House Journal

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 30, 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.

SHANNON, 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 heretofore amended) and other prior and existing laws, and shall not be construed as reducing any benefit heretofore granted; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, 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


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 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.

SHANNON, 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.

H. B. No. 290.

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, Alain, Atwell.
A quorum of the House was announced present.

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

"Our Heavenly Father, let us learn again the virtue of patience. In the midst of the many temptations to compromise our convictions in order to accomplish that which seems expedient, let the lesson of patience be our guide as we wait upon Thee. "May Thy peace still our troubled souls as in patience we learn to subdue our pride, stifle our anger, sweeten our tempers, bridle our tongue, and strengthen our spirits. "Grant us these blessings through faith and in the name of Christ our Lord.—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Ligarde for today on motion of Mr. Canales.
Mr. Quilliam for today on account of illness in his family, on motion of Mr. Pendleton.

MESSAGE FROM THE SENATE

Austin, Texas, April 1, 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 refused to concur in House Amendments to Senate Bill No. 245 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:
evidence shows probable cause to believe such person is a sexual psychopath that such person be certified for hearing and examination; providing that a person convicted of a misdemeanor offense and evidence shows probable cause to believe such person is a sexual psychopath that such person be certified for hearing and examination by a District Court; providing that District Court shall issue subpoena or warrant of arrest for such person to require such person to appear in Court and be informed of the nature of the accusation made against him; providing for waiver of further hearing and order for ninety (90) day diagnosis and observation; providing for medical examination and limiting use of medical reports; providing for jury trial and waiver of jury trial; providing that a person found to be a sexual psychopath be placed in State institution until superintendent certifies he believes person no longer a sexual psychopath; providing that upon certificate of superintendent person be returned to District Court; providing, where waiver filed and person accepted ninety (90) day diagnosis and observation; providing that District Court shall cause hearing to be held in accordance with the provisions of this Act, providing for release of said person upon certificate of superintendent, provided, the maximum time imposed has expired, or if same has not expired, then in that event said person shall serve the remaining portion of the sentence imposed, providing that all costs and expenses incurred shall be paid out of the general fund of the County where proceedings are had, providing for a savings clause and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

BILL SIGNED BY THE SPEAKER

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

S. B. No. 152, "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking censuses and certifying scholastics; and declaring an emergency."
PERMISSION GRANTED FOR THE INTRODUCTION OF HOUSE BILLS

Mr. Duggan moved to suspend the necessary rules in order to introduce H. B. No. 1001 at this time.

The motion prevailed without objection.

Mr. Woods moved to suspend the necessary rules in order to introduce H. B. No. 1002 at this time.

The motion prevailed without objection.

REQUEST OF SENATE GRANTED

On motion of Mr. Gladden, and by unanimous consent, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 246.

MOTION TO RECOMMIT H. B. NO. 871

Mr. Hendryx moved that House Bill No. 871 be recommitted to the Committee on State Affairs.

Mr. Price moved to table the motion to recommit H. B. No. 871.

A record vote was requested.

The motion to table the motion to recommit H. B. No. 871 to the Committee on State Affairs prevailed by the following vote:

Year—55

Yea—85

Adams
Ainslie
Bandfield
Bass of Bowie
Bass of Harris
Beckham
Berry
Brooks
Canale
Chapman
Cole
Cook
Cowles
Crews
Dokes
Duggan
Dunnam
Eagle
Esquivel
Fairchild
Floyd
Foreman
Garrison
Grover
Guffey
Healy
Heflin
Hendryx
Hinson
Hughes
Jamison
Johnson of Dallas
Kilpatrick
Klager
Lach
McClintock
McDonald
McIlhany
Macke
Mann
Morgan
Murray
Niemeyer
Nugent
Parker
Farmer
Peterson
Pettit
Pipkin
Price
Rapp
Richards
Richardson
Ritter
Roberts
Rodriguez
Satterwhite
Stewart
Stollweger
Thompson
Thorndike
Townsend
Trager
Weldon
Wells
Wheelan
Woods

Nays—50

Adams
Ainslie
Bandfield
Bass of Bowie
Bass of Harris
Beckham
Berry
Brooks
Canale
Chapman
Cole
Cook
Cowles
Crews
Dokes
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Dunnam
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Stollweger
Thompson
Thorndike
Townsend
Trager
Weldon
Wells
Wheelan
Woods

A record vote was requested.

(The above record vote was requested by Mr. Bass of Bowie, Mr. Brooks and Mr. Bass of Harris.)
CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 345:

Representatives Shannon, Chairman; McLaughlin, Pinsey, Richardson and Parmar.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 6

Mr. Murray submitted the following Conference Committees Report on Senate Bill No. 6:

Austin, Texas, March 26, 1963
Honorable Preston Smith,
President of the Senate.

Honorable Byron Tunnell, Speaker of the House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 6 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

REAGAN,
HERRING,
KRUGER,
BATES,
PARKHOUSE,

On the part of the Senate.

MURRAY,
CORY,
KLAGER,
PIPKIN,
PRICE,

On the part of the House.

"A BILL
TO BE ENTITLED

An Act relating to the creation of Padre Island National Seashore; containing a reverter clause; and declaring an emergency."

Be It Enacted By The Legislature of The State of Texas:

Section 1. The surface estate of that part of the following described lands situated in Kleberg, Kenedy, and Willacy Counties, Texas, to which the State of Texas has title or that have been acquired or that may become vested under any previous act or acts, shall be and is hereby established, dedicated and set apart as a public park for the benefit and enjoyment of the people. The surface estate in the following described lands shall be designated as the "Padre Island National Seashore," which area is described as follows:

Beginning at a point one statute mile north of the North end of North Bird Island on the easterly line of the Intracoastal Waterway;

Thence due East to a point on Padre Island one statute mile west of the mean high water line of the Gulf of Mexico;

Thence southwesterly parallel with the said mean high water line of the Gulf of Mexico a distance of three and five-tenths statute miles;

Thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart number 1286;

Thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended;

Thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on Sections 9 and 10 of the map (on file in the General Land Office) entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas," dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively;

Thence northerly along a line parallel to and 1,500 feet west of said survey line of J. S. Boyles, to a point on the centerline of the Port Mansfield Channel;

Thence westerly along said centerline to a point three statute miles west of the said two-fathom line;

Thence northerly parallel with said two-fathom line to a point on 27 degrees 10 minutes north latitude;

Thence west along said latitude to
the easterly line of the Intracoastal Waterway; 

Thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning. 

Sec. 1a. Nothing in this Bill is intended to extend any recognition to any particular line as being the boundary line between the State-owned portion of the seashore and the privately owned land. 

Sec. 2. The Legislature of the State of Texas hereby withdraws from sale the surface estates of all State-owned lands in said area regardless of the purpose or purposes for which they are held and regardless of the instrumentality of the State for which they are held. 

Sec. 3. The United States of America through the Secretary of Interior is granted permission, subject to the limitations contained in this Act, to acquire the area that has been defined as Padre Island National Seashore and the School Land Board of the State of Texas is hereby authorized and directed forthwith to execute a deed of conveyance to the United States of America conveying all of the right, title and interest of the State of Texas in the surface estate of all lands described in Section 1 hereof, subject to the exceptions and reservations hereinafter set forth under the terms of this Act, for the Padre Island National Seashore for the use of the public as a recreation area, in consideration of the United States of America agreeing to establish and maintain the land described in Section 1 hereof as a National Seashore area, as provided for under an Act of Congress, being Public Law 87-713, enacted by the 87th Congress of the United States, and to cede to the United States of America jurisdiction over said lands, and including lands acquired under Section 6 hereof, in conformity with the provisions of Article 5247, Revised Civil Statutes of Texas 1925. Said deed shall be executed by a majority of the then members of the School Land Board and shall also reserve to the State of Texas the right of concurrent jurisdiction with the United States of America, both civil and criminal, over every portion of the lands described in Section 1 hereof, so that all process, civil and criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land constituting the "Padre Island National Seashore," as set out in Section 1 hereafter in like manner and like effect as if no such cession had taken place; and, reserving further to the State the right to levy and collect taxes on sales, use or gross receipts from sales of products or commodities upon which a tax is levied in this State, and to tax persons and corporations, their franchises, properties and incomes, on land or lands conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands conveyed, the right to vote at all elections within the counties in which said land or lands are located, upon the terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been conveyed as aforesaid to the United States of America. 

