March 28, 1963
HOUSE JOURNAL 795

FORTY-SIXTH DAY
(Thursday, March 28, 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 Fondren
- Adams Foreman
- Alans Garrison
- Allen Gibbons
- Arledge Gladden
- Atwell Glenn
- Ball Green
- Banfield Grover
- Bass of Bowles Haines of Bexar
- Bass of Hairles Hallmark
- Beckham Harding
- Berry Harris
- Birken Harris
- Blaine Hendry
- Boyson Harris of Dallas
- Bridges Hays of Orange
- Brooks Healy
- Brown Hilton
- Brown of Galveston Houston
- Brown of Taylor Houston
- Butler Hollowell
- Cain Hughes
- Caldwell Isaac
- Caneals Jamison
- Cannon Jarvis
- Carraker Johnson of Dallas
- Cassens Johnson of Bexar
- Chapman Kilpatrick
- Cherry Kilgore
- Clayton Knapp
- Cole Kollman
- Collins Korthmann
- Cook Lack
- Cre Cigrande
- Cotton McClellan
- Coughran McDonald
- Cowden of Hidalgo McDonald of Rusk
- Crain McDray
- Crow McKinney
- Davis McLauglin
- de la Garza McNatt
- Deke Mazette
- Doogan Mace
- Dungan Markgraf
- Echard Miller
- Edwards Moyer
- Enriquez Murray
- Fairchild Mutscher
- Finney Niemeyer
- Fletcher Nugent
- Floyd Parker
- Farmer Shutt
- Parsley Simpson
- Peary Slagg
- Tewler Sliger
- Penfdeton Smith of Bexar
- Petty Smith of Jefferson
- Pipkin Smith of Nacogdoches
- Price Thompson
- Quilliam Thurmond
- Rapp Townesend
- Richards Truax
- Richardson Walker
- Ritter Ward
- Roberts Weldon
- Rodriguez Wells
- Boston Whaley
- Satterwhite Wheeler
- Schiller Whitley
- Segret Wieting
- Shapton Wilson
- Shipley Woods

Absent—Excused

- Morgan Stewart

A quorum of the House was announced present.
The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Our Heavenly Father, help us to so direct our lives, that we may become exposed to that which will build our character, and strengthen our convictions. We would not ask for easy paths to follow, but rather let our mettle be tested by the daily trials and temptations that make character and conviction, the essential ingredients upon which we base our every decision.

"Let us not so regard our reputation that we neglect to nurture our character and give it every opportunity to grow through testing."

"In the name of Christ we pray.—Amen."

LEAVES OF ABSENCE GRANTED

Mr. Stewart was granted leave of absence for today on account of illness in his family, on motion of Mr. Bridges.

Mr. Morgan was granted leave of absence for today on account of important business, on motion of Mr. Hall.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 326, By Banfield:
The following House Bills were today laid before the House, read separately first time and referred to the appropriate Committees, as follows:

By Wilson and Roberts:

H. B. No. 994, A bill to be entitled "An Act making it unlawful to promote, conduct, maintain or participate in professional boxing contests or exhibitions; providing a penalty for violations; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Stewart and Doke:

H. B. No. 995, A bill to be entitled "An Act abolishing Junior College Districts which have conveyed all or substantially all of their property to a State supported Senior College or University, and which have no outstanding bonded indebtedness; providing for the continued collection and disposition of delinquent taxes in said Junior College Districts; repealing all laws and parts of laws in conflict herewith; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By McNutt, Brown of Taylor and Schiller:

H. B. No. 996, A bill to be entitled "An Act prohibiting express companies from delivering firearms to minors except in the presence and with the written consent of the parent or guardian; providing a penalty for violations; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Johnson of Dallas:

H. B. No. 997, A bill to be entitled "An Act amending Section 29 of the Texas Trust Act, Chapter 145, Acts of the 48th Legislature (1948), Sec. 29, p. 232, codified as Article 7425b-29, Vernon’s Texas Civil Statutes, relating to the allocation of dividends and share rights; providing for severability; and declaring an emergency."

Referred to the Committee on Banks and Banking.

PERMISSION TO INTRODUCE HOUSE BILLS

Mr. Walker moved to suspend the necessary rules in order to introduce H. B. No. 998 at this time.

The motion prevailed without objection.

Mr. Hughes moved to suspend the necessary rules in order to introduce H. B. No. 999 at this time.

The motion prevailed without objection.

CORRECTION AUTHORIZED IN H. B. NO. 109

Mr. Haynes of Orange asked unanimous consent of the House that the Enrolling and Engrossing Clerk be permitted to insert, in the proper place, in Section 11, subsection (6) of Committee Amendment No. 1 to H. B. No. 109, an amendment offered by himself on yesterday to the Committee Amendment No. 1.

There was no objection offered and it was so ordered.

S. B. NO. 245 SET AS SPECIAL ORDER

Mr. Richardson moved that S. B. No. 245 be set as a special order for 11:00 o’clock a.m. today.

The motion prevailed without objection.

CORRECTION AUTHORIZED IN H. B. NO. 108

Mr. Caldwell asked unanimous consent of the House that the Enrolling and Engrossing Clerk be permitted to place an amendment by Mr. Cotten to H. B. No. 108, adopted on yesterday, in Section 3, instead of at the end of the bill.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 496 WITH SENATE AMENDMENTS

Mr. Nugent called up with Senate Amendments for consideration at this time,
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H. B. No. 496. A bill to be entitled "An Act changing the name and function of the Legion Branch of the San Antonio State Tuberculosis Hospital and declaring an emergency."

On motion of Mr. Nugent, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 496.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 496

Senate Amendment No. 1

Amending House Bill No. 496 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. The name of 'Legion Branch of the San Antonio State Tuberculosis Hospital,' established by House Bill No. 499, Chapter 429, Acts 54th Legislature, Regular Session, 1955, is hereby changed to Legion Annex of the Kerrville State Hospital.

Section 2. The Legion Annex of the Kerrville State Hospital shall be under the control and management of the Board for Texas State Hospitals and Special Schools. The function of the Legion Annex of the Kerrville State Hospital will be to provide support, maintenance and treatment under provisions of the Texas Mental Health Code for persons suffering from mental illness.

Section 3. All appropriations hereinafter made by the legislature for the use and benefit of the 'Legion Branch of the San Antonio State Tuberculosis Hospital' and now effective shall be available for the use and benefit of the Legion Annex of the Kerrville State Hospital.

Section 4. All contracts heretofore entered into in behalf of 'Legion Branch of the San Antonio State Tuberculosis Hospital' are hereby ratified, confirmed and validated for and in behalf of Legion Annex of the Kerrville State Hospital.

Section 5. The Board for Texas State Hospitals and Special Schools may contract with the Veterans Administration for the use of the facilities now occupied and known as 'Legion Branch of the San Antonio State Tuberculosis Hospital' and to be hereafter known as the Legion Annex of the Kerrville State Hospital.

Section 6. Repealer. The following statutes and acts, together with all laws or parts of laws in conflict herewith, are hereby repealed:


Section 7. The fact that these facilities are no longer needed for the purpose of housing persons suffering from tuberculosis and that they are needed to house persons suffering from mental illness creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended and that this act shall take effect from and after its passage, and it is so enacted."

