March 19, 1963  HOUSE JOURNAL

Has carefully compared same and finds it correctly enrolled.

JOE CANNON, Vice-Chairman.

SENT TO GOVERNOR

March 18, 1963

H. B. No. 233.

FORTIETH DAY
(Continued)
(Tuesday, March 19, 1963)

The House met at 10:30 o'clock a.m., and was called to order by the Speaker.

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

“Our Father, let us never be guilty of failing to listen to new thoughts and new ideas. Let the shades of our minds be ever open to receive Thy light, that in the fullness of that light we might not fear to follow paths that were before unknown.

“Through Christ our Lord, we pray. Amen.”

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence:

Mr. Shannon for today on account of illness, on motion of Mr. Boysen.

Mr. Wieting for today on account of a death in his family, on motion of Mr. Haring.

Mr. Gibbens was granted leave of absence for last Tuesday, Wednesday and Thursday, and for Monday March 18, on account of important business, on motion of Mr. Crews.

TO INVITE DR. JAMES B. CONANT TO ADDRESS THE HOUSE

Mr. Woods moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Simple Resolution No. 262.

The motion prevailed without objection.

The Speaker then laid before the House, for consideration at this time, H. S. R. No. 262, To invite Dr. James B. Conant to address the House.

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

H. S. R. No. 262 was then adopted.

COMMITTEE APPOINTED

The Speaker announced the appointment of the following Committee to escort Dr. Conant and party to the Speaker's rostrum, pursuant to the provisions of H. S. R. No. 262:

Representatives Woods, Chairman; Banfield, Grover, Fondren, Hallmark, Jamison, Macatee and Markgraf.

HOUSE JOINT RESOLUTION NO. 12 ON SECOND READING

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

H. J. R. No. 12, A Joint Resolution “Proposing an amendment to Sections 1 and 2 of Article VI of the Constitution of the State of Texas so as to lower the minimum age required for voting to eighteen (18) years and to exempt persons under twenty (20) years of age from the operation of any provision imposing a poll tax or any type of registration fee as a prerequisite to voting.”

Mr. Haring moved that further consideration of House Joint Resolution No. 12 be postponed until next Tuesday, March 26, at 11:00 o'clock a.m.

There was no objection offered, and it was so ordered.

VOTE RECORDED

By unanimous consent of the House, Mr. Brown of Taylor was granted permission to be recorded as present-not voting on the motion to table the amendment offered by Mr. Allen to H. B. No. 16 on March 18.
HOUSE BILL NO. 13 ON PASSAGE TO ENGROSSMENT

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

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

The bill was read second time on yesterday, Committee Amendment No. 1 having been offered by Mr. Butler on yesterday and pending at this time.

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

Amendment Number 2

Amend Committee Amendment Number 1 to House Bill Number 13 by striking all of Section 3 and substitute in lieu thereof the following:

"Sec. 3. Extension of Subdivision Ordinances Within the Extraterritorial Area. The governing body of any city may extend by ordinance to all of the area within its extraterritorial area the application of such city's subdivision ordinance. In such event, such city shall have full power and authority to secure compliance with the provisions of such ordinance made applicable within its extraterritorial area. Violation of any provision of such ordinance within such extraterritorial area shall be considered the same as a violation occurring within the corporate limits of such city and shall be prosecuted in the same manner and carry the same penalty as a violation occurring within the corporate limits of such city, and to this end and for these purposes, the jurisdiction of the corporation court of a city shall exist within the extraterritorial area of such city."

Mr. Wilson raised a point of order on further consideration of the amendment offered by Mr. Quilliam to Committee Amendment No. 1 on the ground that it is the same as or substantially the same as an amendment defeated by the House on yesterday.

HOUSE AT EASE

At 10:50 o'clock a.m., the Speaker stated that the House would stand at ease pending the decision on the point of order, and until the hour set for the address by Dr. James B. Conant.

(Mr. Barnes in the Chair.)

Mr. Barnes called the House to order at 10:56 a.m.

ADDRESS BY DR. JAMES B. CONANT

In accordance with the provisions of H. B. No. 262, inviting Dr. James B. Conant to address the House of Representatives at 11:00 o'clock a.m. today, Dr. Conant and party were announced at the bar of the House and being admitted were escorted to the Speaker's Rostrum by Representatives Woods, Banfield, Grover, Fendren, Hallmark, Jami- son, Macatee and Markgraf.