Said State land shall not be conveyed unless the entire mineral interest is reserved in the State, and unless the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incidental to the mining, development, or removal of the minerals, is adequately protected. 

In all conveyances of said park property under Secs. 3 and 6 hereof to the United States of America, the Secretary of the Interior shall permit a reservation by the grantee of all oil, gas, and other minerals in such land or waters with the right of occupation and use of so much of the surface of the land or waters as may be required for the purpose of reasonable development of oil, gas and other minerals, under such rules and regulations as may be established by the Railroad Commission of the State of Texas. The Railroad Commission shall submit a copy of any proposed rules and regulations affecting the National Seashore area to the United States Department of Interior, Washington, D. C., by certified mail. The Department of Interior shall have thirty (30) days from receipt thereof to submit, by certified mail, to the Railroad
April 1, 1963

HOUSE JOURNAL

Commission of Texas, any objection or exceptions to such proposed regulations. Thereupon, such rules and regulations, with amendments, if any, promulgated by the Railroad Commission of Texas, shall become effective in the intention of the Legislature of the State of Texas that the use of said land for this purpose be carried out in such a manner as to not unreasonably interfere with the use of said land for park purposes.

Sec. 4. The Commissioner of the General Land Office shall prepare a list of the lands now owned in said area by the State of Texas or its instrumentalities for any purpose and deliver a certified copy of such list to the School Land Board for its records.

Sec. 5. Any deed executed pursuant to the authority hereinabove set out shall be null and void and of no force and effect and any and all rights, titles, and interests granted and conveyed thereby shall revert to the State of Texas upon the initiation by any agent, agency, officer, department, or employee of the Federal Government of the United States, whether appointed or elected, of a suit at law or in equity in any Federal Court of the United States to enlarge or expand the titles, rights, or interests granted by said deed or deeds.

Sec. 6. The United States of America, through the Secretary of the Interior, is hereby authorized to purchase, condemn, receive, hold, and acquire title to the surface estate of any land not owned by the State in the area above described as the Padre Island National Seashore area for use as a recreational park; provided that the acquisition of lands in such area shall not deprive the grantor or successors in title of the right of ingress and egress for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said lands and waters with the right of housing employees for such purposes. The same reservations and regulations enumerated in Section 3 hereof, relating to civil and criminal jurisdiction, taxes, mineral development, and voting rights, shall apply to all lands acquired by the United States of America under this Section.

Sec. 7. The surface estate in and to the lands, spoil banks, easements or rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District may be acquired for inclusion in Padre Island National Seashore with the consent of the District. All such surface easements in and to lands, spoil banks, easements and rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District located in the Padre Island National Seashore shall be used solely for public purposes.

Sec. 8. The Secretary of the Interior is requested to provide for roadways from the north and south boundaries of such public recreation area to the access highways from the Mainland to Padre Island. For the purpose of this Section, the south boundary shall be considered the Port Mansfield cut.

Sec. 9. If the United States of America (1) fails to acquire the surface estate in two-thirds of the total privately-owned land located within the Padre Island National Seashore Area as defined in Section 1 of this Act within ten years from the date of acquisition by the United States of America of the State-owned portion of the land described in Section 1 hereof, or (2) after such ten-year period ceases to use the surface estate of the privately-owned land so acquired under the authority of this Act for a national seashore area as contemplated herein, then in either event, all State-owned lands conveyed to the United States of America under the authority of Section 3 hereof shall ipso facto and without further action by any of the parties hereto revert to the State of Texas and to the fund to which they belonged prior to the passage of this Act, unless such reversion shall be waived by the Legislature of the State of Texas during the annum following the happening of either of the conditions of reversion.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. All laws or parts of laws
in conflict with the provisions of Sections 17-A, 18-A, 18-B, and 19-A, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-Seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Sections 17, 18, and 19, and by adding four (4) new Sections to be known as Sections 17-A, 18-A, 18-B, and 19-A, providing for the change in title from "Aid to Dependent Children" to "Aid and Services to Needy Families with Children"; amending the Public Assistance Program for Aid and Services to Needy Families with Children so as to raise the maximum age from fourteen (14) to sixteen (16) and so as to place emphasis on rehabilitation and other social welfare services insofar as practicable to needy dependent children and the parents or relatives with whom they live for the purpose of strengthening family life and assisting such parents or relatives to attain or retain capability for maximum self-support and personal independence, and for the further protection of children and the maintenance of continuing parental care and protection; providing for notification to appropriate law enforcement officials in respect to the desertion of a parent of a dependent child; providing that the Department may under such rules and regulations as are feasible and not inconsistent herewith make protective payments on behalf of such needy children and provide for foster care in coordination with other public or private child-caring facilities; providing a repealing clause, a saving clause, and declaring an emergency."

Mr. Chapman moved that the House concur in the Senate Amendments to H. B. No. 288.

A record vote was requested.

The motion to concur in the Senate Amendments to H. B. No. 288 prevailed by the following vote:

Yeas—140

Adams  Adams
Alax  Brown of Galveston
Allen  Brown of Taylor
Aridge  Butler
Atwell  Calhoun
Barnett  Caldwell
Bass of Bowie  Cannon
Bass of Harris  Cannon
Bassham  Carothers
Beckham  Carrillo
Berry  Chapman
Birnkr  Cherry
Blain  Clayton
Blair  Cole
Bridges  Collins
Brooks  Cook
TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 288

Senate Amendment No. 1

Amend House Bill No. 288 by adding a new Section to be known as Section 5A, which shall read as follows:

"Section 5A. On and after the effective date of this Act, wherever the reference is made in the Laws of this State to 'Aid to Dependent Children', the title of such aid shall hereafter be known as "Aid and Services to Needy Families with Children.""

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 264 WITH SENATE AMENDMENTS

Mr. Smith of Bexar called up with Senate Amendments for consideration at this time.

H. B. No. 264, A bill to be entitled "An Act amending Acts of 1941, 47th Legislature, Chapter 105, page 134, as amended, (Vernon's Texas Civil Statutes, Article 6243) amending Section 1 thereof, as amended, by providing for the creation of a Firemen's and Policemen's Pension Fund (or the continuation thereof where previously created) and a permanent pension system in incorporated cities having a fully paid fire and police department when such cities have a population of more than five hundred fifty thousand (550,000) and less than six hundred fifty thousand (650,000) inhabitants, according to the last preceding federal census or any future federal census; etc., and declaring an emergency."

Mr. Smith of Bexar moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

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Mr. Johnson of Dallas moved to suspend the necessary rules in order to set a calendar of local and uncontested bills for Thursday, April 4, at 2:30 o'clock p.m.

The motion prevailed without objection, and it was so ordered.

CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 264:

Representatives Smith of Bexar, Chairman; Segrest, Berry, Kothmann and Butler.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 232, By Koliba: Commending the Government Class from Bastrop High School on their visit to the State Capitol.

H. S. R. No. 355, By Banfield: Congratulating Miss Betty Althaus.

H. S. R. No. 356, By Banfield: Congratulating Catherine Kellner and Charles Stuchler as outstanding 4-H Club Members in Fort Bend County for 1963.

H. S. R. No. 357, By Banfield: Congratulating Miss Donna Morgan.

H. S. R. No. 358, By Banfield: Congratulating Miss Cynthia Atton.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Crews offered the following resolution:

H. C. R. No. 55

Whereas, Mrs. Maude T. Rabun and her daughter, Mrs. Ruth Gardner, and son, J. D. Rabun, have alleged that in the construction of Interstate Highway No. 45, the surface of the roadbed and the dump for this construction were raised approximately eight to ten feet above the surface of their 76-acre tract through which the Highway was routed; and

Whereas, Mrs. Rabun and her children, who are joint owners of the tract situated one and one-half miles northwest of the town of Willis, Montgomery County, Texas, allege that the Texas Highway Department failed to put sodding or grasses, or drainage facilities or ditches along the sides of the dump; and that rains have caused the ordinary clay soil of which the dump was constructed, to wash down upon their property on both sides of the highway right-of-way, causing heavy damage; and

Whereas, As a result of such damage, the said Mrs. Rabun and her children desire to institute suit against the State of Texas and the Texas Highway Department to recover compensation for such alleged damages suffered by them; now therefore be it

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 all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Stewart offered the following resolution:
Resolved, That nothing herein shall be construed as an admission in 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 or 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

center of said River; Thence South down the River with its meanderings to a point in the South line of the North one half of the S.W. 1/4 of Jno. A. Scott Section 17; Thence East to the East line of the S.W. 1/4 of the J. A. Scott Survey No. 17, Abst. 298 for a distance of approximately 100 feet; thence North 185 feet with said East line of S.W. 1/4 of said J. A. Scott No. 17, Abst. 298 to the place of beginning.