Senate Amendment No. 2

Amending House Bill 496 by striking out all above the enacting clause and substituting in lieu thereof the following:

A Bill
To Be Entitled
An Act changing the name and function of the 'Legion Branch of the San Antonio State Tuberculosis Hospital' and repealing all laws in conflict herewith and declaring an emergency.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 9, "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 cumu-

lative or those provided for under Chapter 476, 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."

H. B. No. 290, "An Act fixing the salaries to be paid certain officials
appointed officials and employees in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

S. C. R. No. 33, Authorizing the Texas Department of Public Safety to expend existing appropriations to replace a district headquarters building damaged by fire.

S. C. R. No. 24, Authorizing the acceptance by the University of Texas of certain lands in the Camp Swift Military Reservation in Bastrop County, Texas.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 328, By Richards: Congratulating the Huntsville Kiwanis Club and commending Mrs. Cecil Murray.


H. S. R. No. 329, By Banfield: Congratulating Glenda Stramicky as champion speller.

TO GRANT J. W. LUTTES AND/OR SHELL OIL COMPANY PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time.

H. C. R. No. 42, To grant J. W. Luttes and/or Shell Oil Company permission to sue the State.

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

Mr. Melhany offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 42 by adding two resolving clauses, immediately following the last paragraph, which shall read as follows:

"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 suit, 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 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 amendment was adopted without objection.

H. C. R. No. 43, as amended, was then adopted without objection.

RELATIVE TO ADJOURNMENT FOR THE EASTER HOLIDAYS

The Speaker laid before the House for consideration at this time.

H. C. R. No. 52, Relative to adjournment for the Easter Holidays.

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

H. C. R. No. 52 was adopted without objection.

SENATE BILL NO. 152 ON THIRD READING

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

S. B. No. 152, A bill to be entitled "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scho-
SENATE BILL NO. 46 ON SECOND READING

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

S. B. No. 46, A bill to be entitled "An Act to carry into effect the provisions of the amendment adding Section 49d to Article III of the Texas Constitution adopted at the General Election held on November 6, 1962; authorizing the Texas Water Development Board under certain conditions to execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government; limiting expenditures by the Texas Water Development Board for acquiring storage facilities as to principal obligations of $50,000,000 and not to exceed $15,000,000 for storage facilities in any single project; prescribing conditions for approval of Texas Water Commission for Texas Water Development Board to acquire and develop storage facilities or to contract with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities and to pay for such services; authorizing the Texas Water Development Board to contract with political subdivisions or agencies of the State and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities and providing for the use of income derived therefrom and authorizing the Legislature to make appropriations for developing and operating such recreational facilities; requiring approval by the Attorney General of Texas as to legality of any resolution or contract of the Texas Water Development Board relating to the acquisition and development of storage facilities, any sale, lease or transfer of acquired storage facilities, any sale of water impounded in acquired storage facilities and for the development and operation of recreational facilities; authorizing the Texas Water Development Board and the Texas Water Commission to promulgate rules and regulations which shall be approved by the Attorney General of Texas and filed with the Secretary of State; providing a repealing clause; prescribing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. de la Garza offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S. B. No. 46 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article III of the Constitution of the State of Texas has been duly amended at an election held throughout the State of Texas on Tuesday, November 6, 1962, by adding thereto Section 49d. The amendment is now legally effective.
Sec. 2. That Chapter 425, Acts of the 55th Legislature, Regular Session 1957, as amended (codified as Vernon's Annotated Civil Statutes, Article 8280-9), be amended further by adding thereto a new Section, as follows:

"Sec. 21a. Acquisition of conservation storage facilities.

"(1) With the approval of the Texas Water Commission, the proceeds from the sale of State bonds deposited in the Texas Water Development Fund as provided in Article III, Section 49-c of the Constitution of Texas may be used by the Texas Water Development Board for the additional purposes of acquiring and developing storage facilities, for the conservation and development of water for useful purposes in and from reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, by any one or more of the following governments or governmental agencies; by the United States of America or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the State; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. As used herein the term 'storage facilities' shall include any one or more of the following: (a) the whole or a definable part or portion of a dam and reservoir, whether existing or planned, in which water may be stored for conservation and development for useful purposes; or (b) the right to use any such dam and reservoir, whether existing or planned, or a definable part or portion thereof for storage of water and development thereof for useful purposes.

"(2) The Texas Water Development Board may also, with the approval of the Texas Water Commission, execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as State bonds issued under the authority of Article III, Section 49-c of the Constitution of Texas, and the provisions in said Section 49-c with respect to payment of principal and interest on State bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. The Texas Water Development Board shall determine the terms, provisions and conditions of such contracts; subject, however, to the limitations and directions contained in this Act and in Article III, Section 49-d of the Texas Constitution. It is expressly provided that no contract shall be executed by the Board with the United States or any of its agencies wherein storage facilities or their use are acquired for a term of years only, and each of such contracts shall contain provisions and conditions to the effect that when the State has fulfilled its obligations under such contract, the State shall have a permanent right in such storage facilities or in their use, so long as such storage facilities may be physically available, subject only, if the project of which such storage facilities are a part is then operated by the United States, to payment by the State of reasonable operation, maintenance and administrative charges allocable to such acquired storage facilities; and, in addition, such contract may provide for the State to bear its share of the cost of any necessary reconstruction, rehabilitation or placement of project features which may be required to continue satisfactory operation of the project. It is further provided that no contract between the Board and the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government shall be executed unless such contract shall reserve unto the State of Texas the right of development and control of recreational facilities by the State of Texas or its political subdivisions, except for reservoir recreation areas of national significance which the United States proposes to develop and administer for the public use and benefit.

"(3) The authority of the Texas Water Development Board to acquire storage facilities shall be limited to a maximum total amount as to principal obligations which may be incurred of Fifty Million Dollars ($50,000,000).
“(4) The Texas Water Commission, following public hearing with notice and procedure in the same manner as an application for a permit to appropriate public water, shall give its approval for the Water Development Board to acquire and develop storage facilities or to contract with the United States therefor, whenever it shall affirmatively find:

(a) That the project is feasible, based on investigations and studies including the estimated cost of construction, operation and maintenance, and the quantity and quality of water to be developed;

(b) That the project is feasible, based on investigations and studies including the estimated cost of construction, operation and maintenance, and the quantity and quality of water to be developed;

(c) That there is a bona fide need for the water to be provided by the storage facilities to be acquired;

(d) That the facilities to be acquired will contribute to the orderly development of the water resources of Texas; and

(e) That the public interest will be served thereby.

“(6) The Texas Water Development Board, after having acquired storage facilities in any reservoir, is hereby authorized and empowered to sell, transfer, or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities, provided that the applicant therefor shall have first secured a valid permit from the Texas Water Commission or its successor authorizing the acquisition or right of use of such storage facilities, which permit may be for a term of years if the facilities are leased. If the application for a permit involves a proposed use of water either within or outside of the watershed of the impoundment, the Texas Water Commission shall give paramount consideration to recouping the State’s investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit shall be issued by the Texas Water Commission, the applicant shall have completed contractual negotiations with the Water Development Board for the acquisition of such facilities and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. Reservoir lands which may have been acquired may be leased by the Board prior to completion of construction of any dam without the necessity of a permit being issued by the Water Commission. It is further provided that such sale, transfer or lease shall be at a price not less than the direct cost of the Board in acquiring same. ‘Direct cost’ of such storage facilities shall mean the principal amount the Board pays or agrees to pay for such storage facilities. ‘Direct cost of the Board in acquiring same’ shall mean the amount therefore paid by the Board on the ‘direct cost’ of such storage facilities.

