (3) members; reconstituting and changing the name of the Game and Fish Commission to the 'Parks and Wildlife Commission', terminat­ing the term of office of the present members of the Game and Fish Com­mission with the effective date of this Act; providing for the appoint­ment, term of office, powers, duties and authority of the members of the Parks and Wildlife Commission; providing for the appointment of an executive director of the Parks and Wildlife Department by the Parks and Wildlife Commission; providing for the employment of bands of div­isions, game and fish wardens, park managers, and other employees; making other provisions relating thereto; abolishing the State Parks Board; terminat­ing the terms of office of the present members of the State Parks Board; transferring all powers and duties of the State Parks Board prior to the effective date of this Act to the Parks and Wildlife Department; prescribing the powers, duties and authority of the Parks and Wildlife Department; providing the purposes for which the Special Game and Fish Fund can be ex­panded; making other provisions relat­ing to the organisation, powers, duties and authority of the Parks and Wildlife Department; repealing all laws in conflict; and declaring an emergency.'"

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 20, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred M. C. R. No. 17, requesting the Postmaster General of the United States to issue a suitable commemorative stamp honoring Big Bend National Park.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

TWENTY-EIGHTH DAY
(Monday, February 25, 1963)

The House met at 11:00 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
Adams
Cherry
Alamis
Chapman
Allen
Cahen
Ardidge
Cook
Arreli
Cory
Banks
Craw
Barnes
Cowles
Blair
Cotter
Bass
Crain
Blaine
Crews
Bass of Bowie
Crews
Bass of Harris
Cook
Beckham
Craw
Brooks
Crain
Brown
Duggan
Brown of Galveston
Ellard
Brown of Taylor
Eckhardt
Butler
Eckhardt
Buck
Eskett
Cain
Esquivel
Calvert
Fairchild
Cannies
Finn
Cannon
Fletcher
Carpenter
Floyd
Carriker
Foreman
Cavness
Garrison

Second Called Session, 1955, as amended (compiled as Section 8, Article 827a, Vernon's Texas Penal Code); and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.
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Absents—Exceeded

Ball
Bridges
de la Garza

A quorum of the House was announced present.

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

"Our Heavenly Father, in the silence of these moments with Thee, may we be spiritually aware of our oneness with all Thy children. In this and every moment of real devotion may there come the humbling revelation that we cannot make ourselves one with other men until there is no happiness of others in which we are not glad, nor any wound of others in which we are not hurt, and that we are in very truth members one of another.

"May we here design our programs and shape our policies with the knowledge that every person is our neighbor and we are to love our neighbor as ourselves, thus fulfilling Thy law which tells us that goodness is not good unless it suffers and shares.

"We ask this in the Saviour's name.—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Bridges for today on motion of Mr. Peeler.

Mr. Houston for today on motion of Mr. Atwell.

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

Mr. McClinton for today an account of illness in his family, on motion of Mr. Birkner.

Mr. Ball for today on motion of Mr. Harris of Dallas.

Mr. de la Garza was granted leave of absence for today on account of a death in his family, on motion of Mr. McDonald of Hidalgo.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 185, By Gladden, Parmer, Finney, McLaughlin, Green and Shannon: In memory of Mrs. L. M. Richardson.

H. S. R. No. 186, By Thurmond: In memory of Dr. Thomas M. Johnson.

On motion of Mr. Berry, the names of all Members of the House were added to H. S. R. No. 186 as signers thereof.

HOUSE JOINT RESOLUTIONS ON FIRST READING

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

By Berry:
H. J. R. No. 56, A Joint Resolution “Proposing an amendment to Section 20 of Article XVI of the Constitution of the State of Texas to provide that the sale of alcoholic beverages shall be lawful throughout the State as a whole.”
Referred to the Committee on Constitutional Amendments.

By Berry:
H. J. R. No. 57, A Joint Resolution “Proposing an amendment to Section 2 of Article XVI of the Constitution of the State of Texas, to prohibit the sale or manufacture of alcoholic beverages in this State and to require the Legislature to provide by law for the enforcement of this provision.”
Referred to the Committee on Constitutional Amendments.

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 Townsend:
H. B. No. 586, A bill to be entitled “An Act amending Sections 2 and 3 of Chapter 367, Acts of the 55th Legislature, Regular Session, 1957 (compiled in Article 923m of Vernon’s Texas Penal Code); amending Section 2 so as to extend the open season during which the pelts of fur-bearing animals may be taken for sale; amending Section 3 so as to require the sale of a pelt within three (3) days after the pelt is taken; and declaring an emergency.”
Referred to the Committee on Game and Fisheries.

By Townsend:
H. B. No. 587, A bill to be entitled “An Act amending Paragraph (b) of Section 1, Chapter 63, Acts of the 57th Legislature, Third Called Session, 1942, to provide that no state funds shall be used to supplement the salary of county judges in certain counties for serving in an ex officio capacity as county superintendent; and declaring an emergency.”
Referred to the Committee on Counties.

By Collins:
H. B. No. 589, A bill to be entitled “An Act amending Article 1822 of the Penal Code of Texas, 1925, relating to refusal to allow reportedly diseased livestock to be examined by the Texas Animal Health Commission; and declaring an emergency.”
Referred to the Committee on Public Health.
making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said area; providing that the open season period of time when it shall be lawful to hunt, take, kill or possess any game bird or game animal in Sabine County shall be the same as the open season provided in Jasper, Newton and Tyler Counties; suspending the operation of all laws providing for open seasons in Sabine County; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Garrison and Grover:

H. B. No. 591. A bill to be entitled "An Act amending Articles 57, as amended, 61, as amended, 79, 100, 172, and 214 of the Election Code of the State of Texas and compiled in Vernon's Revised Civil Statutes of Texas as Election Code Articles 6.01, 6.05, 7.14, 11.01, 11.04, and 13.27, respectively, so as to provide for the manner of appointing the number of presidential electors to which the State of Texas hereafter may be entitled; repealing Articles 171 and 172 of the Election Code of the State of Texas and compiled in Vernon's Revised Civil Statutes of Texas as Election Code Articles 11.01 and 11.02, respectively, and all laws or parts of laws in conflict with this act to the extent of such conflict only; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Cole, Hinson, and Chapman:

H. B. No. 592. A bill to be entitled "An Act transferring control and management of East Texas State College from the Board of Regents of the State Teachers' Colleges to a new body to be called the Board of Regents of East Texas State College, providing for the creation of a Governing Board to be appointed by the Governor and confirmed by the Senate with residential limitations as to board members and their length of term of office; providing for the filling of vacancies occurring on the Governing Board and removal for certain causes; providing for the qualifying of appointees to the board, and its organisation; providing for the work and activities to be pursued in said college and subject to actions of the Governing Board; providing all powers, duties, rights, obligations, and functions of the Board of Regents of the State Teachers' Colleges as these relate to East Texas State College shall be invested in and/or performed by the Board of Regents of East Texas State College on the enactment of this bill into law; providing a repealing clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Cain:

H. B. No. 593. A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to grant certificates to graduates of the Board's Technician training programs; and declaring an emergency."

Referred to the Committee on Public Health.

By McIlhany:

H. B. No. 594. A bill to be entitled "An Act amending Chapter 244, Acts, Fifty-third Legislature, Regular Session, 1953, The Veterinary Licensing Act (codified as Article 1455a, Vernon's Texas Civil Statutes), by the addition of a new Section thereto pertaining to testimony in trials or hearings for violation of the provisions of the Act; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Eckhardt, Miller, Whatley, Bush, Duggan, Grover, Whitefield, Bass of Harris, Shipley, Floyd, Garrison and Brooks:

H. B. No. 595. A bill to be entitled "An Act to authorize the governing body of the Harris County Flood Control District to establish and maintain building setback lines along waterways; providing for hearing thereof and procedures, including enforcement; enacting other provisions related to the subject; providing for severability; and declaring an emergency."

Referred to the Committee on State Affairs.
By Berry:

H. B. No. 596, A bill to be entitled "An Act creating the Texas Horse Race Board; setting out its membership and their qualifications, duties and powers; providing for the regulation of certain horse races and wagering thereon, herein legalized in Bexar County; providing for license revocation elections; prescribing certain offenses and penalties; setting out license fees for certain persons connected with racing; levying taxes on money wagered each day equal to seven percent (7%) of the sales price of horses sold at claiming races; levying a tax on admissions to licensed race tracks; providing for the administration, collection and enforcement of such taxes; providing for the issuance, by the board, of licenses for track operators, and for the revocation of such licenses by Bexar County voters; creating the Texas Thoroughbred Racing Protective Bureau, and setting forth its powers and duties; repealing all laws in conflict; providing for severability; and declaring an emergency."

Referred to the Committee on State Affairs.

By Gladden:

H. B. No. 598, A bill to be entitled "An Act relating to the functioning of the Court of Domestic Relations in and for Tarrant County, Texas; amending Section 9 of Chapter 2, Acts of the 57th Legislature, 1949, Third Called Session, by adding a sentence thereto providing that the Judge of such Court of Domestic Relations may sit and hear proceedings in the other District Courts of Tarrant County, Texas, of which such Court of Domestic Relations would have potential jurisdiction; and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Atwell:

H. B. No. 599, A bill to be entitled "An Act repealing Subsections (b) and (c) of Section 26, Article 8280-133 of Vernon's Texas Civil Statutes, authorizing the Sabine River Authority to prescribe penalties for violations of its regulations and to employ its own peace officers; and declaring an emergency."

Referred to the Committee on State Affairs.

By Harris of Galveston:

H. B. No. 600, A bill to be entitled "An Act creating City Employees Civil Service requirements in cities having a population of ten thousand (10,000) or more inhabitants; defining the term City Employee; stating who may have full Civil Service status; establishing a City Employees Civil Service Commission and determining the membership of same; stating the powers of the Commission; giving the Commission authority to make investigations concerning the enforcement and effect of the provisions of this Act; creating the Office of Director of City Employees Civil Service; providing the responsibility of City Councils for providing office space for the Commission; pro..."
viding for classification of city employees; providing for open and competitive free examinations for eligibility lists; providing for the method of filling positions within any department or division of the City; providing for certification of employees; providing for a six-month probationary period; providing for notice of examination for promotion; providing for promotions and rules and regulations governing same; providing for Civil Service probationary period; providing for appeals; providing for disciplinary suspension for violation of Civil Service rules under certain circumstances; declaring the purpose of the City Employees Civil Service law; establishing a procedure before the Commission for appeals to the Commissioner; providing for appeals to the District Courts; providing for demotions; providing for disciplinary suspensions; providing for reduction of force-reinstatement lists; providing for military leaves of absence; providing for the publication of the rules of the Commission; providing for appeals to the Civil Service Act; providing that provisions of this Act shall not apply to any city unless first determined at an election at which the adoption or rejection of this Act shall be submitted and provisions governing same; providing for severability; and declaring severability; and declaring an emergency."

Referred to the Committee on State Affairs.

By Cory:
H. B. No. 601, A bill to be entitled "An Act amending Section 21.14 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, (codified as Article 21.14, Insurance Code, Vernon's Texas Civil Statutes), by adding a new Section 3a to provide that a surviving spouse may become a non-active partner in a licensed insurance business as provided for in the Texas Uniform Partnership Act; and declaring an emergency."

Referred to the Committee on Insurance.