And that, the State of Texas, acting by and through its designated agents, has heretofore claimed and do now claim title to such property; that the above named entities have in the past and now exercise control and rights of ownership over such property, which control is of such nature as to constitute a "taking" as that term is used in law; and,

Whereas, J. T. Carr is desirous of having the respective rights of ownership to such property judicially determined; now therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That J. T. Carr be authorized to file a suit in the District Court of Wichita County, Texas, against the State of Texas, the State Highway Commission, the State Highway Engineer, D. C. Greer; and Wichita County, acting by and through its duly designated agents, have heretofore claimed and do now claim title to such property; that the above named entities have in the past and now exercise control and rights of ownership over such property, which control is of such nature as to constitute a "taking" as that term is used in law; and,

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the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

MESSAGE FROM THE SENATE
Austin, Texas, April 1, 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. J. R. No. 1, By Kazen: Repealing the poll tax and authorizing the Legislature to provide for the registration of all voters.

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

BILLS AND A RESOLUTION 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 and a resolution:

H. B. No. 12, "An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 225, Acts of the Fifty-first Legislature, 1949, so as to change the name of West Texas State College to 'West Texas State University'; ratifying and confirming in behalf of 'West Texas State University' all legislative Acts and appropriations heretofore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency."

H. B. No. 156, "An Act amending Section 14 of Senate Bill No. 221, Chapter 119, Acts 1965, Fifty-fourth Legislature, Regular Session, codified as Article 1871b, Texas Civil Statutes, authorizing the Board for Texas State Hospitals and Special Schools to use any personnel and facilities under its control and management for carrying out research in mental retardation; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 277, "An Act relating to the creation, administration and financing 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."

H. B. No. 286, "An Act amending Section 1 of House Bill No. 246, Chapter 231, Acts, 1961, Fifty-second Legislature, Regular Session, codified as Article 3174b-5, Vernon's Civil Statutes of the State of Texas, authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; repealing all laws in conflict; and declaring an emergency."

H. B. No. 358, "An Act amending Acts of 1951, Fifty-second Legislature, Regular Session, Chapter 493, page 1065, as amended, codified as Article 21.09 of the Insurance Code of Texas, Vernon's Texas Civil Statutes, relating to countersigning of policies by local recording agents and exceptions therefrom, to exempt bid bonds issued in connection with any public or private contract; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency."

H. B. No. 374, "An Act authorizing the West Side Calhoun County Navigation District to sell certain water supply facilities and appurtenances to Guadalupe-Blanco River Authority; validating, ratifying and confirming an agreement heretofore executed by and between said District and said Authority; and declaring an emergency."

H. C. R. No. 54, In memory of Ollie Guy Wellborn.

RELATIVE TO EXECUTING A LEASE TO THE CITY OF AUSTIN OF CERTAIN TRACT OF LAND

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

H. C. R. No. 37, Relative to executing a lease to the City of Austin of certain tract of land.

The resolution, having heretofore been referred to the Committee on State Affairs, was reported favorably by the Committee.
Said tract of land hereinafter described as No. 1 containing 113.713 acres of land, the tract of land hereinafter described as No. 2 being out of and a part of that certain 80.00 acre tract of land and that certain 49.6 acre tract of land out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, which said 80.00 acre tract of land was conveyed by the Government of the United States of America to the State of Texas by Warranty Deed dated December 14, 1892 of record in Volume 195 at page 466 of the Deed Records of Travis County, Texas, and being described as first tract in said deed, and which said 49.6 acre tract of land was conveyed to the State of Texas by Warranty Deed dated April 11, 1924 of record in Book No. 362 at page 186 of the Deed Records of Travis County, Texas. The tract of land hereinafter described as No. 1 containing 113.713 acres of land, the tract of land hereinafter described as No. 2 containing 84.678 acres of land, said tracts to be used as a recreational area; each of the said tracts of land being more particularly described by metes and bounds as follows:

Tract No. 1

Beginning at a concrete monument at the northwest corner of the herein-described tract of land, same being the most westerly northwest corner of the said State of Texas 49.11 acre tract of land, and being described as Station 14 on said Adjutant General's Department plat, which concrete monument is also on the east line of Lot 10, Block K, Balcones Park,...
Addition, Section Five, a subdivision of record in Book 7 at Page 43 of the Plat Records of Travis County, Texas, same being the east line of the C. J. Strother Survey No. 610 and the west line of the Daniel J. Gilbert Survey No. 8, said Balcones Park Addition, Section Five, bears N 35° 13' E 261.16 feet; Thence, S 59° 18' E at 263.33 feet passing a concrete monument, at 735.27 feet passing another concrete monument, in all a distance of 960.00 feet to a steel pin for the most northerly northeast corner of the herein described tract of land, same being described as Station 17 on a map or plat prepared by the Adjutant General's Department of the State of Texas and indexed as Drawing No. 1-63.

Thence, with the following six (6) courses to the most easterly northeast corner of the herein described tract of land:

1. S 29° 45' W 1340.00 feet to a steel pin, same being station 18 on the said plat No. 1-63 AGD;
2. S 12° 18' E 310.00 feet to a steel pin, same being station 19 on the said plat No. 1-63 AGD;
3. S 04° 43' W 210.00 feet to a steel pin, same being station 20 on the said plat No. 1-63 AGD;
4. S 57° 18' E 720.00 feet to a steel pin, same being station 21 on the said plat No. 1-63 AGD;
5. E 69° 42' E 467.00 feet to a steel pin, same being station 22 on the said plat No. 1-63 AGD;
6. N 57° 18' E 442.31 feet passing a steel pin, in all a distance of 447.31 feet to a point in the centerline of Taylor Branch, same being station 23 on the said plat No. 1-63 AGD.

Thence, with the said centerline of Taylor Branch and its meanderings with the following nine (9) courses:

1. S 28° 55' W 146.96 feet to a point;
2. S 07° 03' W 60.02 feet to a point;
3. S 30° 58' W 18.08 feet to a point;
4. S 35° 21' W 78.18 feet to a point;
5. S 79° 48' W 86.73 feet to a point;
6. S 19° 14' E 83.13 feet to a point;
7. S 17° 02' W 50.38 feet to a cross cut on rock
8. S 21° 47' W 79.43 feet to a cross cut on rock;
9. S 50° 26' W 33.63 feet to a point, same being station 24 on the said plat No. 1-63 AGD.

Thence, leaving the said centerline of Taylor Branch with the following ten (10) courses to the southeast corner of the herein described tract of land:

1. S 26° 55' W 184.28 feet to a steel pin;
2. S 23° 21' W 142.70 feet to a steel pin, same being station 25 on the said plat No. 1-63 AGD;
3. S 70° 83' W 36.44 feet to a steel pin;
4. S 70° 50' W 104.09 feet to a point;
5. S 48° 09' W 190.67 feet to a point;
6. S 32° 55' W 106.95 feet to a point;
7. S 71° 09' W 104.26 feet to a point;
8. S 70° 06' W 103.70 feet to a point;
9. S 67° 24' W 102.50 feet to a steel pin, same being station 26 on the said plat No. 1-63 AGD;
10. S 54° 43' W 62.73 feet to a steel pin in the south line of the aforementioned State of Texas 189.11 acre tract of land said steel pin being station 27 on the said plat No. 1-63 AGD.