In selling or transferring the State’s interest in storage facilities in reservoirs acquired from the proceeds of Texas Water Development Board Bonds, the price shall be the sum of the ‘direct cost to the Board in acquiring same,’ as such term is defined above, plus an interest charge by local interests without State participation; and

(d) That the public interest will be served thereby.

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000,000) and not to exceed $15,000,000 for storage facilities in any single project. State funds shall not be expended for the purposes herein authorized when, and to the extent that, any political subdivision of the State is willing and able to finance, or assume the obligation of repaying, the costs of providing or acquiring such storage facilities, provided such political subdivision has qualified by obtaining any permit required under the laws of Texas to provide or acquire such storage facilities.

The Texas Water Commission, following public hearing with notice and procedure in the same manner as an application for a permit to appropriate public water, shall give its approval for the Water Development Board to acquire and develop storage facilities or to contract with the United States therefor, whenever it shall affirmatively find:

(a) That the acquisition of storage facilities will result in optimum development of the site of the project;

(b) That the project is feasible, based on investigations and studies including the estimated cost of construction, operation and maintenance, and the quantity and quality of water to be developed;

(c) That there is a bona fide need for the water to be provided by the storage facilities to be acquired;

(d) That the facilities to be acquired will contribute to the orderly development of the water resources of Texas; and

(e) That the public interest will be served thereby.

(6) The Texas Water Development Board, after having acquired storage facilities in any reservoir, is hereby authorized and empowered to sell, transfer, or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities, provided that the applicant therefor shall have first secured a valid permit from the Texas Water Commission or its successor authorizing the acquisition or right of use of such storage facilities, which permit may be for a term of years if the facilities are leased. If the application for a permit involves a proposed use of water either within or outside of the watershed of the impoundment, the Texas Water Commission shall give paramount consideration to recouping the State’s investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit shall be issued by the Texas Water Commission, the applicant shall have completed contractual negotiations with the Water Development Board for the acquisition of such facilities and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. Reservoir lands which may have been acquired may be leased by the Board prior to completion of construction of any dam without the necessity of a permit being issued by the Water Commission. It is further provided that such sale, transfer or lease shall be at a price not less than the direct cost of the Board in acquiring same. ‘Direct cost’ of such storage facilities shall mean the principal amount the Board pays or agrees to pay for such storage facilities. ‘Direct cost of the Board in acquiring same’ shall mean the amount therefore paid by the Board on the ‘direct cost’ of such storage facilities.

In selling or transferring the State’s interest in storage facilities in reservoirs acquired from the proceeds of Texas Water Development Board Bonds, the price shall be the sum of the ‘direct cost to the Board in acquiring same,’ as such term is defined above, plus an interest charge
computed at a rate of 1/2 of 1% per annum from the date of purchase of the storage space by the Board, plus interest annually at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of the storage space, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such storage facilities or the sale of water therefrom.

In selling or transferring the State's interest in storage facilities acquired under long term contracts with the Federal Government, the price shall be the sum of the 'direct cost to the Board in acquiring same,' as such term is defined above, plus an interest charge thereon of 1/2 of 1% per annum from the date of purchase of the storage space by the Board, plus interest at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of the storage space for each of those years or portions of years in which the Board paid interest to the Federal Government, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such storage facilities or the sale of water therefrom. If the Board is transferring any contract between it and the Federal Government, remaining in any way directly, conditionally or contingently liable or responsible for the performance of any part of the contract assigned or transferred then the assignee or purchaser shall in addition to the payment above set forth pay to the Board annually 1/2 of 1% of the remaining amount owing to the Federal Government and such payment shall continue until the Board is fully and completely released from such contract.

In leasing such storage facilities for a term of years, each annual payment which shall be made by the lessee shall be not less than the annual principal and interest requirements applicable to the indebtedness incurred by the State allocated to acquisition of the facilities being leased, plus the State's annual cost for the project's operation, maintenance and rehabilitation if the project has been rehabilitated. 

(7) A condition precedent to selling, transferring or leasing, in whole or in part, any acquired storage facilities or the right to use such storage facilities, the Texas Water Development Board shall affirmatively find:

(a) That the applicant therefor has a valid permit from the Texas Water Commission;

(b) That such sale, transfer or lease will contribute to the conservation and development of the water resources of Texas; and

(c) That the consideration for the same is fair, just and reasonable and in full compliance with all requirements of law.

(8) The money received from any sale, transfer or lease of any acquired storage facilities shall be used to pay principal and interest on State bonds issued or to meet contractual obligations incurred by the Texas Water Development Board. Such moneys shall be collected, deposited in, and transferred to the appropriate statutory fund of the Board in the same manner as other moneys received in payment of principal and interest on bonds to political subdivisions made by the Board for water supply projects, taking into consideration the manner in which the storage facilities involved were acquired; that is, either by use of bond proceeds or by contract, as the case may be. When the moneys are sufficient to pay the full amount of indebtedness then outstanding (which shall include State bonds issued and the principal on contractual obligations incurred) and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of acquired storage facilities may be used by the Board for the acquisition of additional storage facilities or for providing financial assistance to political subdivisions for water supply projects.

(9) The Texas Water Development Board is hereby authorized and empowered to store unappropriated public waters of the State in the storage facilities that have been acquired. The Board is further authorized and empowered to sell any
unappropriated public waters of the state that might be stored in any storage facilities acquired by the Board and under the Board's control. The price for water sold shall be fixed and determined at an amount not less than a sum determined by taking into account the same costs prescribed in subsection (6) hereof for selling the State's interest in storage facilities acquired hereunder. As a prerequisite to the purchase of such water, the applicant therefor shall have secured a valid permit from the Texas Water Commission authorizing the appropriation and use of the water impounded in such storage facilities, and the rights of the applicant in such water and its use shall be governed by the terms and conditions of such permit. The permit may be for a term of years. If the application for a permit involves a proposed use of water either within or outside of the watershed of the impoundment, the Texas Water Commission shall give paramount consideration to recouping the State's investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit shall be issued by the Texas Water Commission, the applicant shall have completed contractual negotiations with the Water Development Board for the sale of water and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. The permit shall be conditioned upon continued payment of the obligations assumed under the contract with the Board and may provide for cancellation at any time upon contract default.

The Water Development Board is authorized to determine the consideration, terms, provisions and conditions to be included in contracts for the sale of water or its use, but such consideration, terms, provisions and conditions shall be fair, reasonable and without discrimination. Included in the services for which the Board may make charges shall be a charge of standby service, which is hereby defined to mean holding water and conservation storage space available for use, as well as for the actual delivery of water. The Board shall not compete with political subdivisions of the State and municipalities in the sale of water when such competition will jeopardize the ability of the political subdivisions or municipalities to meet obligations incurred to finance its own water supply projects. The Board will make the same determinations with respect to the sale of water as are required to be made in paragraph (7) hereof relating to selling, transferring or leasing storage facilities. Money received from the sale of water and standby service needed for operation and maintenance of acquired facilities may be used by the Board for the operation and maintenance of acquired facilities, and the Legislature may also appropriate available State funds for such purpose. Money received from the sale of water not needed for operation and maintenance of storage facilities may be used for the payment of principal and interest on State bonds issued or contractual obligations incurred by the Board in acquiring storage facilities. Unappropriated public waters stored in any storage facilities acquired by the Board and under the Board's control may be released without charge to relieve any emergency condition that may arise due to drought, severe water shortage or public calamity provided, that the Texas Water Commission shall have first determined the existence of such emergency and requested the Board to make releases of water. 