Mr. Barnes, who was in the Chair, presented Mr. Woods who introduced Dr. Conant to the House.

Dr. Conant then addressed the House.

Mr. Woods then expressed appreciation to Dr. Conant for the address and introduced Professor Masters of Dr. Conant's staff to the House.

HOUSE AT EASE

At the conclusion of the address by Dr. Conant, Mr. Barnes stated
that the House would stand at ease pending the departure of the guests.

(Speaker in the Chair.)

At 11:25 o'clock a.m., the Speaker called the House to order.

H. B. NO. 13 ON PASSAGE TO ENGROSSMENT

(Continued)

The House resumed consideration of H. B. No. 13, on its passage to engrossment, with Committee Amendment No. 1; amendment by Mr. Quilliam to Committee Amendment No. 1; and with point of order raised by Mr. Wilson on further consideration of the amendment by Mr. Quilliam, pending.

The Speaker did not rule on the point of order, stating that the House could decide the point of order by its vote on the amendment.

Mr. Wilson moved to table the amendment offered by Mr. Quilliam, and the motion to table was lost.

RECESS

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

The motion prevailed.

In accordance with the motion to recess, the House, at 12:00 o'clock p.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

Mr. Gibbens was granted leave of absence for the balance of the day on account of important business, on motion of Mr. Hughes.

Mr. Haines of Brazos was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Hefton.

MESSAGE FROM THE SENATE

Austin, Texas, March 19, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

S. B. No. 144, By Schwartz: Relating to Brazoria County Water Control and Improvement District—Brushy Meadows; and declaring an emergency.


S. B. No. 2, By Hardeman: Creating and establishing Angelo State College at San Angelo, Texas, as a state-supported institution of higher learning; and declaring an emergency.

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

HOUSE BILL NO. 13 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of H. B. No. 13, relative to establishing extraterritorial jurisdiction of cities and towns, etc., as pending business, with Committee Amendment No. 1, and an amendment offered by Mr. Quilliam to Committee Amendment No. 1, pending at this time.

HOUSE AT EASE

At 2:25 o'clock p.m. the Speaker stated that the House would stand at ease temporarily.

The Speaker called the House to order at 2:29 o'clock p.m.

The amendment offered by Mr. Quilliam on this morning to Committee Amendment No. 1 to H. B. No. 13 was withdrawn.

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

Amendment Number 2

Amend Committee Amendment Number 1 to House Bill Number 13 by striking all of Section 3 and substitute the following:

"Sec. 3. Extension of Subdivision Ordinances Within the Extraterritorial Area. The governing body of any city may extend by ordinance to all of the area within its extraterritorial area the application of such
city's subdivision ordinance. In such event, such city shall have full power and authority to secure compliance with the provisions of such ordinance made applicable within its extraterritorial area. Violation of any provision of such ordinance within such extraterritorial area shall be considered the same as a violation occurring within the corporate limits of such city and shall be prosecuted in the same manner and carry the same penalty as a violation occurring within the corporate limits of such city, and to this end and for these purposes, the jurisdiction of the corporation court of a city shall exist within the extraterritorial area of such city. Provided, however, that nothing in this Section shall be construed as permitting the governing body of any city to extend its building codes or zoning ordinances to its extraterritorial area.''

Mr. Adams offered the following substitute amendment for the amendment offered by Mr. Quilliam:

Substitute for Quilliam Amendment to Committee Amendment No. 1 to House Bill Number 13, by striking Section 3 and substitute the following:

"Section 3. The governing body of any city shall have the power to specify minimum standards on streets, curb and gutter, water mains, sewer lines and drainage for all of the area within its extraterritorial area, such standards to be substantially equivalent to those established for other areas of said city."

Mr. Quilliam moved to table the substitute amendment offered by Mr. Adams, and the motion to table was lost.

A record vote was requested on the adoption of the substitute amendment offered by Mr. Adams.

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

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The substitute amendment offered by Mr. Adams was adopted by the following vote:
jurisdiction. Before any territory shall be in such status its bounds must be defined by the governing body of the city which shall then cause to be prepared a map or plat, together with a description of such area, describing such extraterritorial area, and such map or plat, together with such description, shall be published in a newspaper having general circulation within the county or counties involved in order that the area be considered extraterritorial jurisdiction under the definition of this Act."

(The above record vote was requested by Mr. Quilliam, Mr. Chapman and Mr. Dungan.)