Thence, with the south line of said State of Texas 189.11 acre tract of land, N 59° 19' W 768.96 feet to a concrete monument at the northeast corner of Colorado Forest Hills, Section Two, a subdivision of record in Book 5 at Page 207 of the Plat Records of Travis County, Texas, said concrete monument being station 13 on the said Adjutant General's Department plat;

Thence, continuing with the south line of said State of Texas 189.11 acre tract of land, same being the north line of said Colorado Forest Hills, Section Two, same also being the north line of Balcones Park Annex, a subdivision of record in Book 6, Page 101 of the Plat Records of Travis County, Texas, and Block P, Balcones Park Addition, Section Two, a subdivision of record in Book 6 at page 90 of the Plat Records of Travis County, Texas.
Beginning at a concrete monument at the northwest corner of the herein described tract of land, same being the northwest corner of the said State of Texas 49.6 acre tract of land, which concrete monument is also on the south line of the C. J. Strother Survey No. 6, N 25° 18' E 2755.93 feet to the point of beginning, containing a total of 113.713 acres, more or less.

Tract No. 2

Beginning at a concrete monument on the north line of the said State of Texas 49.6 acre tract of land, same being the northwest corner of the said State of Texas 49.6 acre tract of land, which concrete monument is also on the south line of the above described Tract 1, and is the aforementioned Station 13 on the said Adjutant General's Department plat;

Then, with the north line of the said State of Texas 49.6 acre tract of land, same being the south line of said Tract 1, S 59° 23' E 769.98 feet to a steel pin at the most northerly northeast corner of the herein described tract of land, same being the southeast corner of said Tract 1, and the aforementioned Station 27 on the said plat No. 1-63 AGD;

Then, S 8° 42' W 137.27 feet to a steel pin on a line fifteen (15.00) feet westerly from and parallel to the westerly edge of an existing rock dam, said steel pin being Station 28 on the said plat No. 1-63 AGD;

Then, along said line fifteen (15.00) feet westerly from and parallel to the westerly edge of said rock dam, S 33° 10' E 167.35 feet to a steel pin on a line ten (10.00) feet southerly from and parallel to an existing one-cable fence, said steel pin being Station 29 on the said plat No. 1-63 AGD;

Then, along said line ten (10.00) feet southerly from and parallel to said one-cable fence, S 71° 16' E at 6.24 feet passing a steel pin, in all a distance of 83.18 feet to a steel pin at the most easterly northeast corner of the herein described tract of land, same being Station 30 on the said plat No. 1-63 AGD;

Then, S 24° 25' W 1141.95 feet to a steel pin, same being Station 31 on the said plat No. 1-63 AGD;

Then, S 04° 20' E 1071.26 feet to a steel pin at the southeast corner of the herein described 49.6 acre tract of land, same being Station 32 on the said plat No. 1-63 AGD;

Then, with the south line of the said State of Texas 49.6 acre tract of land as fenced, same being the south line of the herein described tract of land, with the following four (4) courses:

(1) N 39° 23' E 504.65 feet to an iron post, same being Station 33 on the said plat No. 1-63 AGD;

(2) N 39° 23' W 93.57 feet to an iron post, same being Station 34 on the said plat No. 1-63 AGD;

(3) N 54° 14' W 659.42 feet to a steel pin under fence;

(4) N 53° 05' W 515.96 feet to an iron post for the southwest corner of the herein described tract of land, same being the southwest corner of the said State of Texas 49.6 acre tract of land, same also being Station 35 on the said plat No. 1-63 AGD, and from which iron post a concrete monument at the southeast corner of Lot 1, Block 1, Colorado Foothills, Section One, subdivision of record, as described in the plat Records of Travis County, Texas bears S 30° 09' W 44.40 feet;
rado Foothills, Section Two, N 30° 09' E, at 718.62 feet passing a con­crete monument at the northeast corner of said Colorado Foothills, Section One, same being the south­east corner of said Colorado Foot­hills, Section Two, same also being Station No. 36 on the said plat No. 1-62 AGD;

Thereupon, with the west line of the said State of Texas 80.00 acre tract of land, same being the east line of the aforementioned Colorado Foothills, Section Two, N 30° 09' E, 1327.80 feet, in a distance of 2046.2 feet to the point of begin­ning.

The herein described survey was completed 10-2-62 by the City of Austin.

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

Amend Committee Amendment for H. C. R. 37 by adding the fol­lowing words on line 28 of printed copy after the word years: “and for a fair market price so that the Tax­payers of Texas will not subsidize the City of Austin in creation of a golf course.”

Mr. Foreman moved to table the amend­ment offered by Mr. Cotten to Committee Amendment No. 1.

A record vote was requested.

The motion to table the amend­ment offered by Mr. Cotten to Committee Amendment No. 1 was lost by the following vote:

Yeas—55

Beckham
Birkner
Bolesen
Boyer
Butler
Calhoun
Caveness
Chapman
Cherry
Cory
Coughran
Cowever
de la Garza
Dugger
Edwards
Esquivel
Floyd
Fondren
Foreman
Garrison

Nays—87

Adams
Alanis
Allen
Artledge
Arteel
Ball
Barnes
Bass of Bowie
Bass of Harris
Berry
Blaine
Birdsness
Brooks
Brown
Brown of Galveston
Brown of Taylor
Caldwell
Carr
Carriger
Clayton
Cole
Collins
Cotter
Cowden
Crain
Crews
Davis
Deku
Dungan
Dickard
Dill
Dobbs
Douglas
Dunn
Duphinal
Dupuy
Dye
Eckerson
Eckhardt
Echols
Eckhardt
Eldridge
Ewing

Absent—Excused

Cook
Harding

Absent—Excused

Ligard
Quilliam
A record vote was requested on the amendment offered by Mr. Cotten to Committee Amendment No. 1.

The amendment offered by Mr. Cotten to Committee Amendment No. 1 was adopted by the following vote:

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(Proceeding with the text)
Mr. Shannon submitted the following Conference Committee Report on Senate Bill No. 345:

Austin, Texas, April 1, 1963

Honorable Preston Smith,
President of the Senate.

Honorable Byron Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 346 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

DON KENNARD,
TOM CREIGHTON,
WM. MOORE,
FRANKLIN SPEARS,
PARKHOUSE,
On the part of the Senate.

GEORGE RICHARDS,
DAVID FINNEY,
JACK McLAUGHLIN,
SHANNON,
HUGH PARMER,
On the part of the House.

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 and having a full time regularly organized fire department and having an established municipal employees retirement plan shall be authorized to provide for the retirement of its firemen by appropriate ordinance under the terms and provisions of such employees retirement plan if the benefits provided by such employees retirement plan are substantially as advantageous as the benefits provided by Chapter 125, Acts of the 46th Legislature as amended (Article 6243e Vernon's Civil Statutes of the State of Texas.)

Upon adoption of an appropriate ordinance, all of the assets of the Firemen's Relief and Retirement Fund shall be transferred to the municipal employees retirement fund and thereafter those persons serving as active firemen duly enrolled or contributing to the fund shall be subject to all provisions of such municipal employees retirement fund and the municipal employees retirement fund of such city shall assume all liabilities and obligations of the Firemen's Relief and Retirement Fund at the date of transfer. Thereafter such municipal employees retirement fund as combined shall not be subject to the provisions of Chapter 126, Acts of the 46th Legislature, as amended (Article 6243e, Vernon's Civil Statutes of the State of Texas.)

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., pending in 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 to all intents as if Article 6243e, V.A.C.S., were applicable thereto and any and all liabilities existing under such provision, so be vested, accrued or contingent, shall be the obligations of the municipal employees retirement fund.

Section 2. The importance of this legislation and the crowded condition of the calendar in both Houses

Be It Enacted By The Legislature of The State of Texas:
create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.''

On motion of Mr. Shannon, the House adopted the Conference Committee Report on S. B. No. 345 by the following vote:

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<th>Motion To Place H. B. No. 447 On Second Reading</th>
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<td>Mr. Atwell moved that the necessary rules be suspended for the purpose of taking up and considering at this time,</td>
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<td>H. B. No. 447, A bill to be entitled</td>
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<td>&quot;An Act amending Chapter 175, Acts of the 64th Legislature, Regular Session, 1963, pertaining to water safety; and declaring an emergency.&quot;</td>
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<td>The motion to suspend the rules was lost.</td>
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<td>The House met at 2:30 o'clock p.m. and was called to order by the Speaker.</td>
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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:

S. B. No. 6, "An Act relating to the creation of Padre Island National Seashore; containing a reversion clause; and declaring an emergency."