By Cory:
H. B. No. 602, A bill to be entitled "An Act amending Section 10 of Article 2.01 of the Texas Revised Civil Statutes, Acts of 1951, Fifty-second Legislature, sec. 1, ch. 491, p. 868, as amended by H. B. 491, Acts of 1941, Fifty-seventh Legislature, sec. 1, ch. 479, p. 1998 to redefine the term 'net assets' by including certain equipment and labor-saving machines and devices as part of the 'net assets' of a life insurance company; to delete the minimum cost requirement for inclusion of electronic machines and systems within the term 'net assets' of a life insurance company."

Referred to the Committee on Insurance.
AMENDMENT TO H. B. NO. 9
ORDERED ADOPTED

Mr. Hinson made the following unanimous consent request:

"Mr. Hinson asks unanimous consent of the House that Committee Amendment No. 2, by Cherry, to House Bill No. 9 be shown as adopted by the House.

This Committee Amendment was incorporated in the printed copy of House Bill 9 as a part of the committee substitute for the bill appearing on page 2, lines 1 through 3, of your printed bill. This amendment, however, was not incorporated in the official copy of the committee substitute, as was the intent of both the Committee and the House.

Therefore, Mr. Hinson requests that the House records officially reflect adoption of Committee Amendment No. 2 to House Bill 9."

There was no objection offered and it was so ordered.

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 106, "An Act relating to the division of certain rural high school districts and consolidated independent school districts into election precincts by the Board of County School Trustees in certain counties; providing for the mode of election and terms of office of school trustees in said rural high school districts and consolidated independent school districts; and declaring an emergency."

MOTION TO RE_COMMIT H. B. NO. 161

Mr. Harris of Galveston moved that House Bill No. 161 be recommitted.

Mr. Adams raised a point of order on further consideration of the motion to recommit H. B. No. 161 on the ground that the motion is vague and indefinite and did not specify the Committee.

The Speaker sustained the point of order.

Mr. Harris of Galveston then moved that House Bill No. 161 be recommitted to the Committee on Game and Fisheries.

Mr. Garrison moved to table the motion to recommit H. B. No. 161 to the Committee on Game and Fisheries.

A record vote was requested on the motion to table.

The motion to table the motion to recommit H. B. No. 161 to the Committee on Game and Fisheries prevailed by the following vote:

Yeas—46
Adams Hughes
Allen Jarvis
Arlidge Johnson of Dallas
Atwell Knapp
Barnes Koliba
Berry Kothmann
Brinker McDonald
Blair of Hidalgo
Boykin McGinty
Brown of Taylor Mann
Butler Mann
Cain Miller
Cavness Moyer
Chapman Murray
Clayton Muescher
Cook Parsley
Cory Petty
Coughran Pippin
Cowden Rapp
Cowles Richards
Crews Richardson
Davis Bitter
Doke Rossom
Dugan Ratterwheite
Edwards Schiller
Fairchild Segrest
Fletcher Shannon
Floyd Shippley
Foudren Shutt
Foreman Simpson
Garrison Slack
Gibbons Slider
Grover Smith of Bexar
Guy F. Stewart
Haines of Brazos Thompson
Hallmark Thurmond
Harding Townsend
Healy Traeger
Helton Whaley
Hendryx Woods
Hinson
Nays—62
Adams Brooks
Annest Brown
Bass of Bowie
Bass of Harris Caldwell
Beckham Canales
Mr. Gibbens offered the following resolution:

H. S. R. No. 184

Whereas, There exists in escrow with the Veteran's Land Board the sum of $17,320, which is designated in two accounts, one being in the amount of $16,070 and being part of the State Treasurer Land Office Suspense Fund No. 906 and the other being in the amount of $2,950 and being part of the Veteran's Service Fee Account of the General Land Office of Texas, and to which Sam McCollum, III, of McCulloch County claims to be the apparent owner thereof under an assignment of interest from the original depositor; and

Whereas, The correct, legal ownership of said $17,320 cannot be determined without Judicial ascertainment thereof; and

Whereas, The said Sam McCollum, III, desires to file suit against the State of Texas and the Veteran's Land Board for title and possession of said Seventeen Thousand, Three Hundred and Twenty Dollars ($17,320.00) now held by the Veteran's Land Board of Texas and desires that said suit be filed in a State District Court of competent jurisdiction so that he may obtain said funds which he alleges belong to him; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That permission be and it is hereby granted to Sam McCollum, III, to institute suit against the State of Texas and the Veteran's Land Board as defendants by an independent cause of action brought in the District Court of Travis County, or McCulloch County, Texas, for a determination and declaration of the rights of the parties to the Seventeen Thousand, Three Hundred and Twenty Dollars ($17,320.00) above mentioned, and that suitable process be issued according to the Rules of Civil Procedure governing such process in civil cases; and, be it further

Resolved by the House of Representatives, the Senate concurring, That permission be and it is hereby granted to Sam McCollum, III, to institute suit against the State of Texas and the Veteran's Land Board as defendants by an independent cause of action brought in the District Court of Travis County, or McCulloch County, Texas, for a determination and declaration of the rights of the parties to the Seventeen Thousand, Three Hundred and Twenty Dollars ($17,320.00) above mentioned, and that suitable process be issued according to the Rules of Civil Procedure governing such process in civil cases; and, be it further

Resolved by the House of Representatives, the Senate concurring, That permission be and it is hereby granted to Sam McCollum, III, to institute suit against the State of Texas and the Veteran's Land Board as defendants by an independent cause of action brought in the District Court of Travis County, or McCulloch County, Texas, for a determination and declaration of the rights of the parties to the Seventeen Thousand, Three Hundred and Twenty Dollars ($17,320.00) above mentioned, and that suitable process be issued according to the Rules of Civil Procedure governing such process in civil cases; and, be it further

