REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 4, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 80, An Act amending Article 5.01 of Chapter 5, Title 122A, Taxation-General, Revised Civil Statutes of Texas, being Article 6.01, of Chapter 5, of House Bill No. 11, Fifty-sixth Legislature, Third Called Session, 1959, levying an occupation tax on sulphur producers; providing the tax imposed shall be in lieu of the tax imposed by said Article 6.01; repealing all laws in conflict herewith; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

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Austin, Texas, April 4, 1963
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Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

SENT TO GOVERNOR April 4, 1963

H. B. No. 80.

FIFTY-FIRST DAY
(Monday, April 4, 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:

Absent—Excused

Carpenter

A quorum of the House was announced present.

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

"Our Heavenly Father, this week our thoughts turn once more to the gift of life that Thou hast purchased for our souls. Surely, Thou hast loved us. Let us turn in these days of remembrance to the main spring of our faith and be refreshed in body and in soul, conscious of Thy love, Thy sacrifice and Thy commission.

"In the days of this week of commemoration may we be brought to face the truth that He followed and to live by His words and His Spirit, with the same steadfast purpose from which He would not shrink.

"Through Him who is our Lord, we pray—Amen."

Mr. Carpenter was granted leave of absence for today and the remainder of the week on account of illness, on motion of Mr. Carricker.

MEMORIAL RESOLUTION ADOPTED

H. S. R. No. 352, By Guffey: In memory of Peter Barton.

HOUSE BILLS ON FIRST READING

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

By Brown of Galveston, Caldwell, Johnson of Bexar, Harris of Galveston, Schiller and Haines of Brazos:

H. B. No. 1011, A bill to be entitled "An Act providing penalties for failure to stop vehicle at command of a police officer; providing a savings clause; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Cavness, Cain, Eitter and Foreman:

H. B. No. 1012, A bill to be entitled "An Act changing the name of the institution now referred to as the "Texas Confederate Home for Men" or as the 'Confederate Home' to the 'Central Texas State Hospital'; and providing that the new name shall be substituted for the old wherever the latter appears in the statutes or the Constitution of the State of Texas; providing an effective date; and declaring an emergency."

Referred to the Committee on State Affairs.

By Carpenter:

H. B. No. 1013, A bill to be entitled "An Act providing for the creation of West Coke County Hospital District with boundaries coextensive with the boundaries of Commissioners' Precincts 1 and 3 of Coke County, pursuant to authority granted by section 9 of Article IX of the Texas Constitution; providing for elections on the questions of the creation of such District and the levy of a tax not to exceed Twenty-five Cents (25¢) for its maintenance support, the indebtedness assumed, and the payment of bonds issued by it; providing the transfer of hospital facilities and assumption of indebtedness and assets; providing the District with power to issue bonds, and methods for authorizing same, for the purpose of the purchase, construction acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes, and for any and all such purposes, and for the refunding of such bonds; providing that bonds issued by the District shall be lawful investments and security for certain funds; providing a governing body for such District; its powers and duties and the tenure of its members; withdrawing authority for the sale of bonds or levy of taxes for hospital purposes within the District by Coke County or any other municipality or political subdivision therein; enacting other provisions incident and germane to the subject and purpose of this Act; providing a severance clause and declaring an emergency."

Referred to the Committee on Counties.

SENATE BILLS ON FIRST READING

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

S. B. No. 132 to the Committee on State Affairs.

S. B. No. 242 to the Committee on State Affairs.

S. B. No. 270 to the Committee on Criminal Jurisprudence.

PERMISSION GRANTED TO INTRODUCE A HOUSE BILL

Mr. Arledge moved to suspend the necessary rules in order to introduce H. B. No. 1914 at this time.

The motion prevailed without objection.

MOTION TO INSTRUCT COMMITTEE

Mr. Cherry moved that the Committee on State Affairs be instructed to report on H. B. No. 77. Mr. Allen moved to table the motion. A record vote was requested.

The motion to table the motion to instruct the Committee on State Affairs prevailed by the following vote:

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(The above record vote was requested by Mr. Richard, Mr. Cherry and Mr. Farmer.)
MESSAGE FROM THE SENATE

Austin, Texas, April 8, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

H. B. No. 14, By Petty: Providing for appointment of bank examiners, etc., and declaring an emergency. (as amended)

H. C. R. No. 22, By Parsley: Petitioning the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

H. B. No. 525, By Moyer: Authorizing the Board of Regents of the State Teachers Colleges to accept gifts and donations in order to establish a research center; and declaring an emergency. (as amended)

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 35, "An Act amending Chapter 125 of the Forty-fifth Legislature, 1957, as last amended by Chapter 275, Acts of the Fifty-fifth Legislature, 1957 (compiled as Article 624a, Vernon’s Texas Civil Statutes), providing in all cities of less than one hundred and eighty-five thousand (185,000) inhabitants according to the last preceding Federal Census, for a program of contributions and membership to the Firemen’s Relief and Retirement Fund; providing for the investment of fund proceeds in certain cities; providing for the hiring of an actuary in cities with a population of eighty-five thousand (85,000) or less according to the last preceding Federal Census; providing the Act shall not apply to pending litigation; repealing all laws in conflict; and declaring an emergency."

H. B. No. 75, "An Act authorizing the Board of Directors of the Texas College of Arts and Industries to acquire land in Hidalgo County; to pledge future revenue of land acquired and bookstore future net revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency."

H. B. No. 21, "An Act reducing the membership of the Game and Fish Commission to three (3) members; reconstituting and changing the name of the Game and Fish Commission to the Parks and Wildlife Department; terminating the term of office of the present members of the Game and Fish Commission with the effective date of this Act; providing for the appointment, term of office, powers, duties and authority of the members of the Parks and Wildlife Commission; providing for the appointment of an executive director of the Parks and Wildlife Department by the Parks and Wildlife Commission; providing for the appointment of an executive director of the Parks and Wildlife Department by the Parks and Wildlife Commission; providing for the employment of heads of divisions, game and fish wardens, park managers, and other employees; making other provisions relating thereto; abolishing the State Parks Board; terminating the terms of office of the present members of the State Parks Board; transferring all powers and duties of the State Parks Board prior to the effective date of this Act to the Parks and Wildlife Department; prescribing the powers, duties and authority of the Parks and Wildlife Commission; providing the purposes for which the Special Game and Fish Fund can be expended; making other provisions relating to the organization, powers, duties and authority of the Parks and Wildlife Department; repealing all laws in conflict; and declaring an emergency."