S. B. No. 345, "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 purpose of this Act."

HOUSE BILL NO. 206 ON SECOND READING

Mr. Johnson of Dallas moved that the regular order of business be suspended to take up, and have placed on its second reading and passage to engrossment, H. B. No. 206.

The motion prevailed.

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

H. B. No. 206, A bill to be entitled "An Act amending Section 14 of Chapter 120, Acts Regular Session 44th Legislature, page 1059, Chapter 453, Section 1, codified as Section 14 of Article 6008, Vernon’s Annotated Civil Statutes, and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 206 by striking all below the enacting clause and substituting therefor the following:

Section 1. That Section 14 of Chapter 120, Acts Regular Session 44th Legislature, page 318, as amended, Acts 1947, 50th Legislature, page 1059, Chapter 453, Section 2, codified as Section 14 of Article 6008, Vernon’s Annotated Civil Statutes, be and the same is hereby amended so that Section 14 shall hereafter read as follows:

"Sec. 14. In order to adjust the correlative rights and opportunities of each owner to produce, use and sell gas from a common reservoir from which a portion of the market demand is seasonal or where a portion thereof fluctuates from month to month, the Commission may permit the wells in such reservoir to be produced in excess of the monthly allowable if no waste is occasioned thereby, provided (1) no well shall in any one month be permitted to produce in excess of five times its monthly allowable or to produce at a rate in excess of twenty-five (25%) per cent of the daily producing capacity of such well as found by the Commission; that (2) no well shall ever be allowed to produce in excess of twice its allowable for more than two months in any period of six months beginning on the 1st day of March and September of each year, and when any well has produced twice its allowable or more for six successive months, it shall be closed in until its production and allowable are in balance; and that (3) the Commission shall, on the 1st day of March and September of each year, restrict production from all wells that are then overproduced to such fractional part of their allowable as will bring the accumulated allowances and the accumulated monthly production in balance during the next six months. In like manner the Commission may by appropriate order permit any gas well to be underproduced for a period of six consecutive months and may allow the accumulated underproduction to be produced in addition to the regular monthly allowable during the following six months period."

"Section 2. The fact that Section 14 of Chapter 120, Acts of the 44th Legislature of Texas, as amended, is inadequate to authorize the Railroad Commission of Texas to issue an order authorizing overproduction from prorated reservoirs and to adjust its orders to the practical conditions that exist in any gas reservoir creates an emergency and amends Acts 1947, 50th Legislature, page 1059, Chapter 453, Section 2, codified as Section 14 of Article 6008, Vernon’s Annotated Civil Statutes, and declaring an emergency."

The motion to amend was adopted.
perative 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 this Act shall take effect and be in force from and after its passage, and it is so enacted.'

Mr. Doke offered the following substitute amendment for Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. 206 by striking all of said amendment and substituting in lieu thereof the following:

"Section 1. That Section 14 of Chapter 130, Acts Regular Session 44th Legislature, page 318, as amended, Acts 1947, 50th Legislature, page 1059, Chapter 453, Section 2, codified as Section 14 of Article 6008, Vernon's Annotated Civil Statutes, be and the same is hereby amended so that Section 14 shall hereafter read as follows:

"Sec. 14. In order to adjust the correlative rights and opportunities of each owner to produce, use and sell gas from a common reservoir from which a portion of the market demand is seasonal or where a portion thereof fluctuates from month to month, the Commission may permit the wells in such reservoir to be produced in excess of the monthly allowable if no waste is occasioned thereby, provided (1) no well shall in any one month be permitted to produce in excess of five times its monthly allowable or to produce at a rate in excess of twenty-five (25%) percent of the daily producing capacity of such well as found by the Commission; that (2) no well shall ever be allowed to produce in excess of twice its allowable for more than two months in any period of six months beginning on the 1st day of March and September of each year, and when any well has produced twice its allowable or more during any such six month period as above it shall be closed in until its production and allowable are in balance; and that (3) the Commission shall, on the 1st day of March and September of each year, restrict production from all wells that are overproduced to such factional part of their monthly allowable as will bring the accumulated allowable and the accumulated monthly production in balance during the next six months. If such overproduction is not balanced during such six months period, then the overproduced well shall be shut in until its production and allowable are in balance. In like manner the Commission may by appropriate order permit any gas well to be underproduced for a period of six consecutive months and may allow the accumulated underproduction to be produced in addition to the regular monthly allowable during the following six months period."

"Section 2. The fact that Section 14 of Chapter 130, Acts of the 44th Legislature of Texas, as amended, is inadequate to authorize the Railroad Commission of Texas to issue an order authorizing overproduction from prorated reservoirs and to adjust its orders to the practical conditions that exist in any gas reservoir 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 this Act shall take effect and be in force from and after its passage, and it is so enacted."

The substitute amendment for Committee Amendment No. 1 was adopted without objection.

Committee Amendment No. 1, as substituted, was then adopted without objection.

A record vote was requested on the passage of H. B. No. 206 to engrossment.

H. B. No. 206 was passed to engrossment by the following vote:

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## HOUSE BILL NO. 567 ON SECOND READING

Mr. de la Garza moved that the necessary rule be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 567.

The motion prevailed without objection.


### LEAVE OF ABSENCE GRANTED

Mr. Esquivel was granted leave of absence for the remainder of the day on account of illness, on motion of Mr. Alaniz.

### NOS--60

<table>
<thead>
<tr>
<th>Absent—Excused</th>
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<tbody>
<tr>
<td>Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 306 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.</td>
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### NAYS--60

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<thead>
<tr>
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<tr>
<td>Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 306 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.</td>
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### NAYS--60

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<tr>
<td>Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 306 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.</td>
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### NAYS--60

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<td>Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 306 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.</td>
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### NAYS--60

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<tr>
<td>Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 306 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.</td>
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House Bill No. 78, Acts of the Second Called Session of the Forty-fifth Legislature (codified as Article 118b, Section 25, Vernon's Annotated Civil Statutes of Texas); amending Section 3 of Chapter 16, Senate Bill No. 24, Acts of the First Called Session of the Forty-fifth Legislature (codified as Article 1287-2 of Vernon's Annotated Civil Statutes of Texas); relating to the bonding and licensing of dealers in citrus fruit in the State of Texas; providing for a bond based on the number of standard packed boxes of citrus handled; prescribing penalties for the violation of this act; providing for the giving of a single surety bond of twenty-five thousand ($25,000) dollars contingent upon faithful performance of all provisions of House Bill No. 99 and House Bill No. 557, Acts of the Regular Session of the Forty-fifth Legislature, and the licensing of any person under both acts on the payment of a single license fee; repealing the provisions requiring license fee only for those entering or doing business in the Texas Citrus Zone as defined in Section 1 of House Bill No. 553, Chapter 350, 42nd Legislature, Regular Session; providing a saving clause; and declaring an emergency."

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

Mr. Hughes moved that the necessary rule be suspended to take up and have placed on its second reading and passage to engrossment, H. R. No. 462.

A record vote was requested.