Resolved by the House of Representatives, the Senate concurring, That permission be and it is hereby granted to Sam McCollum, III, to institute suit against the State of Texas and the Veteran's Land Board as defendants by an independent cause of action brought in the District Court of Travis County, or McCulloch County, Texas, for a determination and declaration of the rights of the parties to the Seventeen Thousand, Three Hundred and Twenty Dollars ($17,320.00) above mentioned, and that suitable process be issued according to the Rules of Civil Procedure governing such process in civil cases; and, be it further
Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas, the Veteran's Land Board or any executive official therein as to the validity of any allegation or claims asserted in said action but that all allegations and claims asserted herein or to be asserted in said suit shall be proved as in other suits and under the same rules of evidence and civil procedure as in other actions; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any question of fact as well as of law that may be asserted or be available to the State of Texas or any other party defendant or of any agencies of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUIT THE STATE

Mr. Atwell offered the following resolution:

H. C. R. No. 24

Whereas, Robert G. Storey, a resident of Dallas County, Texas, alleges that he is the owner in fee simple of 100 acres of land, more or less, out of the North portion of Block 5, William Keys League No. 409, in Smith County, Texas, and more particularly described in a deed from G. W. Jones and wife to R. G. Storey, dated January 22, 1921, and recorded in Volume 155, pages 94-95, Deed Records, Smith County, Texas; and

Whereas, It is alleged that about the month of November, A. D., 1960, the State Highway Commission, through the Texas Highway Department and its contractor, began construction of Spur 248, a spur connection between Loop 323 and State Highway 64 in Smith County, Texas, and it is alleged that as a result of said construction, surface waters which theretofore had been following other water courses in their drainage were diverted so that said surface waters thereafter flowed across and through said land, severely damaging said property, and it is further alleged that the slopes along said construction of Spur 248 were left uncovered during and after the construction of Spur 248, so that silt and subsoil were carried by the aforementioned surface waters onto the said 100 acres of Robert G. Storey, severely damaging a 7-1/2 acre lake thereon by filling said lake with silt and subsoil; and

Whereas, The said Robert G. Storey in damages of bringing suit against the State of Texas and the State Highway Department, jointly and severally, to establish and recover damages, if any, resulting to him by virtue of the injuries sustained by him as a result of such alleged flooding, diversion of surface waters and deposits of silt and subsoil and

Whereas, It is alleged that the said Robert G. Storey has never been compensated by the State of Texas for his damages resulting from said flooding, diversion of surface waters, and deposits of silt and subsoil as a result of the construction of Spur 248, now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Robert G. Storey be, and is hereby given permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for any damages for the acts hereinabove alleged, with respect both to the period of time prior to and subsequent to this Resolution; and, be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission and upon the Attorney General of the State of Texas. Service of process upon both of these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this Resolution; and, be it further

Resolved, That any party to this suit shall have the right of appeal as provided for in other civil cases; and, be it further

Resolved, That nothing herein shall be construed as an admission
on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and, be it further
Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as or in law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

HOUSE BILL NO. 249 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 249. A bill to be entitled "An Act requiring cities having a population of three hundred fifty thousand (350,000) or more, but less than four hundred thousand (400,000) according to the last preceding federal census, to increase the disability benefits contained in their Firemen's Retirement and Relief Fund, to make deductions from the salaries of firemen, to provide monthly contributions of specified amounts into the Firemen's Retirement and Relief Fund, and to provide a specified investment policy for surplus funds; providing for severability; and declaring an emergency."

The bill was read second time on February 18 and further consideration of the bill was postponed until 10:00 o'clock a.m. today.

Mr. Richardson moved that further consideration of House Bill No. 249 be postponed until 10:00 o'clock a.m. March 11, 1963.

The motion prevailed without objection.

HOUSE BILL NO. 88 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment.

H. B. No. 88. A bill to be entitled "An Act providing a maximum speed limit in county parks and prohibiting the littering of county parks; excluding beaches from the applicability of such provisions; providing a penalty for violations; and declaring an emergency."

The bill was read second time on February 18 and further consideration of the bill was postponed until 11:00 o'clock a.m. today.

H. B. No. 88 was passed to engrossment.

HOUSE BILL NO. 161 ON PASSAGE

The Speaker laid before the House, as postponed business, on its passage,

H. B. No. 161. A bill to be entitled "An Act authorizing the Game and Fish Commission to issue permits for the taking, carrying away or disturbing of marl, gravel, sand, shells or mudshell under certain conditions; directing the Game and Fish Commission to take into consideration the industrial requirements of the state as well as any injurious effect to oysters, oyster beds and fish inhabiting waters; requiring findings of fact in orders on applications for permit; authorizing the Game and Fish Commission to remove and replant oysters; and declaring an emergency."

The bill was read third time on February 20 and further consideration of the bill was postponed until 11:00 o'clock a.m. today.

Mr. Cannon offered the following amendment to the bill:

Amend House Bill 161 by striking Sec. 4 therefrom.

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

Mr. Carrick offered the following amendment to the bill:

Amend H. B. 161 by striking the words 'provided however, that the price of shell and mudshell shall be fifteen (15¢) cents per cubic yard'
appearing on lines 18 and 19 of page 2 of the printed bill.

The amendment was lost.

Mr. Harris of Galveston moved to table House Bill No. 161.
A record vote was requested on the motion to table.

The motion to table H. B. No. 161 was lost by the following vote:

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A verification of the above vote was requested and was granted.

A record vote was requested on the passage of H. B. No. 161.

H. B. No. 161 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>75</td>
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<table>
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<td>Butler</td>
<td>Edwards</td>
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<td>Cain</td>
<td>Fairchild</td>
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<td>Cavness</td>
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<td>Nuscher</td>
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<td>Grover</td>
<td>Parsley</td>
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<td>Gaffey</td>
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<td>Haines of Brazos</td>
<td>Rapp</td>
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<td>Jarvis</td>
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<td>Johnson of Dallas</td>
<td>Simpson</td>
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<td>Miller</td>
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<td>Moyer</td>
<td>Woods</td>
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<tr>
<td>Present—Not Voting</td>
<td>Absent—Excused</td>
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<tr>
<td>Arledge</td>
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<td>Bridges</td>
<td>McClintion</td>
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<tr>
<td>Gel la Garza</td>
<td>Pipkin</td>
</tr>
</tbody>
</table>

(The above record vote was requested by Mr. Harris of Galveston, Mr. Wells, Mr. Alains and Mr. Wieting.)
The above record vote was requested by Mr. Brown of Galveston, Mr. Harris of Galveston, Mr. Haynes of Orange, Mr. Eckhardt, Mr. Carriker, and Mr. Roberts.