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

H. C. R. No. 52, Relative to adjournment for the Easter Holidays.
AMENDMENT TO H. B. NO. 562
AUTHORIZED

Mr. Elder asked unanimous consent that the Enrolling and Engrossing Clerk be authorized to insert the word "Garza-Little Elm Lake," in the quoted Section 15 (a) of House Bill No. 562 which was inadvertently omitted.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 16 WITH SENATE AMENDMENTS

Mr. Petty called up with Senate Amendments for consideration at this time,

H. B. No. 16, A bill to be entitled "An Act amending Chapter II, Article 4; Chapter III, Article 4; Chapter III, Article 5; Chapter V, Article 4; Chapter IX, Article 2; and Chapter IX, Article 8 of the Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943, and amending Chapter V of The Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943, by adding a new article designated as Article 9a; providing for the appointment of bank examiners; for perpetual corporate existence for state banks; for the investigation of citizenship of applicants for the State Banking Board and payment of expenses thereof; for real estate loans, limitations and exceptions; authorizing bank stockholders and employees to take acknowledgments of instruments in which the bank is interested; defining "banking house," providing for equal application of state law to state and national banks; providing for severability; providing that all laws or parts of laws, including specifically the provisions of Chapter 24, Article 1, Section 1, Acts of the 57th Legislature, 1st Called Session, 1961, and the provisions of Chapter 1, Section 1, Acts of the 66th Legislature, 3rd Called Session, 1959, as amended, which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency."

On motion of Mr. Petty, the necessary rules were suspended in order to concur in the Senate Amendments to H. B. No. 16.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 16

Senate Amendment No. 1

Amend House Bill 16, Section 3 by striking the following language on lines 8 and 9, "on such form and including therein such information as may be prescribed by the Commissioner," and by inserting between the first and second sentences as follows:

"Provided, however, that it shall not be necessary to present any application for a State Bank Charter on printed forms prepared by the State Banking Board, or the State Banking Department or the Commissioner of Banking, or under their or his directions, but any application which shall contain substantially the information required by this Act shall be deemed compliance therewith. Forms prepared by the Department or Commissioner may be used. Subsequently to the filing of any application for a Charter the Commissioner may require additional information in connection therewith. Upon presentation to the Department or the Commissioner during regular business hours, such application shall be immediately filed and processed in the normal course of business, without delay or prejudice. In the event any citizen of this State shall request a set or sets of printed forms, prepared by the Department or the Commissioner, to be used in applying for a State Bank Charter from the State Banking Board or the State Banking Department or the Commissioner thereunder, or any employee thereof or therein, such forms shall be forthwith furnished and such applicant or citizen shall not be asked, nor shall be required to disclose any information, at such time, concerning any proposed application for a State Bank Charter prior to its filing. The violation of any provision or requirement herein or the failure or refusal on the part of any official or employee of the State Banking Department to comply with any provision or requirement herein shall be cause for removal from office or dismissal from employment by the State Banking Board."
House Amendment No. 2
Amend caption to conform to body of bill.

TO CONGRATULATE THE HONORABLE R. H. (DICK) CORY

Mr. Mutscher offered the following resolution:

H. S. R. No. 368

Whereas, One of the most able and productive Members of this House is the Honorable R. H. (Dick) Cory of Victoria; and

Whereas, Elected in 1954 to represent the people in Victoria and Calhoun Counties, he is now serving his fifth consecutive term in the House. He has been in the Legislature during the leadership of three Governors, Allan Shivers, Price Daniel and John Connally; and

Whereas, in past sessions of this House he has been Chairman of the State Affairs, Rules, Motor Traffic and Insurance Committees; and

Whereas, He has been the author or the co-author of vital legislation during his incumbency, including a bill creating the State Board of Insurance, the Lobby Control Act, the Water Pollution Law, the Law Enforcement Commission, Constitutional Revisions, and a bill to do away with waste, inefficiency and duplication of service in State Government, known in our vernacular as "Cory's Little Hoover Commission," and the Teacher Retirement Bill of 1963; and

Whereas, Dick Cory is a native of California, born at San Mateo, April 7, 1918. His parents were I. H. Cory and the late Minnie Cory. He is married to the attractive Marie Helen Cory and has two lovely daughters, Susan Marie and Mary Elizabeth; and

Whereas, Despite his comparative youth, he has served his State well, his Nation, in military service during the war, and his favorite city, Victoria, Texas, where he has been very active in civic affairs. As evidence of his community service and the public spirit which characterizes his career, he was elected "Outstanding Young Man" of Victoria in 1950. He is past Exalted Ruler of the Order of Elks, past president of the Kiwanis Club, a skipper for the Victoria Sea Scouts from 1948 to 1958. Educated in the law, he has been a practicing attorney for fifteen years and a former judge of the corporation court; and

Whereas, It is easy to understand that many of his colleagues look upon Dick Cory as representative of the best that is possible in a legislator; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas, extends belated birthday congratulations to the Honorable R. H. (Dick) Cory, and as he begins his forty-fifth year today, wishes him continued success and happiness.

Signed: Mutscher and Crain.

The resolution was read and was adopted.

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

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 361, By Parker, Kilpatrick, Weldon and Smith of Jefferson: Commending outstanding Seniors from Jefferson County.

H. S. R. No. 362, By Foreman, Cain, Cavness and Ritter: Recognizing the Sixth Grade Class of Pearce Junior High School.

H. S. R. No. 357, By Cannon: Congratulating Tommy Flatt.

H. S. R. No. 360, By Guffey: Commending Mrs. Eda Harbes.


H. S. R. No. 364, By Johnson of Bexar, Kothmann, Berry, Esquivel, Alanis and Segrest: Congratulating the Right Reverend Everett H. Jones.
On Its second reading and passage to engrossment,

H. B. No. 395, A bill to be entitled

"An Act providing that no state agency or political subdivision of the State of Texas or any individual, firm, association, partnership or corporation doing business in the State of Texas shall deny employment to any person or shall discharge from employment any person solely because of age, providing such person is between the ages of eighteen (18) and sixty-five (65); providing penalties; providing severability; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 395 by striking out all below the enacting clause and substituting therefor the following:

Section 1. It is hereby declared to be the policy of the State of Texas that no person shall be denied the right to work, to earn a living, and to support himself and his family solely because of age.

Section 2. No agency, board, commission, department, or institution of the government of the State of Texas nor any political subdivision of the State of Texas shall establish a maximum age for employment, nor shall any person who is a citizen of this State be denied employment by any such agency, board, commission, department or institution or any political subdivision of the State of Texas solely because of age.

Section 3. 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.

Section 4. The fact that older persons often meet with resistance to employment solely because of their age and the further fact that citizens of this state should be allowed to earn a living, to work, and to support themselves and their families, and because such persons should not be
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denied the opportunity -Of employ­
ment by any agency, board, com­
misston, department, or institution of the government of the State of Texas or any political subdivision of the State of Texas creates an emer­
gency and an imperative public neces­
sity that the Constitutional Rule
requiring bills to be read on three
several days in each House be sus­
pended, and this Rule is hereby sus­
pended, and that this Act take effect
and be in force from and after its
passage, and it is so enacted.

The amendment was adopted with­
out objection.