The motion to suspend the rule prevailed by the following vote:

**Yeas—93**

Alanis  Bridges 3
Allen  Brooks 3
Arredondo  Brown 3
Atwell  de la Garza 3
Ball  Brown of Taylor 3
Baujfield  Cain 3
Barnes  Canales 3
Bass of Harris  Cannon 3
Beckham  Carpenter 3
Berry  Cavness 3
Boyesen  Chapman 3
Cowden  Miller 3
Cowley  Morgan 3
Crews  Murray 3
Dalkin  Neeley 3
Dungan  Nugent 3
Dungan  Parker 3
Edwards  Parsley 3
Fletcher  Feeler 3
Foudren  Pipkin 3
Furrman  Rapp 3
Garrin  Richards 3
Gibbens  Rodriguez 3
Gladden  Roseo 3
Green  Rattewhite 3
Grover  Schiller 3
Guffey  Segrest 3
Haines of Brazos  Shannon 3
Hallmark  Shipley 3
Harding  Shutt 3
Harris of Dallas  Hinson 3
Hines  Orange 3
Healy  Smith of Jefferson 3
Hefton  Stewart 3
Hendrix  Stollower 3
Houston  Thompson 3
Hughes  Thurmond 3
Johnson of Dallas  Townsend 3
Johnson of Bexar  Traeger 3
Kagger  Weldon 3
Knap  Wells 3
Kollin  Whaley 3
Kothmann  Wheeler 3
McGregor  Whitfield 3
McLain  Wistar 3
McLaughlin  Woods 3

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Nays—46

Adams  Isaac 3
Bass of Bowie  Jamison 3
Birkner  Jarvis 3
Blair  Lack 3
Calwell  McClintock 3
Carriker  McDonald 3
Cherry  of Hidalgo 3
Clanton  McDonald of Rusk 3
Coles  McNeill 3
Collins  Mann 3
Cory  Markgraf 3
Cotten  Moyer 3
Coughran  Farmer 3
Crauf  Pendleton 3
Davis  Petty 3
Fairchild  Ploce 3
Finney  Richardson 3
Floyd  Bitter 3
Glenn  Roberts 3
Harting  Stack 3
Harris  Slider 3
Hines  of Galveston  Walker 3
Hinson  Ward 3
Hollowell  Wilson 3
Amend House Bill No. 462 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Article IV, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, (codified as Article 6687b of Vernon’s Texas Civil Statutes) is amended by adding thereto a new section, to be known as Section 24a, as follows:

"Section 24a. If a person has had or will have his license revoked because he has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, and such offense did not occur while engaged in driving a motor vehicle in the furtherance of his occupation or trade, he may after complying with subsection 2 file with the judge of the County Court or District Court in which the person was so convicted a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon if the petitioner has not been convicted of any such offense within the 18-month period immediately preceding the present conviction, the judge may order the Department of Public Safety to issue an occupational license to such person. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day (not to exceed 12), type of occupation and areas or routes of travel to be permitted under the license. A copy of the petition and the order for the occupational license shall be forwarded to the department."

"Section 2. No person 18 years of age or over shall file a petition for an occupational license unless he first pays to the county clerk a fee of Five Dollars ($5.00). The clerk shall give such person a receipt and shall send one-half of the amount to the Department of Public Safety and deposit the remainder in the general fund of the County.

"Section 3. The department may issue an occupational license upon receipt of a court order for such license, if at least 15 days have elapsed since conviction and upon proof of compliance with the Drivers Responsibility Law, or, unless the Department of Public Safety protects the granting of such order, a certified copy of such order containing the restrictions provided for in section 1 hereof may be used in lieu of the occupational license provided for herein so long as the driver and holder of such order conducts himself within the restrictions of such order and has complied with the provisions of the Drivers Responsibility Law.

"Section 4. Any person who violates the terms of this Act shall be guilty of a misdemeanor and upon conviction shall be punished in the manner as one convicted of driving a motor vehicle with driver’s license suspended. Any person convicted under this section of this Act shall have his driver’s license further suspended for six (6) months from the date of conviction and further shall not be entitled to the provisions of this Act during this suspension.

"Section 5. The fact that the
law is now discriminatory in that it deprives many persons of the privilege of following their occupations and earning a livelihood, 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 this Act shall take effect and be in force from and after its passage, and it is so enacted.”

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

Amend Committee Amendment to H. B. No. 462 by striking the last line of Sec. 3 and inserting therefor the following:

“and show proof of financial responsibility as a condition precedent to issuance of such license...”

The amendment offered by Mr. Fairchild to Committee Amendment No. 1 was adopted without objection.

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

A record vote was requested on the passage of H. B. No. 462 to engrossment.

The vote of the House was taken on the passage of H. B. No. 462 to engrossment and the vote was announced Yeas 69, Nays 72.

The verification of the vote was requested and was granted.

The roll of those voting Yes and Nay was again called and the verified vote resulted Yeas 69, Nays 49. Whereupon the Speaker voted Yes and the vote resulted as follows:

Yea — 69

Nay — 49

Mr. Speaker

Adams

Allen

Atwell

Ball

Barnes

Bass or Bowie

Berkham

Birkner

Bridges

Brown of Taylor

Bucy

Caine

Candies

Carpenter

Carroll

Cherry

Clayton

Coe

Collins

Cory

Cotten

Coughran

Crain

Davis

Dungan

Finney

Garrison

Glenn

Hallmark

Hanna

Hendrix

Hines

Hollis

Hostetler

Pleas

Pope

Powers

Parmer

Pearcy

Pendleton

Petty

Richardson

Ritter

Roberts

Rosson

Shipley

Shutt

Simpson

Silder

Smith of Jefferson

Stewart

Thompson

Traeger

Ward

Weldon

Weiss

Wieting

Mr. Speaker

Chapman

Alantis

Cook

Boaz of Harris

Cowen

Boyett

Crawley

Brown of Galveston

Caldwell

Edwards

Faithchild

Fletcher

Fondren

Fowmer

Gladden

Green

Huff

Harris

Harris of Galveston

Harris of Dallas

Harrases of Orange

Healy

Hefron

Hughes

Jarvis

Johnson of Dallas

Johnson of Bexar

Klager

Knapp

Koltka

Koehnmann

McGregor

McIlhany

Murnn

Muhtscber

Niego

Parkers

Peters

Pipkin

Pine

Prick

Richeon

Rodriguez

Satterwhite

Schiller

Segret

Shannon

Slat

Smith

Stolnwerck

Thermond

Townsend

Walker

Wheeler

Whitefield

Woods

March 4, 1963 HOUSE JOURNAL 845

Yeas — 69

Nays — 49

Adams

Allen

Atwell

Ball

Barnes

Bass or Bowie

Berkham

Birkner

Bridges

Brown of Taylor

Bucy

Caine

Candies

Carpenter

Carroll

Cherry

Clayton

Coe

Collins

Cory

Cotten

Coughran

Crain

Davis

Dungan

Finney

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Hollis

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Pleas

Pope

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Petty

Richardson

Ritter

Roberts

Rosson

Shipley

Shutt

Simpson

Silder

Smith of Jefferson

Stewart

Thompson

Traeger

Ward

Weldon

Weiss

Wieting
The Speaker stated that H. B. No. 462 was passed to engrossment by the above vote.

(The above record vote was requested by Mr. Roberts, Mr. Birkner and Mr. Hollowell.)

**REASON FOR VOTE**

I voted for House Bill No. 462 to permit a district judge to determine whether or not a man may drive a truck in the pursuit of his vocation and livelihood, after he has lost his driver’s license, because if this is the only way he has of making a living, it brings about a hardship on his wife and babies and causes them to be placed on welfare when the judge or the jury has taken his license away from him—it was done automatically. I think that the district judges will in this, as in all cases, use good judgment in granting this privilege. If he is permitted to continue his vocation, oftentimes it keeps his children from becoming hungry and without clothes. Certainly a person, if he is not imprisoned, should not be deprived of his only method of making a livelihood for his dependents.

**W. S. (BILL) HEATLY**

**REMARKS ORDERED PRINTED**

On motion of Mr. Cannon, and by unanimous consent, the remarks of Mr. Wells, addressing the House on personal privilege on today, were ordered printed in the Journal.

**HOUSE BILL NO. 623 ON SECOND READING**

Mr. Traeger moved that the necessary rule be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 623.

The motion prevailed without objection.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 630, A bill to be entitled "An Act amending Section 46 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (compiled as Article 7880-44 of Vernon’s Texas Civil Statutes); amending Article 1028; and amending Paragraph 5 of Article 7880 of the Revised Civil Statutes of Texas, 1921; to provide that where the board of equalization has raised the assessment of any person’s property, then the written notice to the owner of the property shall describe the property on which the assessment is to be raised, and the figure to which the board intends to raise it; providing that the board of equalization of every agency or political subdivision of this State which is authorized to levy ad valorem taxes shall when the property has been rendered for taxation by the owner or his agent, likewise include in their notice of reasseessment a description of the property and the figure to which the assessment is to be raised; eliminating the provision in Section 46 of Chapter 25, Acts of the 39th Legislature, 1925, providing that failure to give notice shall not relieve owner of duty to take notice and attend meeting; and declaring an emergency."