REASON FOR VOTE

I voted against H. B. No. 161 because it obviously violates the principles of free enterprise and does not adequately protect the interests of Texas citizens.

Jim Markgraf.

RECESS

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

The motion prevailed.

In accordance with the motion to recess, the House, at 12:38 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

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

HOUSE BILL NO. 9 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, "H. B. No. 9, A bill to be entitled "An Act providing an elective method for calculating and determining the standard annuity allowable to members of the Teacher Retirement System of Texas, and prescribing an additional minimum service retirement benefit payable to teacher members and teacher beneficiaries; defining certain terms as used hereinafter; providing that the rights granted under this Act shall be in addition to and cumulative of those provided..."
The bill was read third time.

Mr. Grover offered the following amendment to the bill:

Amend H. B. 9 by adding a new section to be numbered Section 7.

"Section 7. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 9.

H. B. No. 9 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>140</th>
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<tbody>
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<td>McGregor</td>
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<td>Bridges</td>
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<td>McClintock</td>
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<td>de la Garza</td>
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<tr>
<td>Segrest</td>
<td>1</td>
</tr>
<tr>
<td>Absent—Excused</td>
<td>1</td>
</tr>
</tbody>
</table>

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

Mr. Cory moved to reconsider the vote by which H. B. No. 9 was passed and to table the motion to reconsider.

The motion to table prevailed.
The Speaker laid before the House, on its third reading and final passage, H. B. No. 39, a bill to be entitled "An Act to raise revenue for the State of Texas; amending Chapter 19, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new section (10) to Article 19.01 so as to levy an annual occupation tax on billiard tables; defining billiard tables; permitting cities and towns to levy a tax and regulate, supervise, control and license owners and operators; providing a severability clause; repealing laws in conflict; and declaring an emergency."

The bill was read third time.

Mr. Chapman raised a point of order on further consideration of H. B. No. 39 on the ground that it is in violation of Section 35 of Article III of the Constitution of Texas, in that a bill should contain but one subject.

The Speaker overruled the point of order.

A record vote was requested on the passage of H. B. No. 39.

H. B. No. 39 was passed by the following vote:

Yeas-110

Nays-28
Adams  Alaniz  Birkner  Carpenter  Chapman  Cherry  Collins  Cory  Cotten  Cudden  Fallis  Finney  Gullion  Halus of Brazos  Harling  Haynes of Orange  Hinson  Hooish  Hollowell  Lack  McDonald of Bexar  McDonald of Hidalgo  McLaughlin  McMillan  Markgraf  Peaty  Roberts  Schiller  Townsend  Ward  Whatley  Weldon

Present-Not Voting
Edwards

Absence
Blaine  Fouldren  Weidin

Absent-Excused
Blaine  Pearcy  Fouldren  Weidin

Ball  Bridges  de la Garza  Pipkin

Absent
Edwards
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(The above record vote was requested by Mr. Chapman, Mr. McLain and Mr. Hinson.)

Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 39 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I am not in favor of legalizing the operation of open pool halls, so I voted against H. B. 39.

Jim Markgraf.

HOUSE BILL NO. 177 ON THIRD READING

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

H. B. No. 177, A bill to be entitled "An Act providing for local option elections in certain counties of this state relating to the question of abolition and discontinuance of the office of county superintendent and providing that in the case of an affirmative vote on such question the office of county superintendent is abolished; and declaring an emergency."

The bill was read third time.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill 177, Section 1, line 1 of the Engrossed Bill, by inserting a comma after the words "in every county of the State" and before the word "having" and adding the following phrase: "where the office of county superintendent now exists."

The amendment was adopted without objection.

Mr. Markgraf offered the following amendment to the bill:

Amend H. B. 177 by striking paragraph 3 of Sec. 3 and inserting in lieu thereof the following:

"In counties holding an election as provided for in Section 1 of this Act, where the majority of voters disapprove the abolition and discontinuance of the office of county superintendent, then after the end of the term of the county superintendent in office at the time of such election the state funds shall continue to be appropriated, but on a ratio of eighty percent (80%) to twenty percent (20%) that is, 80% state funds and 20% local (county) funds for support of the office of county superintendent."

A record vote was requested on the adoption of the above amendment by Mr. Markgraf.

The amendment offered by Mr. Markgraf to H. B. No. 177 was lost by the following vote:


Mr. Cotten offered the following amendment to the bill:

Amend H. B. No. 177 by inserting a new section to be known as Section (4) four and renumbering subsequent sections accordingly, such new section (4) four to read as follows:

"Section 4. Any county required by section one of this Act to hold an election, which fails to hold said election shall receive no state funds for salaries or operation of the County School Superintendent's office after the date on which said election was to be held."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 177.

H. B. No. 177 was passed by the following vote:

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<tr>
<th>Absent</th>
<th>Absent—Excused</th>
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<tbody>
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<td>Eckhardt</td>
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<tr>
<td>Nugent</td>
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</table>

Mr. Cotten offered the following amendment to the bill:

Amend H. B. No. 177 by inserting a new section to be known as Section (4) four and renumbering subsequent sections accordingly, such new section (4) four to read as follows:

"Section 4. Any county required by section one of this Act to hold an election, which fails to hold said election shall receive no state funds for salaries or operation of the County School Superintendent's office after the date on which said election was to be held."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 177.