"(10) Political subdivisions (as that term is defined in Section 2 of Chapter 425, Acts of the 55th Legislature Regular Session, 1957) shall be accorded a preferential right, but not an exclusive right, to purchase, acquire or lease storage facilities, or to purchase water in storage, from the Board. Priority in the sale, transfer or lease of storage facilities, or in the sale of water, shall also be accorded in the manner established by Article 7471 and Article 7472(c), Revised Civil Statutes of Texas, 1923, as amended, or as may be hereafter amended, relating to priorities and preferences in the appropriation and use of public waters. The Water Development Board and the Texas Water Commission shall coordinate their efforts to meet the needs of the State and its subdivisions in the sale of water to the extent that competition will not jeopardize the ability of the subdivisions to meet obligations incurred to finance their own water supply projects."
these objectives and to assure that the public waters of the State, which waters are held in trust for the use and benefit of the public, will be conserved, developed and utilized in the greatest practicable measure for the public welfare.

"(11) The Texas Water Development Board is authorized to enter into contracts under the terms of which those owning facilities in the same reservoir may operate and maintain the State's storage facilities in such reservoir and under which the State, acting by and through the Board, may agree to pay reasonable operation and maintenance charges allocable to such state storage facilities. The Board may enter into contracts with political subdivisions of the State, with agencies of the State, and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities. Income received by the Board from contracts for the development and operation of recreational facilities may be used by the Board for the same purposes as income from the sale of water may be used. The Legislature may make appropriations of available State funds for development and operating recreational facilities at reservoirs in which the State has acquired storage facilities. Income received by the Board from contracts with political subdivisions of the State, with agencies of the State, and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities.

"(12) The Attorney General of Texas shall approve as to legality (a) the resolution of the Board authorizing the acquisition and development of storage facilities as authorized in paragraph (1) of this Section 11a; (b) all contracts between the Board and the United States or any of its agencies for the acquisition and development of storage facilities constructed or to be constructed by the Federal Government; (c) all contracts or agreements by the Board for the sale, lease or transfer of acquired storage facilities, in whole or in part; (d) all contracts by the Board for the sale of water impounded in acquired storage facilities; and (e) all contracts by the Board for the development and operation of recreational facilities.

"(13) The Texas Water Development Board and the Texas Water Commission are hereby authorized to promulgate reasonable and necessary rules and regulations, separately or jointly, to implement and effectuate the provisions of this Act. Such rules and regulations and amendments thereto shall not be inconsistent with the provisions hereof and shall be approved by the Attorney General of Texas and filed with the Secretary of State.

"Sec. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only. It is expressly provided that Article 7689, Article 7590 and Article 7591, R.C.S., 1925, shall not be repealed hereby.

"Sec. 4. If any provisions of this Act or the application thereof to any person or circumstances 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 application, and to this end the provisions of this Act are declared to be severable."
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Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 15, By Reagan: Classifying loans and lenders; providing for their regulation; and declaring an emergency.

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

HOUSE BILL NO. 85 ON THIRD READING

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

H. B. No. 85, A bill to be entitled "An Act providing that no municipality shall require residence within the city as a condition of employment by the city government; excepting from the provisions elected officials of the city; requiring that employees reside within the continental limits of the United States; and declaring an emergency."

The bill was read third time.

Mr. Townsend moved that H. B. No. 85 be tabled, and the motion to table prevailed.

House at Ease.

At 11:08 o'clock a.m., the Speaker stated that the House would stand at ease.

(While the House stood at ease, Mr. Atwell and Mr. Butler, respectively, occupied the Chair temporarily.)

(Speaker in the Chair.)

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

Mr. Green moved that the Rule which provides that a motion to reconsider the vote by which a bill is tabled is not in order, be suspended for the purpose of making a motion to reconsider the vote by which H. B. No. 85 was tabled.

The motion to suspend the rule was lost.

LEAVE OF ABSENCE GRANTED

Mr. Rodrigues was granted leave of absence for the remainder of the day to attend a funeral, on motion of Mr. Brown of Galveston.

COMMITTEE MEETING

Mr. Shipley asked unanimous consent of the House that the Committee on Commerce and Manufactures be permitted to meet at this time.

There was no objection offered.

SENATE BILL NO. 345 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to third reading,

S. B. No. 345, A bill to be entitled "An Act authorizing 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 provide for the retirement of its active firemen subject to certain conditions; providing for transfer of assets and assumption of liabilities of the Firemen's Relief and Retirement Fund by the Municipal Employees' Retirement Fund, and making other provisions to effectuate the purposes of this Act."

The bill was read second time.

Mr. Richardson offered the following amendment to the bill:

Amend S. B. No. 345 by striking the words "serving as active firemen" in the first sentence of the second paragraph of Sec. 1 and inserting in lieu thereof the following:

"who are participating members of the Firemen's Relief and Retirement Fund."

The amendment was adopted without objection.

Mr. Richardson offered the following amendment to the bill:

Amend S. B. 345 by striking all above the enacting clause and inserting in lieu thereof the following:

A Bill To Be Entitled

"An Act authorizing 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 pro-
vide for the retirement of its participating members of the Firemen's Relief and Retirement Fund subject to certain conditions; providing for transfer of assets and assumption of liabilities of the Firemen's Relief and Retirement Fund by the Municipal Employees Retirement Fund; and making other provisions to effectuate the purposes of this Act."

The amendment was adopted without objection.

Mr. Richardson offered the following amendment to the bill:

Amend the second paragraph of Section 1 of S. B. No. 345 by adding at the end thereof the following:

"Provided, however, nothing contained in this Act shall be held or construed to affect or impair any act done or right vested or accrued under Article 6243e, V.A.C.S., or any proceeding, suit, or prosecution had or commenced in any cause thereunder, be it before the courts, the Firemen's Pension Commissioner, or the Board of Firemen's Relief and Retirement Fund Trustees; but every act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect as if Article 6243e, V.A.C.S., were applicable thereto and any and all liabilities existing under this provision, be they vested, accrued or contingent, shall be the obligations of the municipal employees retirement fund."

The amendment was adopted without objection.

S. B. No. 345 was then passed to third reading.

SENATE BILL NO. 345 ON THIRD READING

Mr. Richardson moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 345 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Year</th>
<th>185</th>
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<tr>
<td>Adams</td>
<td>Allen</td>
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<td>Allen</td>
<td>Arledge</td>
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<td>of Galveston</td>
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<td>Brown of Taylor</td>
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<td>Harris of Dallas</td>
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<td>Haynes of Orange</td>
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<td>Hexter</td>
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The Speaker then laid Senate Bill No. 345 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

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**Absent:**

- Morgan
- Rodriguez
- Morgan
- Rodriguez

**Absent—Excused:**

- Morgan
- Rodriguez
- Morgan
- Rodriguez

**Present—Not Voting:**

- Morgan
- Rodriguez
- Morgan
- Rodriguez

**Nays:**

- 4

**CORRECTION AUTHORIZED IN AMENDMENT TO S. B. NO. 345**

Mr. Gladden asked unanimous consent to change amendment No. 2 to S. B. No. 345 by striking the word "or" after "V.A.C.S." and inserting in lieu thereof the words "pending in."