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

Mr. Traeger moved to reconsider the vote by which H. B. No. 630 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

**RECORD OF VOTE**

Mr. Ward requested to be recorded as voting Nay on the passage of H. B. No. 630 to engrossment.

**HOUSE BILL NO. 553 ON SECOND READING**

Mr. Moyer moved that the necessary rule be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 553.

The motion prevailed without objection.
The Speaker laid before the House on its second reading and passage to engrossment,

H. B. No. 523, A bill to be entitled "An Act authorizing the Board of Regents of the State Teachers Colleges to accept gifts and donations in order to establish a research center to be known as the Kilgore Research Center on the campus of West Texas State College; making provisions for the disbursement of the moneys received and for the maintenance and administration of the research center; granting the administration of the college authority to conduct a permanent research program, in conjunction with the donors, providing for severability and declaring an emergency."

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

Mr. Moyer moved to reconsider the vote by which H. B. No. 523 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

H. B. No. 738, A bill to be entitled "An Act establishing, authorizing, and providing for the Research Center on the campus of West Texas State College, in order to establish a research center to be known as the Killgore State Research Center on the campus of West Texas State College, in order to establish a research center to be known as the Killgore State Research Center on the campus of West Texas State College; making provisions for the disbursement of the moneys received and for the maintenance and administration of the research center; granting the administration of the college authority to conduct a permanent research program, in conjunction with the donors, providing for severability and declaring an emergency."

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

Mr. Moyer moved to reconsider the vote by which H. B. No. 738 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

H. B. No. 376, A bill to be entitled "An Act authorizing the Chairman of the Board of Regents of the State Teachers Colleges to exchange a certain tract of state-owned land for another tract of publicly-owned land of similar size; and declaring an emergency."

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

Mr. Richards moved that the necessary rule be suspended to take up, and have placed on its second reading and passage to engrossment, H. B. No. 376.

The motion prevailed without objection.

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

H. B. No. 738, A bill to be entitled "An Act establishing, authorizing, and providing for the County Industrial Training School District located in any county in this state having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last preceding federal census, so as to provide vocational training for residents and non-residents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than four (4) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such board to levy, assess, and collect taxes; providing that the district shall be operated on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom; authorizing the abolishment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Doke moved that further consideration of House Bill No. 738 be postponed until 11:00 o'clock a.m. next Wednesday, April 3, and the motion to postpone was lost.

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

Committee Amendment No. 1

Amend House Bill 738, Section 3 thereof, by inserting in sub-paragraph (1) between the word "coun- ties," and the words "and the election," the following:

"Upon such property values as established for county purposes,"

The Committee Amendment No. 1 was adopted without objection.

Mr. Cowden offered the following amendment to the bill:
Amend H. B. 131 by striking the word "shall" in Sec. 1, Line 20 and inserting in lieu thereof the word "may."

The amendment was adopted without objection.

H. B. No. 738 was passed to engrossment.

Mr. Adams moved to reconsider the vote by which H. B. No. 738 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 871 ON SECOND READING

Mr. Price moved that the necessary rule be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 871.

A record vote was requested.

The motion to suspend the necessary rule prevailed by the following vote:

**Yea—97**

Alabama Gibbens
Allen Gladden
Arlington Glenn
Austin Green
Bail Grover
Banister Hall of Brazos
Barber Hallmark
Beacham Harding
Berry Haring
Birkner Harris
Blaine of Galveston
Brown Bridges of Dallas
Brown of Galveston
Butler of Houston
Cain Hughes
Caldwell Jarvis
Caldwell Johnson of Dallas
Cannon Johnson of Bexar
Carroll Kilpatrick
Cavanaugh Kip
Carr Cherry
Carter Knapp
Catt Collins
Cavenaugh Lack
Coffey McDonald
Cowden of Hidalgo
Craig McLintock
Crawley Macatee
de la Garza Mann
Dall Morgan
Darwood Moyer
Dawson Murray
Dexter Mathew
Dunn Nagel
Foote Parker
Forsythe Scotland
Forsythe Simpson
Freyce Black
Frederick Stewart
Frazer of Bexar
Frazier Thompson
Pike Townsend
Rapp Trager
Richards Walker
Richardson Weidon
Ritter Wells
Rodriguez Wheeler
Satterwhite Wieling
Segrest Wilson
Shannon Woods

**Nay—46**

Adams Hendryx
Bass of Bowie Hinson
Bass of Harris Hollowell
Bayne Inaaf
Brooks Koliba
Brown of Taylor McClintock
Canales McDonald of Bexar
Carroll McElroy
Napin Markgraf
Cole Miller
Cook Niemeyer
Cory Roberts
Cowles Rosco
Duggan Schiller
Dungan Shipp
Eckhardt Slider
Fairchild Smith of Bexar
Garrision Smith of Jefferson
Guftey Ward
Healty Whatley
Hefton Whitfield

**Absent**

Crews Jamison
Floyd McLaughlin

**Absent—Excused**

Esquivel Guilliam

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 871, a bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties and parts thereof of composing the same, and providing for the election of a member of the Congress of the United States from each District; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.
Mr. Price moved that further consideration of House Bill No. 871 be postponed until 10:00 o'clock a.m. next Wednesday, April 3.

Mr. Hendryx moved, as a substitute motion, that House Bill No. 871 be recommitted to the Committee on Labor.

Mr. Price moved to table the substitute motion to recommit H. B. No. 871.

A record vote was requested on the motion to table.

The motion to table the motion to recommit H. B. No. 871 prevailed by the following vote:

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<th>Yeas</th>
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Adams    Jarvis
Bunfield  Klager
Basso      Lack
Bass of Harris  McClinton
Beckham   McNutt
Brooks    Marksgraf
Butler    Miller
Caldwell  Murchier
Canales   Niemeyer
Chapman   Peary
Clayton   Rosson
Collins   Schiller
Cowen     Shipley
Dugan     Shut
Dungan    Smack
Fairchild  Sudder
Garrick    Smith of Bexar
Gibbens   Smith of Jefferson
Guffer    Trager
Healy      Walker
Henton     Whaley
Hendryx   Whitfield
Hinson    Wilson
Isaacks

Present—Not Voting
McDonald of Rusk
Absent
Cook    McLaughlin
Floyd    Stewart
Absent—Excused
Exquirve  Qualiam
Ligarde

The motion to postpone further consideration of House Bill No. 249 until next Wednesday, April 3, at 10:00 o'clock a.m., then prevailed.

HOUSE BILL NO. 249 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 249, A bill to be entitled "An Act requiring cities having a population of three hundred fifty thousand (350,000) or more, but less than four hundred thousand (400,000) according to the last preceding federal census, to increase..."
the disability benefits contained in the State’s Retirement and Relief Fund, to make deductions from the salaries of firemen, to provide for the payment of state employees, an official letterhead of the Land Commissioner, and a State postage meter. The Land Commissioner claims he has made restitution from various sources for at least part of the State salaries involved; that he may pay some more and that he expects to be reimbursed for these payments—presumably by the committee which has been formed to fight the passage of House Bill No. 510.

Let us grant, for the sake of argument, that the Land Commissioner is going to do all of these things he says he will do. Some questions still remain in my mind—questions which do not bear directly on H. B. No. 510, but upon important matters of State policy.

1. The Land Commissioner does not own the list of Veterans’ Land purchasers. This is State property and should be used only for State business. By reimbursing the State for the costs of the mailing, the Land Commissioner is admitting that the use he has just made of this list was not State business. Otherwise, no restitution would be in order.

2. If the Land Commissioner can, with impunity, use this list to stir up opposition to a bill pending in this Legislature, presumably he can use it for any other purpose that suits his fancy. Can he send out political campaign material to this list of veterans, either for himself or a candidate for some other office? Can he use it to support or oppose any other bill? Can he send out advertising material, for insurance or automobiles or soap? How many times has he used this list for these or similar purposes? Is there any limitation upon the use of this list except the Land Commissioner’s whim or wishes? Members, if he can use this list for unofficial business and use State funds until he chooses to reimburse the State can you do the same? Is this list available to you to send out material so long as you pay it back sometime?