H. B. No. 395 was then passed to
engrossment.

HOUSE BILL NO. 680 ON SECOND
READING

Mr. Hendryx moved that all the
necessary rules be suspended for
the purpose of taking up and consider­
ing at this time House Bill No. 680.

The motion prevailed by unani­
mous consent.

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

H. B. No. 680, A bill to be entitled
"An Act authorizing independent
school districts to borrow money for
current maintenance expenses; pro­
viding for the method of evidencing
such loans by the issuance of negoti­
able notes; prescribing the conditions
under which such notes may be is­
sued; enacting other provisions re­
lating to the subject; providing that
this Act is cumulative of Article
2827, V.A.R.S. of Texas; and de­
claring an emergency."

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

MOTION TO PLACE H. B. NO. 491
ON SECOND READING

Mr. Hughes moved that all the
necessary rules be suspended for the
purpose of taking up and consider­
ing at this time House Bill No. 491.

A record vote was requested.

The motion to suspend the rules
was lost by the following vote:

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MOTION TO PLACE H. B. NO. 847 ON SECOND READING

Mr. Fairchild moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 847.

The motion to suspend the rules was lost.

RECORD OF VOTE

Mr. Whitfield requested to be recorded as voting Nay on the motion to suspend the rules to consider H. B. No. 847.

REASON FOR VOTE

I voted not to suspend the rules to take up H. B. No. 847 as I oppose this bad bill.

Paul Floyd

HOUSE BILL NO. 684 ON SECOND READING

Mr. Arledge moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 684.

The motion prevailed.

Mr. Beckham moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 380.

The Speaker laid before the House The motion prevailed by unanimous consent to engrossment, H. B. No. 684, A bill to be entitled

"An Act regulating the operation, purchase, and acquisition of aircraft by state agencies, departments and institutions, and the use thereof, and providing for sale or disposal of all state owned executive-type aircraft by all agencies, departments and institutions, with the exception of the Texas Department of Public Safety; defining 'executive-type aircraft' as aircraft with horsepower in excess of 260; exempting the Texas National Guard and the Texas State Guard from the provisions of this act; prescribing records to be kept on use and operation of state-owned aircraft and for annual audit thereof; prescribing procedure for purchase and acquisition and operation and maintenance of aircraft by state agencies, departments and institutions; and declaring an emergency."

The bill was read second time.

Mr. Arledge offered the following amendment to the bill:
Amend House Bill 644, Section 2, line 41, of the printed bill, by striking out the figure 260 and inserting in lieu thereof the figure 300.

The amendment was adopted without objection.

Mr. Hollowell offered the following amendment to the bill:

Amend H. B. 644, Section 1 (line 25, page 1) of the printed bill by inserting:

"the Texas Air National Guard" after words: "Texas National Guard."

Signed: Hollowell and Johnson of Dallas.

The amendment was adopted without objection.

Mr. Price offered the following amendment to the bill:

Amend H. B. 644 by placing the words "and Texas General Land Office." on line 32 of the printed bill between the word "Safety" and "the."

Mr. Arledge moved to table the amendment offered by Mr. Price.

A record vote was requested.

Yeas: 73

Nays: 69

Yeas—73

Adams Cowles
Allen Crews
Arledge Davis
Atwell Dike
Ball Dugan
Banfield Barbee
Barrow Fairchild
Bass of Bowie Finner
Bass of Harris Floyd
Beckham Garrison
Berry Gibbons
Bir analyze Glenn
Bridges Grover
Brooks Haltmark
Brown Harris
of Galveston of Galveston
Brown of Taylor Healy
Butler Hendrix
Cala Houston
Canalis Janacks
Clayton Johnson of Dallas
Cotten Kilpatrick
Coughran Klager

Nays—69

Alain Lack
Blaine Learde
Bountry plateau of Hidalgo
Calnwell McDonald
Cannon McDonald of Rusk
Carriker McGregory
Cavness McPherson
Chapman McLaughlin
Cherry Markgraf
Cole Murray
Collins Mutscher
Cory Nagren
Cowden Parker
de la Garza Pearcy
Eckhardt Pendelion
Edwards Pinkin
Esquivel Price
Fliechter Quilliam
Fondren Richards
Foreman Roddards
Gladden Rider
Green Roberts
Guay Rosser
Haines of Braxon Puterwhite
Harding Schiller
Haring Slidell
Harris of Dallas Smith of Jefferson
Haynes of Orange Thurmond
Hefton Townsend
Hinson Ward
Hollowell Weldon
Janess Wells
Jarvis Whitley
Johnson of Bexar Wilson
Kothmann Woods

Present—Not Voting

Crain Absent

Cook Shutt
Hughes Wieting

Absent—Excused

Carpenter
A record vote was requested on the passage of H. B. No. 684 to engrossment. H. B. No. 684 was passed to engrossment by the following vote:

**Yeas**—93

Adame
Allen
Arledge
Atwell
Ball
Barnes
Bass of Harris
Bass of Houston
Beckham
Berry
Birkner
Bridges
Brooks
Brown of Galveston
Brown of Houston
Brown of Taylor
Butler
Cain
Caldwell
Canalis
Clayton
Cotten
Cowden
Cowles
Craws
Day
Duke
Duggan
Eckhardt
Equival
Fairchild
Finney
Floyd
Garrison
Gibbons
Giddens
Glenn
Green
Grover
Hallmark
Harding
Harris
Harris of Galveston
Harris of Dallas
Heath
Heffon

**Nays**—53

Alanis
Blalke

**Carriere**
**McGregor**
**Cavness**
**McMinn**
**Chapman**
**McLaughlin**
**Cherry**
**Mutchler**
**Cole**
**Niemeyer**
**Collins**
**Nugent**
**Coughran**
**Parker**
**Grain**
**Pearcy**
**de la Garza**
**Pipkin**
**Duncan**
**Price**
**Edwards**
**Richards**
**Fletcher**
**Richardson**
**Pondrem**
**Rister**
**Foreman**
**Robert**
**Guftey**
**Schiller**
**Haines of Broas**
**Smith of Jefferson**
**Hays of Orange**
**Thurmond**
**Hilson**
**Townsend**
**Issacks**
**Ward**
**Jamison**
**Wells**
**Johnson of Bexar**
**Lack**
**Wistle**
**Liguez**
**Wilson**

VOTES RECORDED

By unanimous consent of the House, Mr. Moyer was granted permission to be recorded as voting Nay on the motion to table the amendment offered by Mr. Walker to H. B. No. 871, the vote being on April 3.

By unanimous consent of the House, Mr. Hefton was granted permission to be recorded as voting Yes on the motion to table the amendment offered by Mr. Walker to H. B. No. 684, the vote being on April 3.

RECESS

Mr. Mann moved that the House recess until 2:46 o'clock p.m. today.
The motion prevailed.

In accordance with the motion to recess, the House, at 12:47 o'clock p.m., took recess until 2:45 o'clock p.m.

AFTERNOON SESSION

The House, at 2:45 o'clock p.m. and was called to order by the Speaker.