There was no objection offered and it was so ordered.

**LEAVE OF ABSENCE GRANTED**

Mr. Macatee was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Harris of Dallas.
HOUSE BILL NO. 81 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 81, A bill to be entitled "An Act amending Section 3 of Chapter 204, Acts of the 48th Legislature, Regular Session, 1943, as last amended by Chapter 431, Acts of the 56th Legislature, Regular Session, 1979 (compiled as Article 2338-1 of Vernon's Texas Civil Statutes) to provide lower age limits for definition of 'delinquent child'; and declaring an emergency."

The bill was read second time on May 31 and further consideration of the bill was postponed until 11:00 o'clock a.m. today.

Mr. Alaniz raised a point of order on further consideration of H. B. No. 81 at this time on the ground that it has not been printed and laid on the members' desks for twenty-four hours, in compliance with Rule 18, Section 7 of the House Rules.

The Speaker overruled the point of order.

Mr. Alaniz raised a further point of order on consideration of the amendment offered by Mr. Grover on the ground that it is not germane to the caption of the bill.

The Speaker overruled the point of order.

Mr. Grover offered the following amendment to the bill:

Amend H. B. No. 81 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1, Section 3 of Senate Bill 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, Page 313, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes, is hereby amended so as to read hereafter as follows:

"Sec. 3. Definitions. The word 'court' means the Juvenile Court. The word 'Judge' means the Judge of the Juvenile Court. The term 'delinquent child' means any female person over the age of ten (10) years and under the age of eighteen (18) years and any male person over the age of ten (10) and under the age of seventeen (17) years, except as provided in Sec. 6 of this Act, who "(a) violates any penal law of this state of the grade of felony; or "(b) violates any penal law of this state of the grade of misdemeanor where the punishment prescribed for such offense may be by confinement in jail; or "(c) habitually violates any penal law of this state of the grade of misdemeanor where the punishment prescribed for such offense is by pecuniary fine only; or "(d) habitually violates any penal ordinance of a political subdivision of this state; or "(e) habitually violates any penal ordinance of a political subdivision of this state of the grade of felony; or "(f) habitually so deprives himself as to injure or endanger the morals or health of himself or others; or "(g) habitually associates with vicious and immoral persons."

Section 2, Section 5 of Senate Bill 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, Page 313, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes, is hereby amended so as to read hereafter as follows:

"Sec. 5. Jurisdiction. The Juvenile Court shall have exclusive original jurisdiction in proceedings governing any delinquent child, and such court shall be deemed in session at all times. "Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts. "When jurisdiction shall have been obtained by the Juvenile Court in the case of any delinquent child, such child shall continue under the jurisdiction of the court until he becomes twenty-one (21) years of age unless committed to the control of the agency of the State charged with the care, training, control of, or parole of delinquent children. Such continued jurisdiction shall, however, in no manner prejudice or constitute a bar to subsequent or additional proceedings against such
child under the provisions of this Act.”

Section 3. Section 6 of Senate Bill 44, Acts 48th Legislature, Regular Session, 1943, Chapter 264, Page 313, as amended, codified in Vernon’s as Article 2338-1, Vernon’s Civil Statutes, is hereby amended so as to read hereafter as follows:

“Sec. 6. Transfer. A transfer may be made of cases from one Juvenile Court to another Juvenile Court where a child under the jurisdiction of one Juvenile Court has moved from one county to another, and where it is to the best interest of such child so to do. The Juvenile Court having jurisdiction of a child may transfer the case to the Juvenile Court of the county in which the child may be then residing, and shall send transcripts of records to the Judges of the other court, which shall be filed in the office of the clerk of such court.

“If a child sixteen (16) years of age or older is charged with an offense which would be a felony if committed by an adult and if the court, after diagnostic study, social evaluation and full investigation deems it contrary to the best interest of such child or the public to retain jurisdiction over the alleged offender, the Juvenile Court shall have the power to transfer said child to any county of the State of Texas on the written order and findings of the Juvenile Court which would have jurisdiction over the offense charged or the offense for which the child was originally charged.

Section 4. Section 12 of Senate Bill 44, Acts 48th Legislature, Regular Session, 1943, Chapter 264, Page 313, as amended, codified in Vernon’s as Article 2338-1, Vernon’s Civil Statutes, is hereby amended so as to read hereafter as follows:

“Sec. 12. Transfer from other Courts. If during the pendency of a criminal charge or indictment against any person in any court other than a Juvenile Court, it shall be ascertained that said person is a female over the age of ten (10) years and under the age of eighteen (18) years, or is a male person over the age of ten (10) years and under the age of seventeen (17) years at the time of the trial for the alleged offense, it shall be the duty of such court to transfer said child immediately to the Juvenile Court of said county in accordance with the Penal Code and the Code of Criminal Procedure as if the child were an adult.”

Section 5. Section 6 of Senate Bill 44, Acts 48th Legislature, Regular Session, 1943, Chapter 264, Page 313, as amended, codified in Vernon’s Civil Statutes, is hereby amended so as to read hereafter as follows:

“Sec. 6. Transfer. A transfer may be made of cases from one Juvenile Court to another Juvenile Court where a child under the jurisdiction of one Juvenile Court has moved from one county to another, and where it is to the best interest of such child so to do. The Juvenile Court having jurisdiction of a child may transfer the case to the Juvenile Court of the county in which the child may be then residing, and shall send transcripts of records to the Judges of the other court, which shall be filed in the office of the clerk of such court.

“If a child sixteen (16) years of age or older is charged with an offense which would be a felony if committed by an adult and if the court, after diagnostic study, social evaluation and full investigation deems it contrary to the best interest of such child or the public to retain jurisdiction over the alleged offender, the Juvenile Court shall have the power to transfer said child to any county of the State of Texas on the written order and findings of the Juvenile Court which would have jurisdiction over the offense charged or the offense for which the child was originally charged.
county at a time designated. The Juvenile Court shall thereupon proceed to set said case for hearing and to dispose of such case in the same manner as if it had been instituted in that court in the first instance.

Section 5. Section 13 of Senate Bill 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, Page 316, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes, is hereby amended so as to read hereafter as follows:

"Sec. 13. The Judge may conduct the hearing of any case as an informal manner and may adjourn the hearing from time to time. In the hearing the general public may be excluded. All cases involving children shall be heard separately and apart from the trial of cases against adults.

"If no jury is demanded, the Judge shall proceed with the hearing. When the proceeding is with a jury, the verdict shall state whether the juvenile is a 'delinquent child' within the meaning of this Act, and if the Judge or jury finds that the child is delinquent, or otherwise within the provisions of this Act, the court may by order duly entered proceed as follows:

"(1) place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine;

"(2) commit the child to a suitable public institution or agency, or to a suitable private institution of the agency authorized to care for children; or to place the child in a suitable family home or parental home for an indeterminate period of time, not extending beyond the time the child shall reach the age of twenty-one (21) years;

"(3) make such further dispositions as the court may deem to be for the best interest of the child, except as herein otherwise provided.