3. If the Land Commissioner did, as he says, use State materials, labor and postage for this purpose, with the intention of making restitution to the State and then being reimbursed from other sources, this presents—practically speaking—a SELL of the list to outsiders. Is this list for sale, and how much does it cost? Can the proponents of H. B. No. 510 buy it and send out their own material?

Incidentally, the Land Commissioner’s letter could stand some elaboration. I have seen a copy, and it makes absolutely no statement of fact about H. B. No. 510. It is merely his unsupported expression of a personal opinion. It gives the recipient no information upon which he might be able to make an independent judgment. The letter is designated to be an emotional, inflammatory, non-factual appeal.

The Land Commissioner is quoted in the morning papers to the effect that the school land fund will suffer great losses because State lands now commanded a one-sixth royalty which this H. B. No. 510 would cut to one-eighth. This statement shows that either he has not read the bill or
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doesn’t understand what he read. That provision of H. B. No. 510 applies only to UNLEASED lands. If the State has any one-sixth royalty lands lying around unleased, the question naturally occurs as to why the Land Commissioner does not go ahead and lease it. Also, H. B. No. 510 applies only after a discovery well has been completed in a common reservoir. I really don’t think the State would have any leasing problems—for one-sixth or even one-fourth royalty—on any lands believed to be in a producing reservoir.

This whole episode is highly improper, and reflects no credit on the Land Commissioner. It will reflect no credit on the Legislature, either, unless it takes appropriate steps to see that this sort of thing does not happen in the future.

I, therefore, intend to request that the Oil, Gas and Mining Committee make a full and complete investigation into these activities.

ADDRESS BY THE HONORABLE JOHN ALLEN

The following address by the Honorable John Allen, addressing the House on personal privilege on March 26, was ordered printed in the Journal:

Personal Privilege Speech by Representative John Allen on Tuesday, March 26, 1963.

Mr. Speaker, Ladies and Gentlemen of the House. My purpose for rising is to defend my friend, Jerry Sadler, Land Commissioner of the State of Texas. As a member of the sub-committee of the oil and gas committee, I was present when Mr. Sadler was asked whether or not he used stamps and stationery that belonged to the State for the purpose of copying House Bill 510 in letters sent to veterans, or veterans purchasing land under the veteran’s land program of Texas.

Mr. Sadler had on his person photostatic copies of two checks which were to reimburse the State and had already been paid the State for these expenses. Although Mr. Sadler felt that it was his right to use the mail of the State to inform the veterans he nevertheless, because of possible political implications, paid the State with his personal checks for the stamps and stationery. Excluding the financial stability of Mr. Sadler and being his personal friend, I want you to know that Mr. Sadler does not need to take stamps from the State. He could buy the whole business if he wanted to. I think it is wrong to accuse anyone of anything unless it can be proven that the intentions was to defraud the State. The accusations made toward Mr. Sadler were unnecessary and unwarranted. A man’s character can be ruined by accusations without facts to back them up. I stand by him because he is my friend and as a member of the sub-committee, I assure you that he has done nothing wrong. To the contrary, he has informed the veterans of their rights and this is his duty as Land Commissioner. I thank you.

ADJOURNMENT

Mr. Shipley moved that the House adjourn until 10:30 o’clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to adjourn, the House, at 5:28 o’clock p.m., adjourned until 10:30 o’clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

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. B. No. 68, A bill to be entitled “An Act amending Article 199 of the Revised Civil Statutes of Texas, 1955, as last amended by Chapter 641, Acts of the Forty-seventh Legislature, Regular Session, 1941, and Article 187 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 421, Acts of the Fifty-fifth Legislature, Regular Session, 1947, so as to create the Twelfth Supreme Judicial District and the Thirteenth Supreme Judi-
special District and to locate the Courts of Civil Appeals thereof; providing for jurisdiction of cases; 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 Engrossed Bills to whom was referred

H. B. No. 143, A bill to be entitled "An Act amending Article 1659 of the Revised Civil Statutes of Texas, 1925, so as to raise to Three Hundred Dollars ($300) the amount of emergency purchases a county may make without advertising for competitive bidding; 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 Engrossed Bills to whom was referred

H. C. No. 41, House Concurrent Resolution, granting permission to J. W. Lattles and/or Shell Oil Company to use the State.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 1, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

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.

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 13, An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 424, Acts of the Fifty-first Legislature, 1945, so as to change the name of West Texas State College to "West Texas State University"; ratifying and confirming in behalf of "West Texas State University" all legislative Acts and appropriations hereinafore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 69, An Act amending Subdivision 4 of Article 199, Title 8, Revised Civil Statutes of the State of Texas, 1925, as amended, so as to change the terms of the District Court of the 8th 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; confining all process, bonds and recognizances, and all grand and petit juries of the old terms; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

Hon. Byron M. Tunnell, Speaker of the House of Representatives.
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Sir: Your Committee on Enrolled Bills to whom was referred 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. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 156, An Act amending Section 14 of Senate Bill No. 221, Chapter 119, Acts 1955, Fifty-fourth Legislature, Regular Session, codified as Article 387lb, Texas Civil Statutes, authorizing the Board for Texas State Hospitals and Special Schools to use any personnel and facilities under its control and management for carrying out research in mental retardation; repealing all laws or parts of laws in conflict; and declaring an emergency. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 266, An Act amending Section 1 of House Bill No. 245, Chapter 231, Acts, 1961, Fifty-seventh Legislature, Regular Session, codified as Article 3174b-5, Vernon's Civil Statutes of the State of Texas, authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; repealing all laws in conflict; and declaring an emergency. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 294, An Act authorizing the West Side Calhoun County Navigation District to sell certain water supply facilities and appurtenances to Guadalupe-Blanco River Authority; validating, ratifying and confirming an agreement heretofore executed by and between said District and said Authority; and declaring an emergency. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred 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. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 358, An Act amending Acts of 1951, Fifty-second Legislature, Regular Session, Chapter 491, page 1065, as amended, codified as Article 21.09 of the Insurance Code of Texas, Vernon's Texas Civil Statutes, relating to countersigning of policies by local recording agents and exceptions therefrom, to exempt bid bonds issued in connection with any public or private contract; repealing all laws or parts of laws in conflict; providing for a severability clause; and declaring an emergency. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.
Sir: Your Committee on Enrolled

Bills to whom was referred

H. B. No. 377, An Act relating to

the creation, administration and

financing of a hospital district whose

boundaries are coterminous with

the boundaries of county commis-

sioners precincts numbered one and

two of Jasper County; providing for

severability; and declaring an emer-

gency.

Has carefully compared same and

finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 1, 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. 54, in memory of

Mr. Olin Guy Wellborn.

Has carefully compared same and

finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR

April 1, 1963

H. B. No. 1.

H. B. No. 12.

H. B. No. 59.

H. B. No. 88.

H. B. No. 156.

H. B. No. 266.

H. B. No. 360.

H. B. No. 368.

H. B. No. 377.

H. C. R. No. 54.

FOURTY-EIGHTH DAY

(Tuesday, April 2, 1963)

The House met at 10:30 o'clock

a.m., pursuant to adjournment, and

was called to order by the Speaker.

The roll of the House was called

and the following Members were

present:

Mr. Speaker

Guffey

Adams

Harris of Brazos

Alan

Hallmark

Allen

Harding

Artieda

Haring

Awell

Harris of Galveston

Ball

Harris of Dallas

Bandfield

Hays

Barnes

Hendryx

Bass of Briscoe

Henderson

Bass of Bowie

Hine

Bass of Harris

Hollis

Beckham

Houston

Berry

Isaacks

Birkner

Jamison

Bisson

Johnson of Dallas

Boyton

Johnson of Harris

Brocke

Johnson of Houston

Brown

Johnson of San Antonio

Brown of Galveston

Johnson of Taylor

Brown of Harris

Johnson of Travis

Brown of Orange

Ballenger

Johnson of Bexar

Bass or Harris

Johnson of El Paso

Bass or Harris

Johnson of Kansas

Bass or Houston

Johnson of the House

Bass or Harris

Johnson of Hidalgo

Beckham Hendryx

Kilpatrick

Berry Hinson

Knapp

Birkner Hollowell

Kogli

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Kolb

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