Mr. Adams moved to reconsider the vote by which the above amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

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

Amend Sec. 5 of Committee Amendment No. 1 to H. B. No. 13 by adding Section 3(a) as follows:

"Such minimum standards may be embraced in ordinances enforceable as in the case of other ordinances of the city."

Mr. Cotten raised a point of order on further consideration of the amendment offered by Mr. Eckhardt on the ground that it seeks to amend a section of the bill that has already been amended.

The Speaker sustained the point of order.

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

Amend Committee Amendment No. 1 to House Bill No. 13 by adding after paragraph E in Section 2 there-of (after line 7 on page 3 of the Committee Amendment as printed) a new paragraph, as follows:

"F. It shall not be mandatory for the city to embrace all of the territory which could be embraced within the area that is defined elsewhere in this Act as its extraterritorial jurisdiction."

Amendment No. 4

Amend House Bill 13, Committee Amendment No. 1, page 5, Section 4, by striking the words, "ten (10) years" in every instance where the words, "ten (10) years" appear in Section 4, and inserting in lieu thereof the words "seven (7) years."

Mr. Butler moved to table the amendment offered by Mr. Grover, and the motion to table was lost.

The amendment offered by Mr. Grover was then adopted.

Mr. Johnson of Dallas offered the following amendment to Committee Amendment No. 1:

Amend Substitute for H. B. No. 13 by adding the following to Article I—Section 4:

"Such contracts may not permit such city to furnish, nor may such city furnish, water, sewerage, police, fire, power and/or street maintenance services in such Industrial District."

Mr. Butler moved to table the amendment offered by Mr. Johnson of Dallas, and the motion to table prevailed.

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

Amendment No. 5

Amend House Bill 13, Committee Amendment No. 1, page 5, Subsec-
tion A of Section 5, line 42, by adding after the word "area" the following: "provided, however that such limitation shall not apply to the annexation of property owned by the city annexing the same."

The amendment was adopted without objection.

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

Amendment No. 6

Amend House Bill 13, Committee Amendment No. 1, page 5, Subsection B of Section 5, by adding a new sentence after the words, "null and void", in line 53, as follows: "Provided, however, that any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period."

The amendment was adopted without objection.

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

Amendment No. 7

Amend House Bill 13, Committee Amendment No. 1, page 5, by striking all of Subsection C of Section 5 and renumbering "Subsection D."

The amendment was adopted.

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

Amendment No. 8

Amend House Bill 13, Committee Amendment No. 1, page 5, by striking all of Subsection D. of Section 5, and inserting in lieu thereof the following:

"D. All annexation proceedings by cities which are pending on March 15, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days of such date or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period."

The amendment was adopted without objection.

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

Amend Committee Amendment to House Bill 13 by adding a new section to be appropriately numbered as follows:

Any city, town or village which is located in two (2) or more counties, as of the effective date of this Act, shall have the right to exercise extraterritorial jurisdiction and annex territory in each of such counties in accordance with the provisions of this Act; provided, however, from and after the effective date of this Act, no city, town or village of this State shall be allowed to annex territory or exercise extraterritorial jurisdiction over any territory which is located in a county other than the one in which such city, town or village is located unless a majority of the qualified resident voters in the out-of-county territory requests such annexation or extension of extraterritorial jurisdiction either by petition or election. Whether such request is made by petition or election, such extension of extraterritorial jurisdiction or annexation shall not be effective unless approved by owners of fifty per cent (50%) or more of the land involved in such territory.

Mr. Grover moved to table the amendment offered by Mr. Walker.

A record vote was requested on the motion to table.

The motion to table the amendment offered by Mr. Walker prevailed by the following vote:

Yea—104

Beland
Barnes
Banuelos
Bass of Bowie
Bass of Harris
Beckham

Adams
Allen
Arledge
Ball
Mr. Shipley moved the previous question on the adoption of Committee Amendment No. 1 and the motion was seconded.

The motion for the main question was lost.

RESOLUTION 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 resolution:

H. C. R. No. 45, In memory of Walter Prescott Webb.

ADJOURNMENT

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

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

The motion to adjourn prevailed.

The Benediction was offered by the Reverend I. W. Oliver, Chaplain.