"No adjudication upon the status of any child in the jurisdiction of the Juvenile Court shall operate to impair the status of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court except as provided in Sec. 6 of this Act as amended by Section 2 hereof. The disposition of a child or any evidence given in any court shall not be admissible as evidence against the child in any case or proceeding in any court other than the Juvenile Court, except as provided in Sec. 6 of this Act as amended by Section 2 hereof, nor shall such disposition or evidence operate to disqualify a child in any further civil service examination, appointment or application.

"Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment, a summary of the information concerning such child and give in the order of commitment the birth date of the child or attach thereto a certified copy of the birth certificate."

Section 6. Section 14 of Senate Bill 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, Page 312, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes, is hereby amended so as to read hereafter as follows:

"Sec. 14. Modification of Judgment, Return of Child to Parents. An order of the Juvenile Court in the case of a child shall be subject to modification or revocation from time to time, except as provided in Sec. 5 and Sec. 6 of this Act as amended by Section 2 and Section 3 hereof, respectively. The court may resume jurisdiction at any time subsequent to the expiration of the release or parole conditions and restrictions placed on the child by the agency of the State charged with the care, training control of and parole of delinquent children and may again jurisdiction until the child is 21 years of age if not already discharged by the court.

"A petition may be filed with the committing court requesting the reopening of the case of a child who has been committed by the court to the custody of an institution, agency or person; if the court is of the opinion that the best interest of the child will be served, it may at its discretion proceed to hear and determine the question at issue. Except as provided in Sec. 5 of this Act as amended by Section 2 hereof, the Court may thereupon order that such child be restored to the custody of
its parents or guardian or be re­
tained in the custody of the institu­
tion, agency or person; and may di­
rect such institution, agency or per­
son to make other arrangements for
the child’s care and welfare as the cir­
cumstances of the case may re­
quire; or the court may make a fur­
ther order or commitment.”

Section 7. Section 17 of Senate
Bill 44, Acts of the 48th Legislature,
Regular Session, 1943, Chapter
204, Page 313, as amended,
codified in Vernon’s Article 2338-1, Vernon’s
Civil
Statutes, is hereby amended so
as to read hereafter as follows:
“Sec. 17. Place of Detention. No
female person over the age of ten
(10) years and under the age of
eighteen (18) years, or any male
person over the age of ten (10)
years and under the age of seven­
ten (17) years, shall be placed or com­
mitted to any compartment of any
jail or lock-up in which persons over
juvenile age are incarcerated or de­
tained; but shall be placed in a
room or ward separate and apart
from that occupied by adults except
as provided under the transfer pro­
ceeding as set out in Sec. 6 of this
Act as amended by Section 3 hereof.
The proper authorities of all coun­
ties shall provide suitable place of
detention for such juvenile separate
and apart from any jail or lock-up
in which adults are confined. Said
detention place may be in the same
building housing adults, or in a
building separate and apart from
that where adults are confined.”

Section 8. All laws or parts of
laws in conflict with the provisions
of this Act are hereby repealed to
the extent of conflict only.

Section 9. If any provision of
this Act or the application thereof to
any person or circumstances is held in­
valid, such invalidity shall not affect
other provisions or applications of
the Act which can be given effect
without the invalid provision or ap­
plication, and to this end the pro­
visions of this Act are declared to
be severable.

Section 10. The fact that the pre­
sent law is inadequate to curb ju­
vilie delinquency in this state
creates an emergency and an impera­
tively necessary that the con­
stitutional 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. Doke moved that further con­
sideration of House Bill No. 81
be postponed until 11:00 o’clock a.m.
next Monday, and the motion by
postpones prevailed without objec­
tion.

AMENDMENT TO H. B. NO. 81
ORDERED PRINTED

Mr. Esquivel moved that the
amendment offered by Mr. Grover
to H. B. No. 81 be printed with line
numbers and be placed on the Mem­
bers’ desks.

There was no objection offered
and it was so ordered.

HOUSE BILL NO. 92 ON THIRD
READING

The Speaker laid before the House,
on its third reading and final pas­
sage,
H. B. No. 92. A bill to be entitled
“An Act implementing the provi­
sions of Article IX Section 1-a of
the Constitution of the State of
Texas, authorizing the commis­sion­
ers courts of any county border­ing
on the Gulf of Mexico or the tide­
water limits thereof to regulate and
restrict the speed, parking and
travel of motor vehicles on beaches
available to the public by virtue of
public right and the littering of such
beaches; defining the term ‘litter­
ing’; 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 Leg­
islature, 2nd Called Session, 1959,
insofar as same may conflict with
the provisions of this Act, and any
other laws or parts of laws in con­
flict herewith; providing that the
fact that any such commissioners
court has adopted a regulation re­
stricting speed within a designated
area shall be prima facie evidence
that such portion of the beach is a
public beach within the terms of
this Act; providing that peace of­
ficers of adjoining counties and
state law enforcement officers may
enforce the provisions of this Act
when authorized to do so by the commissioners court of the adjoining county; providing for receptacles for such litter, and posting of signs; providing for severability; and declaring an emergency."  

The bill was read third time and was passed.

HOUSE BILL NO. 105 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 105, A bill to be entitled "An Act abolishing the Rule in Shelley's Case, the Rule Forbidding a Remainder to the Grantor's Heirs, and the Doctrine of Worthier Title; and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 109 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 109, A bill to be entitled "An Act repealing Section 10 and amending Sections 2, 3, 4, 5, 6, 7, 8, 11, 13 and 14 of Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission, to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught or taken, and exceptions thereto; to regulate the selling and disposition of certain shrimp; to prescribe certain penalties and forfeitures; to provide for venue in certain cases; to repeal all laws or parts of law in conflict to the extent of such conflict; to provide a savings clause; and declaring an emergency."

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

Yeas---138
Adams
Alanis
Allen
Atwell
Banfield
Barne
Bass of Bowie
Bass of Harris
Becton
Berry
Birkner
Boyson
Bridges
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannons
Carpeter
Carriker
Cavness
Chapman
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Shannon
Shipley
Simpson
Slack
Slender
Smith
Smith of Bexar
Smith of Jefferson

The bill was read third time and was passed.
The Speaker laid before the House, on its third reading and final passage,
H. B. No. 386. A bill to be entitled "An Act adding a new Subsection (t) to Section 1 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as amended; to define the term 'fertilizer trailer;' amending Subsection (q) of Section 1 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, to define the term 'operated or moved temporarily upon the highways;' adding a new Subsection (e-1) to Section 2, Acts of the 41st Legislature, Second Called Session, 1929, as amended; to exempt certain fertilizer trailers from the requirement of registration of trailers and from the regular registration fee of trailers; providing severability; and declaring an emergency."

The bill was read third time. Mr. Slack moved to table the amendment offered by Mr. Weldon, and the motion to table prevailed.

Mr. Parmer offered the following amendment to the bill:
Amend H. B. 386 by adding a new section appropriately numbered to read as follows: The owners and operators of all such vehicles as described in this act shall maintain these trailers in a manner to assure their safe operation. Such vehicles must have all safety equipment required of trailers in any other commercial operation not exempted from the inspection requirements of Sections 140 and 141 of the Uniform Act Regulating Traffic on Highways. As amended Acts 1962 57th Leg. 3rd C. S., Ch. 15, Section 1. Any violation of any section of this Act shall be a misdemeanor and shall be punishable by a fine not to exceed $200.