H. B. No. 177 was passed by the following vote:

<table>
<thead>
<tr>
<th>Absent</th>
<th>Absent—Excused</th>
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</thead>
<tbody>
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<td>Duggan</td>
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<td>Nugent</td>
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</tbody>
</table>

Mr. Cotten offered the following amendment to the bill:

Amend H. B. No. 177 by inserting a new section to be known as Section (4) four and renumbering subsequent sections accordingly, such new section (4) four to read as follows:

"Section 4. Any county required by section one of this Act to hold an election, which fails to hold said election shall receive no state funds for salaries or operation of the County School Superintendent's office after the date on which said election was to be held."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 177.

H. B. No. 177 was passed by the following vote:

<table>
<thead>
<tr>
<th>Absent</th>
<th>Absent—Excused</th>
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</table>

Mr. Cotten offered the following amendment to the bill:

Amend H. B. No. 177 by inserting a new section to be known as Section (4) four and renumbering subsequent sections accordingly, such new section (4) four to read as follows:

"Section 4. Any county required by section one of this Act to hold an election, which fails to hold said election shall receive no state funds for salaries or operation of the County School Superintendent's office after the date on which said election was to be held."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 177.

H. B. No. 177 was passed by the following vote:
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Guerrero    Markgraf  
Haines of Brazos  Matcher  
Hendryx    Niemeyer  
Hinson   Richards  
Jamison    Roberts  
Koliba    Rodrigues  
Lack    Rosson  
Ligarde    Schiller  
McDonald of Rusk Ward  Wilson  

Absent  
Crews    Kilpatrick  
Ball    Houston  
Bridges    McClinton  
de la Garza  Pipkin  

The above record vote was requested by Mr. Chapman, Mr. McNutt and Mr. McLlhany.

Mr. Woods moved to reconsider the vote by which H. B. No. 177 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted against H. B. 177, because the people in the counties affected have the ability and right to make this decision for themselves. Should they decide to continue the office of county superintendent in their respective counties, they should be entitled to state support as most other counties have been in the past.

Jim Markgraf.

HOUSE BILL NO. 42 ON SECOND READING

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

H. B. No. 42, A bill to be entitled "An Act amending certain sections of the Securities Act, Senate Bill No. 294, Chapter 269, 55th Legislature, and codified as Articles 581-1, to 581-39, Vernon's Annotated Civil Statutes of 1925, as amended by amending Subsections R, G, H, I, and O of Section 5; by adding a new Subsection R to Section 5; by adding a new Subsection D to Section 7; by amending Subsection B of Section 9; by amending Section 13; by adding a new Subsection O to Section 14; by repealing Subsection O of Section 29; and by amending Section 33, providing for severability; saving pending proceedings; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 4 of House Bill No. 42 in the next to last sentence of each section by changing the word "article" to read "Act."

Signed: Fondren and Butler.

The amendment was adopted without objection.

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

Committee Amendment No. 2

Amend Section 5 of House Bill 42 by substituting in subparagraph (5) thereof a semicolon in lieu of the period contained at the end of said subparagraph (5).

Signed: Fondren and Butler.

The amendment was adopted without objection.

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

Committee Amendment No. 3

Amend Section 11 of House Bill 42 by adding therein a period after the word "entirely" and striking the remainder of said section.

Signed: Fondren and Butler.

The amendment was adopted without objection.

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

Committee Amendment No. 4

Amend House Bill 42 by adding thereto a new section to be known as Section 12a which Section 12a shall read as follows:

"Section 12a. Subsection A of Section 7 of the Securities Act, Acts, 1957, 55th Legislature, Chapter 269,
is hereby amended so as to read as follows:

'A. Qualification of Securities.

(1) No dealer, agent or salesman shall sell or offer for sale any securities issued after September 6, 1916, except those which shall have been registered by Notification under subdivision B or by Coordination under subdivision C of this Section 7 and except those which come within the classes enumerated in subdivisions A to R, both inclusive, of Section 5 of this Act, or subdivisions A to K, both inclusive, of Section 6 of this Act, until the issuer of such securities or a dealer registered under the provisions of this Act shall have been granted a permit by the Commissioner; and no such permit shall be granted by the Commissioner until the issuer of such securities or a dealer registered under the provisions of this Act shall have filed with the Commissioner a sworn statement verified under the oath of an executive officer or partner thereof, setting forth the following information:

a. The names, residences and post office addresses of the officers and directors of the company;

b. The location of its principal office and of all branch offices in this state, if any;

c. A copy of its articles of incorporation or partnership or association, as the case may be, and of any amendments thereto, if any;

d. If a corporation, a copy of all minutes of any proceedings of its directors, stockholders or members relating to or affecting the issue of said security; if a corporation, a copy of its by-laws and of any amendments thereto, if any, if a corporation, a copy of all instruments by which the trust is created and in which it is accepted, acknowledged or declared;

e. A statement showing the amount of capital stock, if any, and if no capital stock, the amount of capital of the issuer that is contemplated to be employed; the number of shares into which such stock is divided, or if not divided into shares of stock, what division is to be made or is contemplated; the par value of each share, or if no par stock, the price at which such security is proposed to be sold; the promotional fees or commissions to be paid for the sale of same, including any and all compensations of every nature that are in any way to be allowed the promoters or allowed for the sale of same; and how such compensation is to be paid, whether in cash, securities, service or otherwise, or partly of either or both; also, the amount of cash to be paid, or securities to be issued, given, transferred or sold to promoters for promotion or organization services and expenses, and the amount of promotion or organization services and expenses which will be assumed or in any way paid by the issuer;

f. A copy of the certificate of the stock and all other securities to be sold, or offered for sale, together with application blanks therefor; or a copy of any prospectus or advertisement or other description of security prepared by or for it for distribution or publication.

g. Copies of certificates of the stock and all other securities to be sold, or offered for sale, which shall consist of anything other than cash and real estate; same shall be