BILLS 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. 46. A bill to be entitled "An Act to carry into effect the provisions of the amendment adding Section 49-d to Article III of the Texas Constitution adopted at the General Election held on November 6, 1962; authorizing the acquisition and development of storage facilities by the Texas Water Development Board under certain conditions, defining certain terms; authorizing the Texas Water Development Board under certain conditions to execute long term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government; limiting expenditures by the Texas Water Development Board for acquiring storage facilities as to principal obligations of Fifty Million Dollars ($50,000,000) and not to exceed Fifteen Million Dollars ($15,000,000) for storage facilities in any single project; prescribing conditions for approval of Texas Water Development Board to acquire and develop storage facilities or to contract with the United States therefor; prescribing prerequisites before acquisition by Texas Water Development Board of storage facilities; prescribing prerequisites, conditions and terms of sale, transfer or lease by Texas Water Development Board of acquired storage facilities; providing for collection, deposit, transfer and use of money received from any sale, transfer or lease of acquired storage facilities; authorizing the Texas Water Development Board to store unappropriated public waters of the state in acquired storage facilities and to sell any of said public waters under prescribed conditions and provisions; providing for use of money received from sale of water and standby service; authorizing Texas Water Development Board to release unappropriated public waters stored in acquired storage facilities to relieve an emergency condition under certain conditions; affording political subdivisions a preferential right to purchase, acquire or lease storage facilities or to purchase water in storage from the Texas Water Development Board; authorizing the Texas Water Development Board to contract with political subdivisions or agencies of the State and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities and to pay for such services; authorizing the Texas Water Development Board to contract with political subdivisions or agencies of the State and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the State has acquired storage facilities and providing for the use of income derived therefrom and authorizing the Legislature to make appropriations for developing and operating such recreational facilities; requiring approval by the Attorney General of Texas as to legality of any resolution or contract of the Texas Water Development Board relating to the acquisition and development of storage facilities, any sale, lease or transfer of acquired storage facilities, any sale of water impounded in acquired storage facilities and for the development and operation of recreational facilities; authorizing the Texas Water Development Board and the Texas Water Commission to promulgate rules and regulations which shall be approved by the Attorney General of Texas and filed with the Secretary of State; providing a repealing clause; prescribing a severability clause; and declaring an emergency."

TO CONGRATULATE THE HONORABLE JOHN E. BLAINE AND MRS. BLAINE

Mr. Mann offered the following resolution:

H. S. R. No. 371

Whereas, It is the desire of the House of Representatives to share the pride and happiness of one of its Members on a special occasion in his life; and
Whereas, Colonel John E. Blaine, our respected colleague from El Paso, and Mrs. Blaine on April 7, 1963, celebrated their Golden Wedding Anniversary; and

Whereas, They were married in Taylor, Texas, fifty years ago. Mrs. Blaine is the former Miss Anna Randolph; and

Whereas, Colonel Blaine had a notable army career before he entered politics to serve his State. He is serving his fifth term as a Member of this House; and

Whereas, Celebrating in Austin Sunday with Colonel and Mrs. Blaine were their son, John Blaine, Jr., of Los Angeles, who flew here for the event, and their granddaughter, Mrs. Betty Bacon, who is visiting them in Austin; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas extends its felicitations to Colonel and Mrs. John E. Blaine on this most auspicious occasion, and wishes them continued good health and happiness.

Signed: Mann, Satterwhite, Parsley, Brown of Taylor, Moyer and Thompson.

The resolution was read and was adopted unanimously.

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

HOUSE BILL NO. 451 ON SECOND READING

Mr. Jarvis moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 451.

The motion prevailed.

Mr. Jarvis moved to reconsider the vote by which H. B. No. 451 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTES

Mr. Ward requested to be recorded

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Whereas, Colonel John E. Blaine, our respected colleague from El Paso, and Mrs. Blaine on April 7, 1963, celebrated their Golden Wedding Anniversary; and

Whereas, They were married in Taylor, Texas, fifty years ago. Mrs. Blaine is the former Miss Anna Randolph; and

Whereas, Colonel Blaine had a notable army career before he entered politics to serve his State. He is serving his fifth term as a Member of this House; and

Whereas, Celebrating in Austin Sunday with Colonel and Mrs. Blaine were their son, John Blaine, Jr., of Los Angeles, who flew here for the event, and their granddaughter, Mrs. Betty Bacon, who is visiting them in Austin; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas extends its felicitations to Colonel and Mrs. John E. Blaine on this most auspicious occasion, and wishes them continued good health and happiness.

Signed: Mann, Satterwhite, Parsley, Brown of Taylor, Moyer and Thompson.

The resolution was read and was adopted unanimously.

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

HOUSE BILL NO. 451 ON SECOND READING

Mr. Jarvis moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 451.

The motion prevailed.

The Speaker laid before the House, motion to table was lost.

RECORD OF VOTES

Mr. Ward requested to be recorded
as voting Nay on the passage of H. B. No. 451 to engrossment.

Mr. de la Garza requested to be recorded as voting Yea on the passage of H. B. No. 503.

Mr. Shipley requested to be recorded as voting Nay on the passage of H. B. No. 503.

MESSAGE FROM THE SENATE

Austin, Texas, April 8, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

S. B. No. 459, By Creighton: Relating to the salary of the official shorthand reporter of the 29th Judicial District, and declaring an emergency.

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

HOUSE BILL NO. 49 ON SECOND READING

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

H. B. No. 49, A bill to be entitled "An Act amending certain parts of Acts 1933, 43rd Leg., p. 843, ch. 241, as amended by Acts 1934, 43rd Leg., 2nd C. S., p. 63, ch. 21, by Acts 1941, 47th Leg., p. 625, ch. 577, by Acts 1943, 48th Leg., p. 33, ch. 31, and by Acts 1961, 57th Leg., p. 264, ch. 129, (a) particularly subsection (a) thereof, by providing for transfer to and vesting in the Department of Public Safety of the State of Texas all authority and power heretofore delegated and granted by said Acts to the Commissioner of Labor Statistics with respect to boxing contests and wrestling matches; providing for transfer of personnel, property, equipment and records now a part of and the duties, functions and responsibilities of the Bureau of Labor Statistics to the Department of Public Safety; further defining its power and duties; repealing all conflicting laws but retaining in full force and effect existing provisions regulating boxing and wrestling; providing for transfer of funds credited to the Bureau of Labor Statistics to the credit of the Department of Public Safety; providing severality; and declaring an emergency."

The bill was read second time.

Mr. Green offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend House Bill 49, by Parker, by substituting the words "World Boxing Association" for the words "National Boxing Association" wherever they appear in the Act.

The amendment was adopted without objection.
Mr. Doke offered the following amendment to the bill:

Amend House Bill 49, Section 4, by striking the word “shall” wherever it appears in this section and substituting in lieu thereof the word “may.”