Mr. Slack moved to table the amendment offered by Mr. Parmer, and the motion to table prevailed.

Mr. Lack offered the following amendment to the bill:
Amend H. B. 386 by adding a new section appropriately numbered to read as follows: The provisions of this Act shall not apply to any vehicle or trailer which in commercial operations transverses more than 250 miles in any twelve (12) month period.

Mr. Slack moved to table the amendment offered by Mr. Lack, and the motion to table prevailed.

Mr. Parmer offered the following amendment to the bill:
Amend H. B. 386 by adding a new section to read as follows: No vehicle under the provisions of this Act shall exceed a speed of 30 mph.

Mr. Slack moved to table the amendment offered by Mr. Parmer, and the motion to table prevailed.

A record vote was requested on the passage of H. B. No. 386.
H. B. No. 386 was passed by the following vote:

Yeas-109
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**MESSAGE FROM THE SENATE**

Austin, Texas, March 28, 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:

- H. C. R. No. 84, by Caldwell: In memory of Mr. Olin Guy Wellborn.
- H. B. No. 154, by Miller: Authorizing the Board for Texas State Hospitals and Special Schools to use any personnel and facilities under its control for carrying out research in mental retardation; and declaring an emergency.
- H. B. No. 308, by Green: To permit bowling on Sunday; and declaring an emergency. (As amended).
- H. B. No. 266, by McGregor: Authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency.
H. B. No. 12, by Simpson, et al:
Relating to a change in the name of West Texas State College at Canyon, Texas; and declaring an emergency.

H. B. No. 294, by Corder:
Authorizing the West Side Calhoun County Navigation District to sell certain water supply facilities; and declaring an emergency.

H. B. No. 288, by Chapman, et al:
Aid and services to Needy Families with children. (As amended).

Senate has adopted Conference Committee Report on S. B. No. 6 by Viva Voce vote.

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

HOUSE BILL NO. 68 ON SECOND READING

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

H. B. No. 68, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 641, Acts of the 47th Legislature, Regular Session, 1941, and Article 1817 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts of the 55th Legislature, Regular Session, 1957, so as to create the Twelfth Supreme Judicial District, comprised of the counties of Smith, Van Zandt, Anderson, Houston, Freestone, Cherokee, Rusk, Nacodoches, Shelby, Polk, Angelina, Rains, San Augustine, Sabine, Wood, Upshur, Kaufman, Navarro, Leon and Trinity, and to locate the court of civil appeals thereof in the City of Tyler; providing for jurisdiction of cases; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 68 by striking all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 198 of the Revised Civil Statutes of Texas,
Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler and Polk.
Tenth: McLennan, Coryell, Hamilton, Bosque, Johnson, Somervell, Falls, Limestone, Hill, Brazos, Madison, Robertson, Ellis, Leon, Freestone, and Navarro.
Thirteenth: Colorado, Lavaca, Wharton, DeWitt, Jackson, Matagorda, Victoria, Goliad, Calhoun, Bee, Refugio, Aransas, Live Oak, San Patricio, Jim Wells, Nueces, Kleberg, Kenedy, Willacy, Hidalgo and Cameron.'

Sec. 2. That Article 1817, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts of the 55th Legislature, Regular Session, 1957, is hereby amended to read as follows:

"Article 1817. Location of courts.
A court of civil appeals shall be held at the following places, respectively:

1. In the First Supreme Judicial District, in the City of Houston;
2. In the Second Supreme Judicial District, in the City of Fort Worth;
3. In the Third Supreme Judicial District, in the City of Austin;
4. In the Fourth Supreme Judicial District, in the City of San Antonio;
5. In the Fifth Supreme Judicial District, in the City of Dallas;
6. In the Sixth Supreme Judicial District, in the City of Texarkana;
7. In the Seventh Supreme Judicial District, in the City of Amarillo;
8. In the Eighth Supreme Judicial District, in the City of El Paso;
9. In the Ninth Supreme Judicial District, in the City of Beaumont;
10. In the Tenth Supreme Judicial District, in the City of Waco;
11. In the Eleventh Supreme Judicial District, in the City of Eastland;
12. In the Twelfth Supreme Judicial District, in the City of Tyler; and
13. In the Thirteenth Supreme Judicial District, in the City of Corpus Christi.
The Cities of Beaumont, Waco and Eastland, respectively, the City of Tyler and Smith County and the City of Corpus Christi and Nueces County shall furnish and equip suitable rooms for the respective courts of civil appeals therein, and for the justices thereof, and the County of Harris shall furnish and equip suitable rooms in Houston for the court of civil appeals therein, and for the justices thereof; all without cost or expense to the state.'

Sec. 3. This Act shall not affect the jurisdiction on appeal of cases from the counties named in the newly-created Twelfth and Thirteenth Supreme Judicial Districts in which the transcripts shall have been filed in the courts of civil appeals of which said counties were formerly a part where such transcripts have been filed prior to the date this Act becomes effective, in any case from a trial court of any county now a component of the newly-created Twelfth and Thirteenth Supreme Judicial Districts in which appeal or writ of error shall have been perfected prior to the taking effect of this Act in which the transcript shall not have been filed in the court of civil appeals of the Supreme Judicial District to which the county formerly belonged prior to the date this Act becomes effective, the record in such case shall be filed in the Court of Civil Appeals for the Twelfth or Thirteenth Supreme Judicial District of Texas, whichever shall have jurisdiction; provided, however, that in any case from a trial court of counties now comprising the Twelfth or Thirteenth Supreme Judicial Districts in which appeal or writ of error is perfected after the passage and before the taking effect of this Act, if the transcripts be filed in either the court of civil appeals to which the county formerly belonged or in the Twelfth or Thirteenth Supreme Judicial District of Texas within the time otherwise provided by law, such appeal shall not be dismissed for failure to file the transcript in the
proper court, but if filed in the wrong court, the clerk thereof shall transmit the record, together with a transcript of any orders made in the case, to the proper court having jurisdiction.

Sec. 4. On or before September 1, 1963, the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two associate justices for the Twelfth Supreme Judicial District, who shall each reside in the territorial limits of the Twelfth Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the court of civil appeals within and for the Twelfth Supreme Judicial District, and who shall hold their offices until the next general election in 1964 and who shall thereafter be elected and qualify as provided and required by Article 1813 of the Revised Civil Statutes of Texas of 1925, as amended.

Sec. 5. On or before September 1, 1963, the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two associate justices for the Thirteenth Supreme Judicial District, who shall each reside in the territorial limits of the Thirteenth Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the court of civil appeals within and for the Thirteenth Supreme Judicial District and who shall hold their offices until the next general election in 1964 and who shall thereafter be elected and qualify as provided and required by Article 1813 of the Revised Civil Statutes of Texas of 1925, as amended.

Sec. 6. There is hereby authorized to be appropriated out of any moneys in the State Treasury such sums of money as shall be necessary to put into effect the provisions of this Act. The salaries of the judges are authorized to be as fixed in said appropriation bill, and the employees to be employed and the salaries to be paid such employees, In addition to said judges, are likewise authorized to be fixed and determined in the appropriation bill; and provision shall be made therein for such records, supplies and other necessary items that shall be required for the effective operation of said court.