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set out in detail so as to give
the
Commissi·oner the fullest possible in-
formation concerning same, and the
Commissi·oner shall have the power
to require the filing of such addi-
tional information as he may deem
necessary to determine whether or
not the true value of said assets are
reflected in the statement filed.
Should any of the assets listed in
said statement be subject to any
repurchase agreement, or any other
agreement of like character, by the
terms of which the absolute owner-
ship of, or title to said assets is
qualified or limited in any way, then
the terms and conditions of said
agreement by which the absolute
ownership of, or title to said assets
is qualified or limited, as well as
the amount and character of the
assets subject thereto shall be fully
stated. Said statement shall list all
current liabilities, that is, all lia-
bilities which will mature and be-
come due within one year from the
date of such application, and shall
list separately from such current
liabilities, all other liabilities, con-
tingent or otherwise, showing the
amount of those which are secured
by mortgage or otherwise, the assets
of the issuer which are subject to
such mortgage, and the dates of
maturity of any such mortgage in-
debtedness. Such application shall
also include a detailed profit and
loss statement, prepared in accord-
ance with generally accepted auditing
standards and procedures and gener-
ally accepted accounting principles,
which shall cover the last three (3)
years operations of the issuer, if
such issuer has been in operation for
three (3) years, but if not, said
profit and loss statement shall cover
the time that said issuer has been
operating. If said issuer has not been
operating, but is taking over a con-
cern of any kind which has been
previously operating, then a financial
and profit and loss statement show-
ing the operations of the concern
thus taken over for a period of the
last three (3) years next preceding
the taking over of said concern shall
be included in said statement; said
profit and loss statement shall clear-
ly reflect the amount of net profit
or net loss incurred during each of
the years shown."

Signed: Fondren and Butler.

The amendment was adopted with-
out objection.

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

Committee Amendment No. 6
Amend Sec. 9 of H. B. No. 42 by
striking in paragraph D thereof the
date "September 1, 1963" and in-
serting in lieu thereof "the effective
date of this subparagraph D."
The amendment was adopted with-
out objection.

Mr. Fondren offered the follow-
ing committee amendment to the bill:
Committee Amendment No. 7
Amend Sec. 10 of H. B. No. 42 by
striking therefrom the date "Sep-
tember 1, 1963" and inserting in
lieu thereof "the effective date of
this subparagraph G."
The amendment was adopted with-
out objection.

Mr. Fondren offered the follow-
ning committee amendment to the bill:
Committee Amendment No. 8
Amend Section 12 of House Bill
42 by striking all of same and sub-
sstituting in lieu thereof the follow-
ing:

Sec. 12. Section 33 of the Securi-
ties Act, Acts, 1957, 55th Legisla-
ture, Chapter 269, is hereby amend-
ed so as to read as follows:

"Sec. 33. Civil Liabilities.
A. Any person who
(1) Offers or sells a security in
violation of Sections 7, 9 (or any
requirement of the Commissioner
thereunder), 12, 23B or any order
under 23A of this Act, or
(2) Offers or sells a security
(whether or not the security or
transaction is exempt under Section
5 or 6 of this Act) by means of any
untrue statement of a material fact
or any omission to state a material
fact necessary in order to make the
statements made not misleading
(when the person buying the secu-
ritv does not know of the untruth
or omission, and who in the exer-
cise of reasonable care could not
have known of the untruth or omis-
D. No person who has made or engaged in the performance of any contract in violation of any provision of this Act or any rule or order or requirement hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract.

E. Any condition, stipulation or provision binding any person acquiring any security to waive compliance with any provision of this Act or any rule or order or requirement hereunder is void.

F. The rights and remedies provided by this Act are in addition to any other rights or remedies that may exist at law or in equity.

Mr. Klauser offered the following amendment to Committee Amendment No. 8:

To amend Committee Amendment No. 8 by striking the last sentence in subparagraph A (2) of Section 33 thereof and inserting the following in lieu thereof:

"Nothing herein shall prevent the award of punitive or exemplary damages in an amount not to exceed twice the actual damages, as found by the jury, when such false representation or omission is proven to be willfully made."

The amendment to Committee Amendment No. 8 was adopted without objection.

Committee Amendment No. 8, as amended, was adopted without objection.

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

Committee Amendment No. 9

Amend Sec. 5 of H. B. No. 42 by inserting the word "and" following each semi-colon at the end of subparagraphs (1) through (7), inclusive.

The amendment was adopted without objection.

H. B. No. 42 was then passed to engrossment.
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HOUSE BILL NO. 48 ON SECOND READING

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

H. B. No. 48, A bill to be entitled "An Act amending the Texas Motor Vehicle Safety-Responsibility Act relating to the deposit of security following certain accidents, the proof of financial responsibility in certain instances, the suspension of certain licenses, registrations and non-resident operating privileges, and certain penalties; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. Fairchild moved that further consideration of House Bill No. 48 be postponed until 11:00 o'clock a.m. March 4, 1963.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 92 ON SECOND READING

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

H. B. No. 92, A bill to be entitled "An Act implementing the provisions of Article IX, Section 1-a, of the Constitution of the State of Texas, authorizing the commissioners courts of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate and restrict the speed, parking, and travel of motor vehicles on any of the beaches of the county which are open and accessible to the public; these commissioners courts are also authorized to regulate the littering of such beaches, and toward this end they are authorized to define the term 'littering'; fixing a penalty of not more than Two Hundred Dollars ($200) for the violation of such regulations governing motor vehicles and the offense of 'littering' of such beaches; repealing the provisions of Section 8, Chapter 19, Acts of the 56th Legislature, 2nd Called Session, 1959 (compiled as Article 5415d of Vernon's Texas Civil Statutes), is hereby repealed. All other laws and parts of laws in conflict herewith are hereby repealed.