In accordance with the motion to adjourn, the House, at 4:45 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation:

H. B. No. 486.
Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 16, A bill to be entitled

"An Act amending Chapter II, Article 4; Chapter III, Article 6; Chapter V, Article 6; Chapter IX, Article 5; and Chapter XI, Article 8 of The Texas Banking Code of 1943, same being Chapter 97, Acts of the Forty-eighth Legislature, Regular Session, 1943, and amending Chapter V of The Texas Banking Code of 1943, same being Chapter 97, Acts of the Forty-eighth Legislature, Regular Session, 1943, by adding a new Article designated as Article 9a; providing for the appointment of bank examiners; for perpetual corporate existence for state banks; for the investigation of charter applications for the State Banking Board and payment of expenses thereof; for real estate loans, limitations and exceptions; authorizing bank stockholders and employees to take acknowledgements of instruments in which the bank is interested; defining 'banking house'; providing for equal application of state law to state and national banks; providing for severability; providing that all laws or parts of laws, including specifically the provisions of Chapter 54, Article I, Section 1, Acts of the Fifty-ninth Legislature, First Called Session, 1951, and the provisions of Chapter 1, Section 1, Acts of the Fifty-sixth Legislature, Third Called Session, 1959, as amended, which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 57, A bill to be entitled

"An Act amending Article 14, Title 12A of Vernon's Revised Civil Statutes of the State of Texas, so as to provide an exemption of property passing to or for the use of any religious, educational, or charitable organization, incorporated, unincorporated or in the form of a trust, if the laws of the jurisdiction under which such organization is organized or is operating provide an exemption from death tax of any character with respect to property passing (1) to or for the use of any such organization, or (2) to or for the use of any such organization organized or operating within the State of Texas, or (3) to or for the use of any such organization organized or operating within any other jurisdiction which grants a reciprocal exemption; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 377, A bill to be entitled

"An Act relating to the creation, administration and funding of a hospital district whose boundaries are coterminous with the boundaries of county commissioners precincts numbered one and two of Jasper County; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
March 20, 1963    HOUSE JOURNAL 695

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 19, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred
H. C. R. No. 45, In memory of Walter Prescott Webb.

Has carefully compared same and finds it correctly enrolled.

JOE CANNON, Vice-Chairman.

SENT TO GOVERNOR

March 19, 1963

H. C. R. No. 46.

FORTY-FIRST DAY

(Wednesday, March 20, 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:

Mr. Speaker    Collins
Adams    Cook
Alamis    Cotten
Allen    Coughran
Arlridge    Cowden
Atewell    Cowles
Ball    Craia
Banfield    Crew
Barnes    Davis
Barns of Bowie    de la Garza
Bass of Harris    Deke
Beckham    Duggan
Berry    Donnan
Birklar    Eckhardt
Blaine    Edwards
Boyes    Esquivel
Bridges    Fairchild
Brooks    Finney
Brown    Fletcher
Brown of Galveston    Floyd
Brown of Taylor    Fondren
Butler    Foreman
Cain    Garrison
Caldwell    Gibbons
Canales    Gladden
Carpenter    Glenn
Carriker    Green
Carson    Grover
Chapman    Guffey
Cherry    Haines of Brazos
Clayton    Hallmark
Cole    Harding
Haring    Parker
Harris    Parmer
Harris of Dallas    Parsley
Harms of Orange    Pether
Hefley    Pendleton
Heiton    Pecy
Hendryx    Pipkin
Hinson    Price
Hollowell    Quilliam
Houston    Rapp
Hughes    Richards
Isaacs    Richardson
Jackson    Ritter
Jarvis    Roberts
Johnson of Dallas    Rodriguez
Johnson of Bexar    Rosson
Kilpatrick    Satterwhite
Kilgore    Schiller
Knapp    Sagrest
Knuth    Shannon
Kothmann    Shipley
Lack    Shutt
Ligardes    Simpson
McClinton    Slack
McDonald    Slider
of Hidalgo    Smith of Bexar
McDonald of Rush    Smith of Jefferson
McGregor    Stewart
McIlhany    Stollenwerck
McLaughlin    Thompson
McNutt    Townes
Macatee    Traeger
Mann    Walker
Markgraf    Ward
Miller    Wells
Morgan    Whately
Moyer    Wheeler
Murphy    Whitfield
Mutersper    Wieling
Niemeier    Wilson
Nagost    Woods

Absent
Cannon

Absent—Excused
Cory    Weldon
Thurmond

A quorum of the House was announced present.

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

“Our Heavenly Father, help us in our never ceasing effort, to find more
effective ways to be Thy servants, and to better fulfill our responsibil-
ities. Keep us ever mindful of the

needs of others as we deliberate the

important issues of each day.”