Sec. 7. The excessive number of cases on the dockets of the First, Fourth and Fifth Supreme Judicial Districts of Texas and the tremendous increase in litigation in these two districts, causing an impossible work load on the judges thereof, together with the overcrowded condition in the house calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house, and the Constitutional Rule that bills shall not be effective until ninety days after the adjournment of the Legislature, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

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

Amend Committee Amendment No. 1 by striking Section 2, and substituting in lieu thereof, the following:

"Section 2. That Article 1817 Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421 Acts of the Fifty-fifth Legislature, Regular Session, 1957, is hereby amended to read as follows:

"Article 1817. Location of Courts. A court of civil appeals shall be held at the following places, respectively:

1. In the First Supreme Judicial District, in the City of Houston;
2. In the Second Supreme Judicial District in the City of Fort Worth;
3. In the Third Supreme Judicial District, in the City of Austin;
4. In the Fourth Supreme Judicial District in the City of San Antonio;
5. In the Fifth Supreme Judicial District, in the City of Dallas;
6. In the Sixth Supreme Judicial District, in the City of Texarkana;
7. In the Seventh Supreme Judicial District, in the City of Amarillo;
8. In the Eighth Supreme Judicial District, in the City of El Paso;
9. In the Ninth Supreme Judicial District, in the City of Beaumont;
10. In the Tenth Supreme Judicial District, in the City of Waco;
11. In the Eleventh Supreme Judicial District, in the City of Eastland;
12. In the Twelfth Supreme Judicial District, in the City of Tyler;
13. In the Thirteenth Supreme Judicial District, in the City of Corpus Christi.

The Cities of Beaumont, Waco and Eastland, respectively, shall furnish and equip suitable rooms for the respective courts of civil appeals therein, and for the justices thereof, and the County of Harris shall furnish and equip suitable rooms in Houston for the court of civil appeals therein, and for the justices thereof, all without cost or expense to the State.

The City of Tyler and Smith County and the City of Corpus Christi and Nueces County, respectively, shall furnish and equip suitable rooms and a library for the respective courts of civil appeals located therein, and for the justices thereof, all without cost or expense to the State.”

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to H. B. 68 by changing the period to a comma after the word Hunt on line 29, page 1, and inserting the words “Wood,” and “Ushur.”

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to H. B. 68 by striking out the county “Live Oak” on page 1, line 21, of the printed copy of the bill and add the county “Live Oak” after the word fourth on page 1, line 21, of the printed copy of the bill.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

H. B. No. 68 was passed to engrossment.

Mr. Jarvis moved to reconsider the vote by which H. B. No. 68 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

BILLS SIGNED BY THE SPEAKER

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

H. B. No. 300, “An Act providing a penalty for the operation of certain aircraft while intoxicated or under the influence of intoxicating liquor; and declaring an emergency.”

H. B. No. 88, “An Act providing a maximum speed limit in county parks situated in a county that borders on the Gulf of Mexico and prohibiting the littering of such county parks; excluding beaches from the applicability of such provisions; providing a penalty for violations; and declaring an emergency.”

H. B. No. 1, “An Act creating the Governor’s Committee on Education Beyond the High School for the study of the needs of public and private education beyond the high school in this State and the formulation and recommendation of a comprehensive coordinated system of programs and facilities in education beyond the high school; setting a termination date for its work; providing for severability; and declaring an emergency.”

H. B. No. 59, “An Act amending Subdivision 84 of Article 199, Title 8, Revised Civil Statutes of the State of Texas, 1925, as amended, to change the terms of the District Court of the 84th Judicial District, and to give the judge discretion as to the number of sessions he holds in any county of the district during any term; continuing all process, bonds and recognizances, and all grand and petit juries of the old terms; repealing all laws in conflict; and declaring an emergency.”

HOUSE BILL NO. 143 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,
H. B. No. 143, A bill to be entitled “An Act amending Article 16 5 9 of the Revised Civil Statutes of Texas, 1925, so as to raise to Five Hundred Dollars ($500) the amount of emergency purchases a county may make without advertising for competitive bidding; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1
Amend H. B. 143 by deleting the last full sentence of Section 1 and substituting in lieu thereof the following:

In cases of emergency, purchases not in excess of Three Hundred Dollars ($300.00) may be made upon requisition to be approved by the commissioners court without advertising for competitive bids.”

The amendment was adopted without objection.

H. B. No. 143 was passed to engrossment.

REASON FOR VOTE
I voted against H. B. 143 for the reason that I think competitive bidding on contracts involving governmental purchases is a sound principle. This remains true regardless of amount.

ALLEN GLENN

ADJOURNMENT
Mr. Atwell moved that the House recess until 2:30 o’clock p.m. today.

Mr. Cotton moved that the House adjourn until 11:00 o’clock a.m. next Monday.

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 12:25 o’clock p.m., adjourned until 12:00 o’clock a.m. next Monday.

APPENDIX

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


Commerce and Manufactures: H. B. No. 847.

Criminal Jurisprudence: H. B. No. 284.


Municipal and Private Corporations: H. B. No. 663.

Public Health: H. B. No. 587.

Rules: H. C. R. No. 52.


State Hospitals and Special Schools: H. B. No. 815, H. B. No. 916.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS
Austin, Texas, March 27, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 82, A bill to be entitled “An Act providing that no municipality shall require residence within the city as a condition of employment by the city government; excepting from the provision elected officials of the city; requiring that employees reside within the continental limits of the United States; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 27, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 92. A bill to be entitled "An Act authorizing the Commissioners Court of any county bordering on the Gulf of Mexico or the tide-water limits thereof to regulate the speed of motor vehicles on beaches which are open and accessible to the public, and also to prohibit the littering of such beaches; providing for receptacles for such litter and posting of signs; providing that the Commissioners Court of such counties may authorize sheriffs and other persons to enforce such regulations; authorizing such Commissioners Courts to provide penalties for violations of these regulations within limitations; repealing Section 8 of Chapter 19, Acts of the Fifty-sixth Legislature, Regular Session, 1959 (compiled as Article 5415d of Vernon's Texas Civil Statutes), and all other laws and parts of laws in conflict therewith; providing certain exceptions; restricting certain regulatory powers of the Commissioners Court; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 27, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 105. A bill to be entitled "An Act abolishing The Rule in Shelley's Case, The Rule Forbidding a Remainder to the Grantor's Heirs, and the Doctrine of Worthier Title; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
April 1, 1963  HOUSE JOURNAL  821

Austin, Texas, March 27, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 290, An Act fixing the salaries to be paid certain officials, appointed officials and employees in certain counties; repealing all laws in conflict herewith; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

Austin, Texas, March 28, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 9, 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 476, Acts of the Regular Session, Forty-fifth Legislature (as herefore 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 enrolled.

NELSON COWLES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 28, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

Austin, Texas, March 27, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. J. R. No. 12, House 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.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 28, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 52, House Concurrent Resolution providing for suspension of the Joint Rules of both Houses to permit adjournment from Thursday, April 11, 1963, to Tuesday, April 16, 1963.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, March 28, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred


Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

FORTY-SEVENTH DAY

(Monday, April 1, 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  Allen
Adams  Arledge
Alaniz  Atwell