At the end of Section 4, add, “The Boxing and Wrestling Division of the Department of Public Safety is hereby authorized to make any changes in these codes which it deems in the best interest of these sports in the State of Texas.”

The amendment was adopted without objection.

Mr. Miller offered the following amendment to the bill:

Amend H. B. 49 by striking the last sentence in Section 4 thereof, beginning with the words “The definition of phrases,” and ending with “National Amateurs Athletic Union” on lines 16, 17, and 18 of the printed bill.

The amendment was adopted without objection.

H. B. No. 49 was then passed to engrossment.

Mr. Parker moved to reconsider the vote by which H. B. No. 49 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

The Speaker announced the appointment of the following Conference Committee on H. B. No. 50:

Representatives: Harding, Cook, Cotten, Slider and Woods.

H. B. No. 49 on second reading

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

H. B. No. 72, A bill to be entitled “An Act conditioned upon the adoption of a Constitutional Amendment abolishing payment of the poll tax as a prerequisite for voting and authorizing the enactment of a general registration law; amending the Election Code of the State of Texas to provide a permanent registration system for voters and to require registration as a prerequisite for voting in all elections; providing that the county clerk shall be the registrar of voters in each county; providing for the qualifications to be a registered voter; providing procedures for registration and for cancellation of registration; providing for identification of voters at the polls; providing for designation of party affiliation on the registration record of a voter, and limiting participation in the primary elections and conventions of a political party to voters currently registered as affiliated members of the party; making other provisions for effectuating the purposes of the Act; stating the effect of the Act on existing laws relating to poll taxes and exemption certificates; repealing Sections 41 through 56 of the Election Code of the State of Texas, and repealing all other conflicting laws to the extent of the conflict; providing for the effective date; providing for severability; and declaring an emergency.”

The bill was read second time.

Mr. McGregor moved that further consideration of H. B. No. 72 be postponed until Tuesday, April 16, at 10:00 o’clock a.m.

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

H. B. No. 144 on second reading

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

H. B. No. 144, A bill to be entitled “An Act amending Section 1 of Chapter 159, Acts of the 64th Legislature, Regular Session, 1956, as amended, compiled as Article 989a, Vernon’s Code of Criminal Procedure, so as to establish the office of Medical Examiner in all counties having a population of more than five hundred thousand (500,000), according to the last preceding census; and declaring an emergency.”

The bill was read second time.

Mr. Richardson offered the following committee amendment to the bill:
Committee Amendment No. 1

Amend House Bill No. 144 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 1 of Chapter 158, Acts of the 54th Legislature, Regular Session, 1955, as amended by Section 1 of Chapter 327, Acts of the 57th Legislature, Regular Session, 1961 (compiled as Section 1 of Article 989a, Vernon's Code of Criminal Procedure), is amended to read as follows:

'Section 1. Subject to the provisions of this Act, the commissioners court of any county which has a population of more than five hundred thousand (500,000) persons, according to the last preceding federal census, which has not previously established the office of medical examiner and which does not have therein a "reputable medical school," as that term is defined in Articles 4501 and 4503, Revised Civil Statutes of Texas, 1925, as amended, shall call an election to determine by majority vote whether the county shall establish the office of medical examiner. Elections called under this section shall be held on or before the first Tuesday following the first Monday in November, 1963. All ballots at such elections shall have printed thereon the following:

"FOR the establishment in County (naming county) of the office of medical examiner."

"AGAINST the establishment in County (naming county) of the office of medical examiner." Where the majority of the qualified electors in any county approve the establishment of the office of medical examiner, as provided herein, the commissioners court of the county shall provide for the establishment and maintenance of such office as of the first day of January, 1964.'"

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted without objection.

H. B. No. 144 was then passed to engrossment.

Mr. Gladden moved to reconsider the vote by which H. B. No. 144 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

'HOUSE BILL NO. 148 ON SECOND READING

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

H. B. No. 148, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended; Chapter 482, Acts of the 44th Legislature, Regular Session, 1927, as amended, and as embraced in subsection (d) of Section 4 providing for benefit eligibility conditions; providing for an effective date for this Act; and declaring an emergency."

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

RECORD OF VOTES

Mr. Esquivel requested to be recorded as voting Nay on the passage of H. B. No. 148 to engrossment.

Mr. Honoré Ligarde requested to be recorded as voting No on H. B. 148 by Gibbens.

HOUSE BILL NO. 162 ON SECOND READING

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

H. B. No. 162, A bill to be entitled "An Act amending Subsection (1) of Section 9 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, 1937, as last amended by Chapter 225, Acts of the Forty-eighth Legislature, 1943 (compiled as Subsection (1), Section 9 of Article 725b, Vernon's Texas Penal Code), so as to
place paregoric within the list of nauseas to be sold by pre-
scription only; and declaring an
emergency."

The bill was read second time.

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

Committee Amendment No. 1 to
House Bill 162

Amend House Bill 162 by deleting
everything below the striking clause
and inserting in lieu thereof the fol-
lowing:

Be It Enacted By The Legislature
of the State of Texas;

Section 1. Sec. 8 of Art. 725b of
the Penal Code, Acts 1937, 46th Legis-
lature, p. 333, Chapter 169, as
amended, Acts 1941, 47th Legisla-
ture, p. 647, Chapter 393. Para-
graph 1, is hereby amended so as
to hereafter read as follows:

"Sec. 8. Except as otherwise in this
Act specifically provided, this
Act shall not apply to the following
cases:

Where a licensed physician, dentis-
t, or veterinarian administers or
dispenses; or where a licensed phar-
macist fills, at retail any

(1) Pharmaceutical preparations
containing not more than 18.3 mgs.
(1/4 gr.) codeine, or any of its salts,
per 29.54 cc (1 fl. oz.) or per 28.3
Gms. (1 av. oz.);

(2) Pharmaceutical preparations
containing noscapine, or any of its
salts;

(3) Pharmaceutical preparations
containing papaverine, or any of its
salts;

(4) Pharmaceutical preparations
containing narceine, or any of its
salts;

(5) Pharmaceutical preparations
containing cotarnine, or any of its
salts;

(6) Pharmaceutical preparations
containing not more than 33.6 mgs.
(1/2 gr.) dihydrocodeine, or any of
its salts, per 29.54 cc (1 fl. oz.)
or per 28.3 Gms. (1 av. oz.);

(7) Pharmaceutical preparations
in solid form containing not more
than 2.5 mgs. diphenoxylate and not
less than 35 micrograms atropine
sulfate per dosage unit;

(8) Pharmaceutical preparations
in solid form containing not more
than 18.2 mgs. (1/4 gr.) morphine,
or any of its salts, per 28.3 Gms.
(1 av. oz.);

(9) Pharmaceutical preparations
containing not more than 18.3 mgs.
(1/4 gr.) ethylmorphine, or any of
its salts per 26.59 cc (1 fl. oz.) or
28.3 Gms. (1 av. oz.);

(10) Pharmaceutical preparations
containing nalorphine, or any of
its salts.

The exemptions in subsections
(1), (6), (7), (8), and (9) as au-
thorized by this section shall be
subject to the following conditions:

(1) That the medicinal preparation
administered, dispensed, or sold,
shall contain in addition to the
narcotic drug in it, some drug or
drugs conferring upon it medicinal
qualities other than those possessed
by the narcotic drug alone; and
(2) that such preparation shall be ad-
dministered, dispensed, and sold in
good faith as a medicine, and not
for the purpose of evading the pro-
visions of this Act. The exemptions
in subsections (2), (3), (4), (5),
and (10) as authorized by this sec-
tion shall be subject to the following
conditions:

(a) That the medicinal preparation
administered, dispensed, or sold,
shall contain in addition to the
narcotic drug in it, some active
or inactive non-narcotic ingredient
of the type used in medicinal prepa-
rations; and

(b) that such preparations
shall be administered, dispensed,
and sold in good faith as a medica-
tion, and not for the purpose of
explading the provisions of this
Act.

Nothing in this section shall be
construed to limit the kind and
quantity of any narcotic drug that
may be prescribed, administered,
dispensed, or sold, to any person or
for the use of any person or animal,
when it is prescribed, administered,
dispensed, or sold, in compliance
with the general provisions of this
Act. As amended Acts, 1941, 47th
Leg., p. 647, ch. 393, §1."

Sec. 2. Section 9, subsection (1)
of Art. 725b of the Penal Code, Acts
1937, 46th Leg., p. 333, Chapter
169, as amended Acts 1939, 53rd
Leg., p. 312, Chapter 393, Para-
graph 4, is hereby amended so as to
hereafter read as follows:

(1) Pharmaceutical preparations
containing not more than 18.3 mgs.
(1/4 gr.) codeine, or any of its
salts, per 29.54 cc (1 fl. oz.) or
per 28.3 Gms. (1 av. oz.);

(2) Pharmaceutical preparations
containing noscapine, or any of its
salts;

(3) Pharmaceutical preparations
containing papaverine, or any of its
salts;

(4) Pharmaceutical preparations
containing narceine, or any of its
salts;

(5) Pharmaceutical preparations
containing cotarnine, or any of its
salts;

(6) Pharmaceutical preparations
containing not more than 33.6 mgs.
(1/2 gr.) dihydrocodeine, or any of
its salts, per 29.54 cc (1 fl. oz.)
or per 28.3 Gms. (1 av. oz.);

(7) Pharmaceutical preparations
in solid form containing not more
than 2.5 mgs. diphenoxylate and not
less than 35 micrograms atropine
sulfate per dosage unit;

(8) Pharmaceutical preparations
in solid form containing not more
than 18.2 mgs. (1/4 gr.) morphine,
or any of its salts, per 28.3 Gms.
(1 av. oz.);

(9) Pharmaceutical preparations
containing not more than 18.3 mgs.
(1/4 gr.) ethylmorphine, or any of
its salts per 26.59 cc (1 fl. oz.) or
28.3 Gms. (1 av. oz.);

(10) Pharmaceutical preparations
containing nalorphine, or any of
its salts.

The exemptions in subsections
(1), (6), (7), (8), and (9) as au-
thorized by this section shall be
subject to the following conditions:

(1) That the medicinal preparation
administered, dispensed, or sold,
shall contain in addition to the
narcotic drug in it, some drug or
drugs conferring upon it medicinal
qualities other than those possessed
by the narcotic drug alone; and
(2) that such preparation shall be ad-
dministered, dispensed, and sold in
good faith as a medicine, and not
for the purpose of evading the pro-
visions of this Act. The exemptions
in subsections (2), (3), (4), (5),
and (10) as authorized by this sec-
tion shall be subject to the following
conditions:

(a) That the medicinal preparation
administered, dispensed, or sold,
shall contain in addition to the
narcotic drug in it, some active
or inactive non-narcotic ingredient
of the type used in medicinal prepa-
rations; and

(b) that such preparations
shall be administered, dispensed,
and sold in good faith as a medica-
tion, and not for the purpose of
explading the provisions of this
Act.

Nothing in this section shall be
construed to limit the kind and
quantity of any narcotic drug that
may be prescribed, administered,
dispensed, or sold, to any person or
for the use of any person or animal,
when it is prescribed, administered,
dispensed, or sold, in compliance
with the general provisions of this
Act. As amended Acts, 1941, 47th
Leg., p. 647, ch. 393, §1."
"Sec. 9. (1) (Physicians, Dentists, Veterinarians, and other Authorized Persons). Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solution or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations, purchased or made up by him, and of the dates when purchased or made up by him, without keeping a record of the amount of such solutions or other preparations applied by him to individual patients.

Provided, that no record need be kept of pharmaceutical preparations in Subsection (2), (3), (4), (5), and (10) of Section 8 or any pharmaceutical preparation classified as "M" products by the Federal Narcotic Law.

(2) (Manufacturers). Manufacturers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of Subsection 5 of this Section.

(3) (Wholesalers). Wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of Subsection 5 of this Section, provided no records be kept of pharmaceutical preparations (2), (3), (4), (5), and (10) in Section 8 or any pharmaceutical preparation classified as "M" products by the Federal Narcotic Law.

(4) (Apothecaries). Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of Subsection 5 of this Section, provided no records be kept of pharmaceutical preparations (2), (3), (4), (5), and (10) in Section 8 or any pharmaceutical preparation classified as "M" products by the Federal Narcotic Law.

"Sec. 3. If any provision of this Act or the applications thereof to any person or circumstance is held invalid, this 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 severable.

Sec. 4. The dangers inherent in narcotic drugs and the extreme need for adequate regulation thereof create an emergency and an imperative public necessity that the constitutional rule requiring bills to be
Mr. Dungan moved that further consideration of House Bill No. 164 be postponed until next Wednesday, April 10, at 10:30 o'clock a.m. The motion prevailed without objection.

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

Amend Committee Amendment to House Bill 165 by adding a sub-paragraph (11) after subparagraph (10) in Section 1 thereof to read as follows:

"(11) Pharmaceutical preparations in emulsion form containing not more than 15 milligrams of opium per 29.739 cc (1 fl. oz.)."

The amendment to Committee Amendment No. 1 was adopted without objection.

Mr. Whatley offered the following amendment to Committee Amendment No. 3:

Amend Committee Amendment to House Bill 165 by striking out "and (9)" in the paragraph in Section 1 thereof which starts "The exemptions in subsections ...", and substitute the following:

"(9), and (11)".

The amendment to Committee Amendment No. 1, as amended, was then adopted.

H. B. No. 162 was then passed to engrossment.

House Bill No. 164 on second reading and engrossment, H. B. No. 164, A bill to be entitled "An Act requiring the teaching of a course entitled 'capitalism vs. communism' in all public High Schools of the State; prescribing the duration and content of such course and the method of presentation of the material included therein; repealing all laws in conflict; setting an effective date; and declaring an emergency." The bill was read second time. Mr. Dungan moved that further consideration of House Bill No. 164 be postponed until next Wednesday, April 10, at 10:30 o'clock a.m. The motion prevailed without objection.

House Bill No. 165 on second reading and engrossment, H. B. No. 165, A bill to be entitled "An Act amending Articles 1677 and 1678a, and adding Article 1678b, Penal Code of Texas, 1925; concerning employment of children; repealing Article 6181, Revised Civil Statutes of Texas 1925, and all other laws and parts of laws in conflict herewith; and declaring an emergency." The bill was read second time and was passed to engrossment.

House Bill No. 167 on second reading and engrossment, H. B. No. 167, A bill to be entitled "An Act authorizing the establishment of rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency." The bill was read second time and was passed to engrossment.

House Bill No. 172 on second reading and engrossment, H. B. No. 172, A bill to be entitled "An Act relating to motor service clubs, defining certain terms, providing for a deposit of security prior to doing business and the issuance of a certificate of authority upon the giving of such security; exempting certain companies; providing for a solicitor's license; providing for filing of information with the State Board of Insurance and an annual license fee to be paid to said Board; providing for revocation or suspension of licenses or certificates of
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authority; providing for regulations of service contracts; providing for penalties for violations of this Act; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 172 by striking out all below the enacting Board may require and substituting in lieu thereof the following:

Section 1. Short Title. This Act shall be known and cited as the Automobile Club Services Act.

Section 2. Definitions.

(a) "Automobile Club" shall mean any person who in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to travel and the operation, use or maintenance of a motor vehicle in the supplying of services which by way of illustration and not by way of limitation may include such services as community traffic safety service, travel and touring service, theft or reward service, map service, towing service, emergency road service, accidental injury and death benefits, bail bond service and legal fee reimbursement service in the defense of traffic offenses.

(b) "Person" shall mean any person, firm, partnership, corporation or association which conducts an Automobile Club business in this State.

(c) "Board" shall mean the State Board of Insurance of the State of Texas.

Section 3. Certificate of Authority Required. From and after the effective date of this Act, it shall be unlawful for any person to engage in the business of an Automobile Club as herein defined, without having first met the requirements and obtained a certificate of authority from the State Board of Insurance as hereinafter provided for. The Board shall promulgate, prescribe and furnish such forms as may be necessary for an applicant to meet the requirements of this Act and shall furnish such forms upon request, to those applicants requesting such forms; provided however, nothing herein shall relieve any Automobile Club from the obligation to furnish services under such contracts or membership agreements that have been entered into prior to the effective date of this Act.

Section 4. Application for Certificate of Authority and Deposit of Security. The application for a certificate of authority as an Automobile Club to be filed with the Board shall be in such form and detail as the Board may require and shall be executed under oath by such club's president or other principal officer and there shall be filed with the application the following:

(a) If such club is a corporation, a certificate from the Secretary of State that it has complied with the corporation laws of this State.

(b) If not incorporated, a list of all persons owning an interest in the Automobile Club, the officers thereof and the parties to any operating agreement or management agreement affecting the Automobile Club together with a copy of any such agreement.

(c) The first year's annual license fee in the amount of Twenty-five Dollars ($25.00). Dollars shall accompany such application.

(d) Proof of security having been deposited with the State or pledged by the club in such form as the Board may prescribe in any of the following ways: The sum of Fifty Thousand Dollars ($50,000.00) Dollars in cash, securities approved by the Board or in lieu thereof a bond in such form as the Board may prescribe in the amount of One Hundred Thousand Dollars ($100,000.00). Dollars payable to the State of Texas and executed by a corporate surety licensed to do business in the State of Texas and conditioned upon the faithful performance in the selling or rendering of Automobile Club service and payment of any fines or penalties levied against it for failure to comply with the provisions of this Act.

Upon the filing of the application, certificates or security as above provided for, it shall be the duty of the Board within fifteen (15) days after to issue or deny a certificate of authority to said Automobile Club.
Failure of the Board to issue such certificate within said fifteen-day period for any reason shall entitle the applicant to a refund of all monies and security deposited with the Board.

Section 6. Certificate of Authority
—Annual Renewal Required. Every certificate of authority issued hereunder shall expire annually on August 31, of each year unless sooner revoked or suspended as hereinafter provided and application for renewal of such certificate of authority shall be filed upon such form as are provided by the Board and shall contain such information as the Board may prescribe. The annual license fee for renewal of such certificate of authority shall be Twenty-five ($25.00) Dollars.

Section 6. Registration of Salesmen or Agents. Each and every Automobile Club operating in this State pursuant to a certificate of authority issued hereunder shall be required to submit to an examination by the Board, that he has never been convicted of a felony or a misdemeanor involving moral turpitude in this State or in any other state of these United States or in any Federal Court of these United States. Upon termination of any salesman's or agent's employment by an Automobile Club, such Automobile Club shall within ten (10) days thereafter notify the Board of such termination.

Section 7. Revocation of Suspension of Certificate. If the Board at any time for good cause shown, and after public hearing, shall determine that an Automobile Club has violated any provision of this Act, that it is not operating an Automobile Club as defined herein, that it is insolvent, that its assets are less than its liabilities, that it refuses to submit to an examination by the Board, that it is transacting business fraudulently or that any owner, officer or operating manager has previously been engaged in a fraudulent Automobile Club activity it shall thereupon revoke or suspend its certificate of authority and shall give notice thereof to the public in such manner as it shall deem proper; provided however, that any person aggrieved by any decision of the Board shall have the right to appeal such decision to the District Court in the County of the aggrieved person's residence within sixty (60) days after the date of notice by registered mail of such decision but not thereafter.

Section 8. Advertising Limitation
—Exemptions.
(a) Automobile Clubs operating hereunder shall make no reference to their certificate of authority or approval from the State Board of Insurance in any advertising, circular, contract or membership card nor shall such Automobile Clubs advertise or describe their services in such a manner as would lead the public to believe such services include automobile insurance.

(b) All Automobile Clubs operating pursuant to a certificate of authority issued hereunder shall be exempt from the operation of all insurance laws of this State, except that accidental injury and death benefits furnished members of such Automobile Clubs shall be covered under a group policy issued to the Automobile Club for the benefit of its members and such policy shall be issued by a company licensed to write such insurance in this State. Any such group policy issued by an Automobile Club shall be evidenced to the membership of said Club by a certificate of participation in said group policy that shall state on the face of said certificate in at least fourteen-point black bold-face type that the certificate is only a "certificate of participation in an accidental injury and death group policy and is not automobile liability insurance coverage."

Section 9. Members to be Furnished Description of Services. Every Automobile Club operating under the provisions of this Act shall furnish to its members a service contract or membership card together with the following information:
(a) The exact name of the Automobile Club.
(b) The exact location of the Automobile Club's home office, and of its usual place of business in this State, giving street, number and city.

(c) Any change, addition or supplement to the service contract, change of office location or change of name shall be filed with the Board.

Section 11. Solicitation for Unauthorized Automobile Clubs Prohibited. No person shall solicit, or aid in the solicitation of, another person to purchase a service contract or membership issued by an Automobile Club not holding a valid certificate of authority under the terms of this Act.

Section 12. Penalty. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred ($500.00) Dollars, and by imprisonment in the county jail for not more than six (6) months.

Section 13. Severability Clause. If any word, phrase, sentence or provision of this Act is determined to be invalid, such invalidity shall not affect the other provisions of this Act and they shall be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Section 14. Effective Date. This Act shall become effective from and after September 1, 1963.

Section 15. Emergency. The importance of this legislation and the crowded condition of the calendar in both Houses 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 this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Subsection (a) of Section 3 of House Committee Amendment No. 1 to House Bill 172 so that such subsection shall read as follows:

(a) "Automobile Club" shall mean any person who in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to travel and the operation, use or maintenance of a motor vehicle in the supplying of services which by way of illustration and not by way of limitation may include such services as community traffic safety service, travel and touring service, theft or reward service, map service, towing service, emergency road service, bail bond service and legal fee reimbursement service in the defense of traffic offenses, and the purchase of accidental injury and death benefits insurance coverage from a duly authorized insurance company.

Signed: Cowden and Floyd

The amendment was adopted without objection.

Mr. Cowden offered the following amendment to Committee Amendment No. 2:

Amend Committee Amendment Number 1 to H. B. 172 by adding a new paragraph at the end of Section 4 thereof, as follows:

"The deposit herein provided for shall thereafter be maintained so long as said Club shall have outstanding any liability or obligation
in this State. Upon proper showing, to the satisfaction of the Board, that the Club has ceased to do business and that all liabilities and obligations of the Club have been satisfied, the Board is hereby authorized to return the security to the Club or to deliver the security in accordance with any order of a court of competent jurisdiction."

The amendment was adopted without objection.

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

Amend Committee Amendment Number 1 to H. B. 172 by striking out on line 24 of page 2 thereof the words and figures "Twenty-Five ($25.00)" and substituting in lieu thereof the words and figures "One-Hundred ($100.00)."

Signed: Cowden and Floyd

The amendment was adopted without objection.

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

Amend Committee Amendment Number 1 to H. B. 172 by adding a new sentence at the end of Section 6, as follows:

"The registration fee for salesmen or agents of Automobile Clubs shall be $10.00 annually."

Signed: Cowden and Floyd

The amendment was adopted.

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

H. B. No. 172 was then passed to engrossment.

HOUSE BILL NO. 230 WITH SENATE AMENDMENTS

Mr. Hughes called up Senate Amendments for consideration at this time,

H. B. No. 230, A bill to be entitled "An Act amending Acts 1956, Fifty-fourth Legislature, page 88, Chapter 55, Section 236, the Texas Probate Code so as to permit Probate and County Courts to approve expenditures by guardians from the corpus of ward's estates for support, maintenance and education under certain circumstances; and declaring an emergency." On motion of Mr. Hughes, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 230.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 230

Senate Amendment No. 1

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

Amend Committee Amendment Number 1 to H. B. 172 by striking out Section 1 (b) and substituting therefor the following:

"Court Approval of Previous Expenditures

When a guardian has in good faith expended funds from the corpus of his ward's estate for support and maintenance for emergency purposes, and when it is not convenient or possible to first secure approval of the Court, if the proof is clear and convincing that such expenditures were reasonable and proper and such that the Court would have granted authority to make the expenditures out of the corpus, and that the ward received the benefits of such expenditures, the judge, in the exercise of his sound discretion, may approve such expenditures in the same manner as if such expenditures were made by the guardian out of the income from the ward's estate. Provided, however, such expenditures may not exceed the sum of One Thousand Dollars ($1,000)."

Signed: Cowden and Floyd

The amendment was adopted.

Committee Amendment No. 1, as amended, was adopted.
MOTION TO RECONSIDER VOTE
ON H. B. NO. 148

Mr. Gladden moved to reconsider the vote by which H. B. No. 148 was passed to engrossment.

Mr. Gibbens moved to table the motion to reconsider the vote, and the motion to table prevailed.

ADJOURNMENT

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

Mr. Mann moved that the House adjourn until 9:30 o'clock a.m. tomorrow.

The motion to adjourn until 10:00 o'clock a.m. tomorrow prevailed.

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

In accordance with the motion to adjourn, the House, at 4:04 p.m., adjourned until 9:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Revenue and Taxation: H. B. No. 106.
Rules: H. S. R. No. 354.
Public Health: H. B. No. 418.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 8, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 31, An Act reducing the membership of the Game and Fish Commission to three (3) members; reconstituting and changing the name of the Game and Fish Commission to the "Parks and Wildlife Department;" terminating the term of office of the present members of the Game and Fish Commission with the effective date of this Act; providing for the appointment term of office, powers, duties and authority of the members of the Parks and Wildlife Commission; providing for the appointment of an Executive Director of the Parks and Wildlife Department by the Parks and Wildlife Commission; providing for the employment of heads of divisions, game and fish wardens, park managers, and other employees; making other provisions relating thereto; abolishing the State Parks Board; terminating the terms of office of the present members of the State Parks Board; transferring all powers and duties of the State Parks Board prior to the effective date of this Act, to the Parks and Wildlife Department; prescribing the powers, duties and authority of the Parks and Wildlife Department; providing the purposes for which the Special Game and Fish Fund can be expended; making other provisions relating to the organization, powers, duties and authority of the Parks and Wildlife Department; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 8, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 35, An Act amending Chapter 125 of the Forty-fifth Legislature, 1937, as last amended by Chapter 278, Acts of the Fifty-fifth Legislature, 1957 (compiled as Article 6243e, Vernon's Texas Civil Statutes), providing in all cities of less than one hundred and eighty-five thousand (185,000) inhabitants according to the last preceding Federal Census, for a program of contributions and membership to the Firemen's Relief and Retirement Fund; providing for the investment of fund proceeds in certain cities; providing for the creation, appoin-
sent and duties of an Investment Advisory Committee in all cities; providing for the hiring of an actuary in cities with a population of eight hundred thousand ($800,000) or less according to the last preceding Federal Census; providing a severability clause; providing the Act shall not apply to pending litigation; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 8, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 76, An Act authorizing the Board of Directors of the Texas College of Arts and Industries to acquire land in Hidalgo County; to pledge future revenue of land acquired and bookstore future net revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 8, 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. 42, granting permission to J. W. Luette and/or Shell Oil Company to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, April 8, 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. 52, providing for suspension of the Joint Rules to permit adjournment from Thursday, April 11, 1963, to Tuesday, April 16, 1963.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.