Section 5. The commissioners court of any county included within the provisions of this Act undertaking..."
to regulate motor traffic over a designated area of the public beach shall post at the usual points of entry notifying the general public of the speed limits governing such area, and other regulations promulgated by it. Such court shall place at the usual points of entry of such area receptacles for the disposal of refuse, garbage, junk and rubbish by the public in such area. Failure to so post said signs relating to motor traffic or failure to place and maintain receptacles at the usual points of entry of any designated area shall constitute a defense for any violation of this Act.

Section 6. This Act shall in no manner, either by its terms or application, in any wise affect the title to real estate owned or claimed by persons, firms or corporations, and any judgment of conviction entered in the prosecution of an offense under this Act shall not be considered admissible as evidence in any suit involving the title to realty.

Section 7. If any section, subsection, paragraph, sentence, clause or provision of this Act is declared unconstitutional or invalid, it shall not affect the constitutionality or the validity of the remainder thereof, and it is hereby declared that this Act would nevertheless have been passed without such section, subsection, paragraph, sentence, clause or provision so declared unconstitutional, and to that end the provisions of this Act are hereby declared to be severable.

Section 8. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cotten moved that further consideration of House Bill No. 92 be postponed until 10:00 o'clock a.m. March 11, 1963, and the motion to postpone prevailed.

HOUSE BILL NO. 100 ON SECOND READING

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

H. B. No. 264, A bill to be entitled "An Act amending Acts of 1941, 47th Legislature, Chapter 105, page 134, as amended, (Vernon's Texas Civil Statutes, Article 6243f); amending Section 1 thereof, as amended, by providing for the creation of a Firemen's and Policemen's Pension Fund (or the continuation thereof where previously created) and a permanent pension system in incorporated cities having a fully paid fire and police department when such cities have a population of more than five hundred fifty thousand ($50,000) and less than six hundred fifty thousand ($650,000) inhabitants, according to the last preceding federal census or any future federal census, by amending Section 17 thereof, as amended, by combining paragraphs 3 and 4 thereof to provide that the same percentage which hitherto could be invested in shares of stock of certain companies may be invested in such companies only when they are solvent, paying dividends, and have not defaulted in the payment of any debt within five years and forbidding investment in shares of any oil, manufacturing or mercantile corporation unless same has a net worth of not less than $2,500,000; increasing the percentage of the fund which can be invested in national banks and life and fire and casualty insurance companies of certain types from twenty percent (20%) to twenty-five percent (25%); providing that a sum not to exceed fifty percent (50%) of said fund may be invested in first mortgage bonds or debentures of any solvent dividend paying corporation which has not defaulted on any debt in 5 years, and providing that the entire fund may be invested in government and municipal securities or in bonds and debentures, the payment of which is guaranteed by an agency of the United States Government; by adding a new section to be known as Section 25, providing for the establishment of a Group II Fund and a Group II Membership thereof within said fund, and providing that on

and after effective date hereof that all duly enrolled and appointed firemen and policemen who then begin their probationary period, and complete same, shall be Group II members and shall have deducted from their monthly salary without regard to their actual salary an amount equal to 7/10 of $380.00, and that such city shall exactly match the sum of all such deductions as and when made; and providing for a schedule of specific monthly retirement, death and disability benefits for such Group II members and their beneficiaries; and providing that the monies of such Group II fund shall be kept completely segregated from all other fund monies; and providing that all provisions of the statute (Art. 6243f) as originally enacted, and as previously amended, shall remain in full force and effect as to such Group II members and Group II fund except as specifically amended or changed by this Act applicable to such Group II members only or as changed by necessary implication; and providing a savings clause; and declaring an emergency."

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

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

H. B. No. 266, A bill to be entitled "An Act amending Section 1 of H. B. 245, Chapter 231, Acts 1961, 57th Legislature, Regular Session, codified as Article 3174b-5, Vernon's Civil Statutes of the State of Texas authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency."

The bill was read second time.

Mr. Jarvis offered the following amendment to the bill:

Amend H. B. 266 by adding a new section known as Section 1A which shall read as follows:

"The Board for Texas State Hospitals and Special Schools shall not contract for the support, maintenance, care and treatment of mentally
Mr. McGregor moved to table the amendment offered by Mr. Jarvis, and the motion to table prevailed.

H. B. No. 266 was passed to engrossment.

ADJOURNMENT

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

The motion prevailed.

The Benediction was offered by the Reverend Quay Parmer of Fort Worth, Texas, father of Representative Hugh Parmer.

In accordance with the motion to adjourn, the House at 3:55 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 21, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 9, A bill to be entitled "An Act providing an elective method for calculating and determining the standard annuity allowable to members of the Teacher Retirement System of Texas, and prescribing an additional minimum service retirement benefit payable to teacher members and teacher beneficiaries; defining certain terms as used herein; providing that the rights granted under this Act shall be in addition to and cumulative of those provided for under Chapter 470, Acts of the Regular Session, Forty-fifth Legislature (as heretofore amended) and other prior and existing laws, and shall not be construed as reducing any benefit heretofore granted; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 21, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 39, A bill to be entitled "An Act to raise revenue for the State of Texas; amending Chapter 19, Title 123A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new Section (10) to Article 19.01 so as to levy an annual occupation tax on billiard tables; defining billiard tables; permitting cities and towns to levy a tax and ban, prohibit, regulate, supervise, control or license owners and operators; providing a severability clause; repealing laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 21, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 177, A bill to be entitled "An Act providing for local option elections in certain counties of this State relating to the question of abolition and discontinuance of the office of county superintendent and providing that in the case of an affirmative vote on such question the office of county superintendent is abolished; making provision for compensation for certain expenses of the County Judge acting as ex-officio county superintendent; providing the provisions of this Act shall not affect those counties where the duties of county superintendent are presently performed by the County Judge; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

TWENTY-NINTH DAY

(Tuesday, February 26, 1963)

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: