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:

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<th>Name</th>
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<td>Mr. Speaker</td>
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<td>Carpenter</td>
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<td>Healy</td>
<td>Pearcy</td>
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A quorum of the House was announced present.

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

"Our Heavenly Father, Thou art the light of the world. Let Thy light shine through us, that in our actions and in our attitudes others may see Thee, as we reflect Thy light.

"O Lord, let us walk boldly and wisely in the light of truth that Thou hast given us. When we must walk in the lowly valley of shadows and darkness that bring despair may we be comforted as our hand is taken by Thee to guide us on our way.

"Through Christ our Lord, we pray.—Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Healy for today on motion of Mr. Murray.

The following Member was granted leave of absence on account of illness:

Mr. Moyer, temporarily for today on motion of Mr. Satterwhite.
RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 47, Commending Howard Payne College on planning the Douglas MacArthur Academy of Freedom.

HOUSE BILL ON FIRST READING

The following House Bill was today laid before the House, read first time and referred to the appropriate Committee, as follows:

By Carriker:
H. B. No. 1031, A bill to be entitled "An Act amending Chapter 244, Acts of the Fifty-seventh Legislature creating Rotan Municipal Water Authority by providing that certain additional territory shall be contained therein; providing for an election to be held in such added territory for the assumption of its proper portion of the indebtedness of the Authority; providing that if such election fails to receive a majority vote, the Board of Directors shall detach such territory; enacting other provisions related to the subject; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

PERMISSION GRANTED FOR INTRODUCTION OF HOUSE BILLS

Mr. Markgraf moved to suspend the necessary rules in order to introduce H. B. No. 1032 at this time.

The motion prevailed, having received the necessary four-fifths vote.

Mr. Gibbens moved to suspend the necessary rules in order to introduce H. B. No. 1033 at this time.

The motion prevailed without objection.

Mr. Crews moved to suspend the necessary rules in order to introduce H. B. No. 1034 at this time.

The motion prevailed without objection.

Mr. Duggan moved to suspend the necessary rules in order to introduce H. B. No. 1035 at this time.

The motion prevailed without objection.

The motion to instruct the Committee on Criminal Jurisprudence prevailed by the following vote:

Yeas-92
Adams
Allen
Arledge
Atwell
Ball
Banfield
Barnes
Berry
Birkner
Blaine
Boysen
Yeas
Gibbens
Grover
Haines of Brazos
Hallmark
Harding
Harris of Dallas
Hefton
Hendryx
Houston
Hughes
 Jarvis
Brown of Taylor
Johnson of Dallas
Butler
Knapp
Cain
Kothmann
Canales
Ligarde
Clayton
McClinton
Cole
McDonald of Rusk
Corry
McLaughlin
Cotten
McNutt
Coughran
Macees
Cowden
Mann
Crain
Miller
Crow
Morgan
Davis
Murray
de la Garza
Mutscher
Doke
Nugent
Duggan
Parsley
Duncan
Peniston
Edwards
Perry
Fairchild
Pipkin
Flanney
Price
Fletcher
Quilliam
Floyd
Richards
Foudren
Ritter
Foreman
Rosson
Garrison
Satterwhite

Mr. Duggan moved to suspend the necessary rules in order to introduce H. B. No. 1035 at this time.

The motion prevailed without objection.

MOTION TO INSTRUCT COMMITTEE ON CRIMINAL JURISPRUDENCE

Mr. Eckhardt moved to instruct the Committee on Criminal Jurisprudence to report H. B. No. 185 immediately.

Mr. Parsley moved to table the motion.

A record vote was requested on the motion to table.

The motion to table the motion to instruct the Committee on Criminal Jurisprudence prevailed by the following vote:

Year-92
(The above record vote was requested by Mr. Brooks, Mr. Whitfield and Mr. Brown of Galveston).

REASON FOR VOTE
Representative Eckhardt’s motion to instruct the Criminal Jurisprudence Committee this morning has nothing to do with the merits of the bills involved, but only with the Committee structure of the House of Representatives. Therefore I voted against Eckhardt’s motion to instruct and for the motion to table Eckhardt’s motion to instruct.

PAUL FLOYD

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 402, By Banfield: Commending the Rosenberg Volunteer Fire Department.

H. S. R. No. 404, By Banfield: Commending G. R. Leaman of Rosenberg, Texas.

H. S. R. No. 405, By Banfield: Congratulating Miss Dalila Bryant on winning title of “Miss Texas U.S.T.A.”

H. S. R. No. 406, By Banfield: Congratulating the Orchard High School Band.

S. C. R. No. 49, Giving honor and recognition to City of Grand Prairie, Texas, during its centennial in the month of May, 1963.

DESIGNATING PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK

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

S. C. R. No. 59

Whereas, The Police Officers of the State of Texas have worked devotedly and unselfishly in behalf of the people of the State of Texas and their respective communities, regardless of the peril or hazard to themselves; and

Whereas, These officers have safeguarded the lives and property of their fellow Texans; and

Whereas, By the enforcement of our laws, these same officers have given our country, state and cities internal freedom from fear of violence and civil disorder that is presently affecting other nations; and

Whereas, These men and women by their patriotic service and their dedicated efforts have earned the gratitude of the State of Texas; Now, Therefore be it resolved by the Senate and House of Representatives of the 58th Legislature of The State of Texas assembled, That the Governor is authorized and requested to issue proclamations (1) designating May 15, 1963 as Peace Officers...
Memorial Day is in honor of the State and municipal officers who have been killed or disabled in the line of duty, (2) designating the week of May 12 through May 18 as Police Week, in recognition of the services given by the men and women, who night and day, stand guard in our midst to protect us through enforcement of our laws, and (3) inviting the people of the State of Texas to observe such day and week with appropriate ceremonies and activities.

The resolution was adopted without objection.

SENATE BILL NO. 61 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading:

S. B. No. 61, A bill to be entitled "An Act clarifying, revising, and amending Sections 15 and 18, relating to qualifications and disqualifications of election judges, clerks, and watchers (supervisors); amending Sections 19, 20, and 21, relating to appointment and service of watchers (supervisors); amending Section 22, relating to pay of election judges and clerks, and making its provisions apply to all elections; amending Section 22, relating to clauses of persons not qualified to vote; amending Section 24, relating to qualifications and requirements for voting, by amending Subdivision 1, setting out requirements and conditions for voting by personal appearance and by mail: by adding Subdivision 1a, stating the elections to which Section 37 applies and the officer to conduct absentee voting in each type of election; by amending Subdivision 2, setting out requirements for an application to vote absentee; by amending Subdivisions 3 and 4, and adding Subdivisions 3a and 3b, relating to period for absentee voting by personal appearance, procedures for absentee voting by personal appearance in county-wide elections and in certain elections less than county-wide, and period and procedures for absentee voting by mail; etc., and declaring an emergency."

The bill was read second time on April 11, and further consideration of the bill was postponed until 10:00 o'clock a.m. today.

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

Committee Amendment No. 3

Amend Section 9 of Senate Bill No. 61 by striking all of quoted Section 17 therein and substituting in lieu thereof the following:

"17. Qualifications of judges, clerks and watchers

All judges and clerks of any general, special, or primary elections shall be qualified voters of the election precinct in which they are named to serve. All watchers shall be qualified voters of the county, but not necessarily the precinct, in which they are named to serve. No
person shall serve as a judge or a clerk in any election, general, special, or primary, who is employed by any candidate for a lucrative office, whose name appears on the ballot in that election, or who is related to such candidate within the third degree either by affinity or consanguinity.

The amendment was adopted.

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

Committee Amendment No. 1

Amend Section 6 of S. B. 61 by striking the entire Section and substituting in lieu thereof the following:

Sec. 6. Section 9 (Article 2.01) of the Texas Election Code, as amended by Chapter 68, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

"9. Time and place

"A general election shall be held on the first Tuesday after the first Monday in November, A.D. 1964, and every two years thereafter, at such places as may be prescribed by law after notice as prescribed by law. Special elections shall be held at such times and places as may be fixed by law providing therefor. In all elections, general, special, or primary, the polls shall be open from seven o'clock a.m. to seven o'clock p.m., provided, however, that in any county having a population of one million or more, according to the last federal census, the polls may be opened one hour earlier at six o'clock a.m. on order of the commissioners court of such county entered in the minutes thereof. The foregoing authority of the commissioners court shall extend to all elections held within the county, by whatever authority the election may be ordered, but the court may exercise this authority with respect to such elections as it deems necessary or desirable without advancing the opening hour for other elections, subject to the requirement that the court's order must apply uniformly as comparable types of elections held on the same day, and the order shall specify the elections to which it applies. The election shall be held for one day only.

"All persons who are within the polling place and all persons who are waiting to enter the polling place at seven o'clock p.m. shall be allowed an opportunity to present themselves for voting in the same manner as if they had appeared and offered themselves for voting during regular voting hours. The presiding judge shall take necessary precautions to prevent voting by any person not present and waiting to vote at the time for official closing of the polls. If feasible, all persons waiting to vote at the time for official closing of the polls shall be required to enter the polling place, and the door to the polling place shall be closed and locked, and each such person shall remain inside the polling place until he has voted. If such procedure is not feasible, numbered identification cards or tokens shall be distributed to identify those persons waiting to vote at the time for official closing of the polls."

Mr. Cotten offered the following amendment to committee amendment No. 1:

Amend Committee Amendment No. 1 to S. B. 61 by adding the following language after the words "seven o'clock p.m." on line 14, page 76 of the printed copy of bill:

"Provided in counties having a population of 100,000 or less according to the last preceding federal census the polls may be opened one hour later at 8 o'clock a.m. on order of the Commissioners Court of such county duly entered in the minutes thereof."

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to S. B. 61 by adding the following language after the word advancing on line 21, page 76 of printed copy of bill:

"Provided in counties having a population of 100,000 or less according to the last preceding federal census the polls may be opened one hour later at 8 o'clock a.m. on order of the Commissioners Court of such county duly entered in the minutes thereof."

The amendment was adopted without objection.

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

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

"All persons who are within the polling place and all persons who are waiting to enter the polling place at seven o'clock p.m. shall be allowed an opportunity to present themselves for voting in the same manner as if they had appeared and offered themselves for voting during regular voting hours. The presiding judge shall take necessary precautions to prevent voting by any person not present and waiting to vote at the time for official closing of the polls. If feasible, all persons waiting to vote at the time for official closing of the polls shall be required to enter the polling place, and the door to the polling place shall be closed and locked, and each such person shall remain inside the polling place until he has voted. If such procedure is not feasible, numbered identification cards or tokens shall be distributed to identify those persons waiting to vote at the time for official closing of the polls."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.
Amend Section 14, Subdivision 2 by striking out all of said "Subdivision 2" and substituting in lieu thereof the following:

"Subdivision 2. Application for ballot. A voter desiring to vote absentee shall make written application for an official ballot to the county clerk of the county of his residence, which application shall be signed by the voter, or by a witness at the direction of the voter in case of the latter's inability to make such application because of physical disability. The application shall state the ground on which the applicant is entitled to vote absentee, and in case of an application to be voted by mail, it shall also state the additional information required by Subdivision 1 of this section. In case of an application to vote absentee by personal appearance, except where the voted ballot is to be placed in a carrier envelope, the application shall contain or have attached thereto an affidavit signed by the applicant, in substantially the following form:

"I, do solemnly swear that I am a resident of Precinct No. County, and am lawfully entitled to vote at the election to be held in said precinct on the day of ----, 19--. and that I am prevented from appearing at the polling place in said precinct on the date of the election because of sickness, physical disability, or expected absence from county.

(Signature of voter)

The application shall be accompanied by the poll tax receipt or exemption certificate of the voter, or in lieu thereof, his affidavit in writing that same has been lost or mislaid or has been used for applying for another election (stating the nature and date of the election) and has not been returned to him. If the ground of application is sickness or physical disability by reason of which the voter cannot appear at the polling place on election day, a certificate of a duly licensed physician, or chiropractor or accredited Christian Science practitioner certifying to such sickness or physical disability shall accompany the application, which certificate shall be in substantially the following form:

"This is to certify that I have personal knowledge of the physical condition of , and that because of sickness or physical disability he will be unable to appear at the polling place for an election to be held on the day of ----, 19--.

(Witness my hand at , Texas, this day of ----, 19--.

(Signature of practitioner)

"Expected or likely confinement for childbirth on election day shall be sufficient to entitle a voter to vote absentee on the ground of sickness or physical disability, and a physician exercising a certificate for a pregnant woman may state in the certificate that because of pregnancy and possible delivery she will be or may be unable to appear at the polling place on election day.

Any person who requests a physician or chiropractor to execute a certificate for another person without having been directed by such other person to do so, and any physician or chiropractor who knowingly executes a certificate except upon the request of the voter named herein or upon the request of someone at the voter's direction, and any physician or chiropractor who knowingly delivers a certificate except by delivering it to the voter in person or by mailing it to the voter at his permanent residence address or the address at which he is temporarily living, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned in the county jail for not more than thirty days, or both so fined and imprisoned."

The amendment was adopted without objection.

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

Amend S. B. 61 by striking all of Section 15 of the bill and renumber-
The amendment was adopted without objection.

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

Committee Amendment No. 6

Amend Section 24 of Senate Bill No. 61 to read as follows:

"Sec. 24. Section 43 (Article 6.11) of the Texas Election Code, as amended by Chapter 448, Acts of the 56th Legislature, Regular Session, 1967, is amended to read as follows:

'A4. Mode of paying poll tax

The poll tax must either be paid in person or a taxpayer may pay his poll tax by a remittance of the amount of the tax through the United States mail to the County Tax Collector, accompanying said remittance with a statement in writing showing all the information necessary to enable the Tax Collector to fill out the blank form of the poll tax receipt, which statement must be signed under oath by the party who owes the poll tax, but the husband may sign for the wife and in like manner the wife may sign for the husband, and the Tax Collector shall issue and mail to the taxpayer at his last known address a poll tax receipt, or, if requested to do so by the taxpayer in writing, the collector may hold said receipt to be delivered to the taxpayer in person. The husband may pay the poll tax of his wife and receive the receipt thereof. In like manner the wife may pay the poll tax of her husband and receive the receipt thereof. This Assessor and Collector of Taxes may at such places as shall in his discretion be necessary or advisable, have a duly authorized and sworn deputy for the purpose of accepting poll taxes and giving receipts therefor.'"

A record vote was requested on the amendment offered by Mr. Klager.

The amendment offered by Mr. Klager was adopted by the following vote:
April 18, 1963

The amendment was adopted.

The motion to table prevailed.

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

Mr. Klager offered the following new section designated as Section 61b, reading as follows:

Representatives of each of the parties and/or independent candidates listed above shall be notified by the county clerk in each county of the time, date, and place at which time a drawing will be held to determine the order of party listings on the general election ballot. Starting on the left hand side of the ballot,
moving to the right, all parties in the first category will be listed according to the position they draw, then all parties in the second category, then the third, then the fourth, and finally, last, a column for write-in candidates.

Where voting machines are used in the election and the columns on the ballot are arranged horizontally, the columns shall appear on the ballot instead of on the left-hand side.

The meeting held by the county clerk to draw for positions on the ballot must be held no later than thirty (30) days prior to the date of the general election.

Section 101 after the words "as follows" and being the quoted material in said Section denominated "178. Parties Entitled to Nominate Presidential Electoral Candidates" and substituting in lieu thereof the following:

"178 a. Parties Entitled to Nominate Presidential Electoral Candidates.

Any political party may nominate candidates for presidential elections and have the names of the candidates for president and vice president printed on the ballot. If said party shall have qualified in the manner heretofore set forth:

"(1) Such party must hold a State convention at the time and under conditions prescribed by law, composed of delegates from county conventions held in accordance with law.

"(2) It shall not be necessary that county conventions whose delegates compose the State convention be held in all counties of the State, but such conventions must be held in not less than ten (10) counties comprising in the aggregate not less than 20% of the population of the State.

"(3) The duly selected representative of the party shall certify under oath to the Secretary of State that the conditions of this Section have been complied with."

The amendment was adopted without objection.

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

Amend Section 43 of S. B. 61 by striking the words "At such time as the presiding judge shall direct" from the second sentence of the third paragraph of the quoted Section 7, and substitute in lieu thereof the words "Between the hours of 2:00 p.m. and 3:00 p.m. on the day of the election."

The amendment was adopted without objection.

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

Amend Section 75 of S. B. 61 by striking all in Section 75 after the words "as follows" and being the quoted material in said Section denominated "170 a. Parties Entitled to Nominate Presidential Electoral Candidates" and substituting in lieu thereof the following:

"(1) by primary elections held in accordance with the rules provided in this Code for the primary elections of parties whose candidate for Governor received two hundred thousand or more votes at the last general election; or

"(2) by nominating such candidates for the general election in conventions as provided in Section 224 and 225 of this Code; provided, however, that if the convention system be used, then the party must comply with the following qualifications for nomination:

"(4) Such party must hold a State convention at the time and under
condiUons prescribed by law, com-
posed of delegates from county con-
ventions held in accordance with the
law.

"(b) It shall not be necessary
that county conventions whose dele-
gates comprise the State convention
be held in all counties of the State,
but such conventions must be held in
not less than ten (10) counties com-
prising in the aggregate not less
than 20% of the population of the
State.

"(c) The duly selected repre-
sentative of the party shall certify
under oath to the Secretary of State
that the conditions of this Section
have been complied with.

"223. The state committee of the
party shall decide, and by resolu-
tion declare, whether the party
nominations will be made by con-
ventions or by primary elections,
and shall certify their decision to the
Secretary of State not later than
twelve months before the general
election."

Mr. Cowden offered the following
amendment to Committee Amend-
ment No. 12:

Amend Committee Amendment
No. 12 to Senate Bill 61 by add-
ing a new section to be numbered
Section 14A, to read as follows:

"Sec. 14A. Section 37 (Article
5.05) of the Texas Election Code is
amended by adding thereto a new
subdivision designated as Subdivi-
sion 2a, reading as follow.s:

"Subdivision 2a. Absentee voting
by members of the Armed Forces,
etc. Notwithstanding any provision
in any of the following categories
shall be entitled to vote absentee
by mail upon making application by
mail for an absentee ballot on an
official Federal Post Card Applica-
tion for Absentee Ballot, and no
further statement of his eligibility
to vote absentee by mail shall be
required of him, provided the appli-
cation is mailed from outside the
county and the ballot is to be mailed
to an official address outside the
county:

"(1) Members of the Armed
Forces of the United States and their
spouses residing with or accompany-
ing them.

"(2) Members of the Merchant
Marine of the United States and
their spouses residing with or ac-
companying them.

"(3) Members of religious or
welfare organizations assisting ser-
viceemen.

"(4) Civilians employed by the
United States Government outside

SENATE BILL NO. 61 ON PASSAGE
TO THIRD READING

The House resumed consideration
of pending business, same being
S. B. No. 61, relative to revising, clarify-
ing and amending laws relating to
general, special and primary elec-
tions.

The bill was read second time on
April 11 and was considered on this
morning.

Mr. Cowden offered the following
amendment to the bill:

Amendment to Senate Bill No. 61
Amend Senate Bill No. 61 by add-
ing a new section to be numbered
Section 14A, to read as follows:

"Sec. 14A. Section 37 (Article
5.05) of the Texas Election Code is
amended by adding thereto a new
subdivision designated as Subdivi-
sion 2a, reading as follow.s:

"Subdivision 2a. Absentee voting
by members of the Armed Forces,
etc. Notwithstanding any provision
in any of the following categories
shall be entitled to vote absentee
by mail upon making application by
mail for an absentee ballot on an
official Federal Post Card Applica-
tion for Absentee Ballot, and no
further statement of his eligibility
to vote absentee by mail shall be
required of him, provided the appli-
cation is mailed from outside the
county and the ballot is to be mailed
to an official address outside the
county:

"(1) Members of the Armed
Forces of the United States and their
spouses residing with or accompany-
ing them.

"(2) Members of the Merchant
Marine of the United States and
their spouses residing with or ac-
companying them.

"(3) Members of religious or
welfare organizations assisting ser-
viceemen.

"(4) Civilians employed by the
United States Government outside

AFTERNOON SESSION

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

LEAVE OF ABSENCE GRANTED

Mr. Cole was granted leave of ab-
sence for the remainder of today and
for tomorrow on account of im-
portant business, on motion of Mr.
Glenn.
the territorial limits of the United States, and their spouses residing with or accompanying them.

"The foregoing provision shall not be construed as prevent the clerk from accepting the Federal Post Card Application for Absentee Ballot from any other person who is permitted by Federal law to use such application form, but unless the applicant comes within the provisions of Subdivision 1 or this section shall be subject to all of the provisions of Subdivision 1 of this section pertaining to absentee voting by mail.

"A poll tax receipt or exemption certificate accompanying a Federal Post Card Application shall be mailed back to the voter at the official address to which the ballot was mailed, unless the voter requests the clerk to mail it to some other address."

The amendment was adopted without objection.

Mr. Cowden offered the following amendment to the bill:

Amendment to Senate Bill No. 61

Amend Senate Bill No. 61 by adding a new section to be numbered Section 39A, to read as follows:

"Sec. 39A. Section 71 (Article 7.01) of the Texas Election Code is amended to read as follows:

"'71. Ballot boxes

"'All ballot boxes shall be securely made of metal or wood, provided with a top, hinge, lock and key, and an opening shall be made at the top of each box large enough to receive a ballot when polled. Whenever the boxes shall have been counted at any election, or primary, special or primary, the counted boxes shall be locked in one of the ballot boxes of suitable size and delivered to the proper official and the key or keys to the said lock shall be delivered to the proper official to be kept for at least thirty days unless sooner needed for recount or contest as provided by law.'"

The amendment was adopted without objection.

Mr. Fondren offered the following amendment to the bill:

Amendment to Senate Bill No. 61

Amend Section 60 of Senate Bill No. 61 by striking out all of the third paragraph of the quoted material, being Lines 20 through Line 26 on Page 42 of the printed bill, beginning with the words "If the machine is provided with a device" and ending with the words "and filled as required herein," and by inserting in lieu thereof the following:

"If the machine is provided with a device which produces a printed record of the numbers registered on the counters, the procedure outlined herein shall be followed in lieu of the procedure set out above for preparation of the statements of canvass. After preparation of the certificate giving the number of voters shown on the public counters and the other information as provided for in the preceding paragraph, the presenting judge, in the presence of at least two clerks and two watchers of opposed interest (if such there be) and of any other person lawfully present who wishes to observe, shall take the necessary steps to secure a printed record of the numbers registered on the machine. The election officers shall then open the counter compartments and shall compare the printed record with the counters, verifying that the printed record correctly shows the designating number and letter on each counter and the result as shown by the counter numbers. Ample opportunity shall be given to all persons lawfully entitled to be present at the polling place to examine the printed record and compare it with the machine. The printed record shall then be signed by the presenting judge and two clerks and by two watchers of opposed interest (if such there be), certifying that the printed record was obtained from the machine designated therein and that the printed record was compared with the machine and correctly records the results as shown on the counter dials, and the certified printed record shall constitute the official statement of canvass for that machine. The returns of the canvass shall then be filled out, verified, and signed as provided in the preceding paragraph."
The amendment was adopted without objection.

Mr. Green offered the following amendment to the bill:

Amend Section 96 of Senate Bill No. 61 by changing the words "ten days" to read "twenty days" in the first line of the last paragraph of the quoted material in said section, appearing in Line 1 on Page 64 of the printed bill.

The amendment was adopted without objection.

Mr. Townsend offered the following amendment to the bill:

Amend Section 98 of the Committee Substitute, "Section 212, County and Precinct conventions," paragraph (c) by inserting the words on page 65 at line 4:

"from among those present" after the words "county convention" in the sentence which reads as follows:

"After the convention is organized it shall elect delegates to the county convention and transact such other business as may properly come before it."

A record vote was requested on the amendment by Mr. Townsend.

The amendment offered by Mr. Townsend was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>97</td>
</tr>
</tbody>
</table>

(The above record vote was requested by Mr. Rodriguez, Mr. Weldon and Mr. Parker.)
Mr. Berry offered the following amendment to the bill:

Amend quoted Section 186a appearing in Section 82 of S. B. No. 61 by adding the following paragraph immediately preceding Sec. 82 on page 56 of the printed bill:

"A candidate for nomination to any state or federal office must pay the required filing fee at the time he files his application for a place on the ballot. The payment must be in the form of cash, money order, cashier's check or certified check."

Mr. Cowden moved to table the amendment offered by Mr. Berry, and the motion to table was lost.

The amendment offered by Mr. Berry was then adopted.

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

The motion to table prevailed.

Mr. Boysen was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Edwards.

Mr. McGregor offered the following amendment to the bill:

Amend subsection 44 of Sec. 25 of S. B. 61 by adding a sentence to read as follows:

"In no event shall the Assessor and Collector of Taxes in counties having a population of 75,000 or more population according to the last U. S. Census have less than one duly authorized and sworn deputy for each precinct during the month of January of each year."

Mr. Fondren moved to table the amendment offered by Mr. McGregor and the motion to table prevailed.

Amend Section 98 of the Committee Substitute, "Section 213 County and precinct convention," paragraph (d) by adding the following new sentence on page 66, at line 41:

"All Legislative, Congressional and senatorial nominees and/or all State Representatives, State Senators and members of Congress of the party whose residence is in such county shall be entitled to admission to the State Convention of their party." Immediately after the sentence, "The County Convention shall elect a permanent chairman and such other officers as may be necessary to conduct its business."

The amendment was adopted without objection.

Mr. Eckhardt offered the following amendment to the bill:

Amend S. B. 61 by adding a new Section numbered Sec. 109a after line 19, page 72 thereof reading as follows:

"Sec. 109a. Amend Chapter Fourteen by adding a new section numbered Section 247 (Article 14.11) of the Texas Election Code, and renumbering succeeding sections accordingly, to read as follows:

"Art. 14.10. Every advertising medium which contracts for any political advertising on behalf of a candidate, which advertising is to be published in a newspaper, magazine or journal, or is to be broadcast over a radio or television station, or is to be displayed on a billboard, shall notify such candidate by registered letter of the making of such contract at the time the contract is made. Not less than seven nor more than ten days prior to the day of the election to which the advertising relates, the advertising medium shall file a sworn report or reports listing every such contract made by it if the amount of the contract exceeds One Hundred Dollars ($100) or if the aggregate amount of all contracts with the advertising medium on behalf of the particular candidate exceeds One Hundred Dollars ($100.00). The report shall show the date of the contract, the amount, the purpose, the name of the candidate, the name and address of the person with whom the contract was made. Not more than ten days after the election, the advertising medium shall file a supplemental sworn report or reports showing all such contracts made prior to the election not specifically included in a sworn report filed prior to the
April 18, 1963

HOUSE JOURNAL 1201

The reports required herein shall be filed with the officer or officers with whom the candidate or candidates on whose behalf the contract or contracts were made are required to file campaign statements as provided in Article 44.03 of this Code, but a report filed with a particular officer need not include the contract or contracts on behalf of the candidates whose statements are required to be filed with that officer. Any advertising medium which fails to file a report as required herein, or which fails to include in such report all contracts made by it which are required to be reported, or which fails to notify a candidate of the making of any contract on his behalf, or any agent of an advertising medium who swears falsely in a report, shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000)."

Mr. Allen moved to table the amendment offered by Mr. Eckhardt.

A record vote was requested on the motion to table. The motion to table the amendment offered by Mr. Eckhardt prevailed by the following vote:

YEAS—105

Adams
Allen
Arledge
Atwell
Ball
Barnes
Bass of Bowie
Bass of Harris
Berry
Birkner
Blaine
Brown of Taylor
Butler
Calin
Calin
Canales
Cavness
Chapman
Clayton
Coffey
Coffman
Cohran
Cowden
Cowles
Crain
Crews
Davis
de la Garza

Klauer
Knapp
Kligarge
McClintion
McDonald
McDonald of Hidalgo
McDonald of Rusk
McLaughlin
McNutt
Macatee
Mann
Markgraf
Miller
Miller
Morgan
Moyer
Munche
Nugent
Nusley
Petty
Pipkin
Price
Price

Quilliam
Rapp
Richards
Ritter
Rossa
Ratterwhite
Schiller
Shannon
Shutt
Simpson
Slack
Smith
Stewart
Thompson
Thurmond
Townsend
Walker
Wheeler
Woods

NAYS—32

Allen
Bridges
Brown
Brown of Galveston
Caldwell
Cameron
Carriker
Cherry
Collins
Eckhardt
Esquivel
Guillaum
Hammond
Harris
Harris of Galveston
Haynes of Orange

Aliaks
Isaacks
Johnson of Bexar
Kothmann
McGuire
McGregor
Parker
Parmer
Parmer
Roberts
Rodrigues
Segret
Smith of Jefferson
Gladden
Guffey
Hare
Harley
Hare
Walten
Wieting

Beckham
Brown
Cook
Cook
Hinson

Brooks
Johnson
Niemeyer

Present—Not Voting

Xi

(Reason for vote)

Beckham

Absent

Present—Not Voting

Boyson

Healy

Borden

Perry

(Castle)

(The above record vote was requested by Mr. Parmer, Mr. Carriker and Mr. Cherry.)

REASON FOR VOTE

I'm voting "Present" on the motion to table the Eckhardt amend-
ment to S. B. 61 requiring news media to report all political advertising receipts because I am employed in the media that would be affected.

CHET BROOKS

Mr. Alaniz offered the following amendment to the bill:

Amend Senate Bill 61 by adding a new section: Subsection 43a:

When a citizen of this State submits an application to the county assessor and collector under oath to be deputized, a deputy assessor and collector without pay for the purposes of obtaining a poll tax receipt book or books, such assessor and collector shall deputize said citizen as a deputy assessor and collector without pay, and such deputy shall be construed as an employee of the county for bonding purposes only.

Mr. Fondren moved to table the amendment offered by Mr. Alaniz.

A record vote was requested on the motion to table.

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

Yeas—101


Nays—18


COMMITTEE MEETING

Mr. Allen asked unanimous consent to

(The above record vote was requested by Mr. Alanis, Mr. Johnson of Bexar and Mr. McGregor.)

COMMITTEE MEETING

Mr. Allen asked unanimous consent to
The motion to table prevailed.

RECORD OF VOTE
Mr. de la Garza requested to be recorded as voting Nay on the above amendment by Mr. Berry.

REASON FOR VOTE
I voted Nay on Red Berry's Amendment to put the race of the voter on the poll tax receipt because this requirement is discriminatory.

Paul Floyd.

REASON FOR VOTE
Reason for vote on Berry's amendment to SB 61.

I voted "No" on this amendment because placing the race classification on the poll tax is discriminatory, and such classifications have been used to exclude certain races from jury selection. I feel that discrimination is contrary to good government and contrary to the true intent of our Constitution.

Dudley R. Mann, Jr.

Mr. Eckhardt offered the following amendment to the bill:
Amend Senate Bill No. 61 by adding a new Section numbered Sec. 119a to be added after line 20 of page 74 to read as follows:

"Amend Art. 14.08 by striking same and adding in lieu thereof the following:

(b) Each candidate whose name appears on the ballot at a first primary election or a special election and each opposed candidate whose name and whose opponent's name appear on the ballot at a general election shall file a sworn statement, not less than seven nor more than ten days prior to the day of each such election, of all gifts and loans previously received and of all gifts, loans and payments made and all debts incurred and obligations incurred or contracted for future use in behalf of such person's candidacy for office. The statement shall include all such gifts, loans, payments, debts and obligations made or incurred, whether before or after the announced or filed candidacy of such person. He shall also estimate such additional expenditures as may
be made in his campaign after such report; and as are required to be reported by him more than ten days after the election. He may amend the statement if the candidate shall file an affidavit with and actually receive by the officer with whom the previous statement was filed, not later than the second day prior to the day of the election, stating in such affidavit that additional expenditures had not been contracted for or expended with his knowledge or under his direction, and with his authority prior to the filing of the previous statement. Not more than ten days after the election the candidate shall file a supplemental sworn statement of all gifts and loans received prior to the election and of all gifts, loans and payments made and debts and obligations incurred prior to the election not specifically included in the sworn statement filed prior to the election. If such supplemental statement shall show expenditures made by him and others in his behalf and with his knowledge, which expenditures exceed the last estimate filed by him prior to the election by an amount in excess of twenty per cent, such additional expenditure of funds (above the estimate plus twenty per cent) shall constitute an misdemeanor punishable by a fine which shall be the amount of such excess (above the estimate plus twenty per cent). The reporting of such additional expenditure shall constitute prima facie evidence that the expenditure was expended by him or in his behalf with his knowledge. If the last estimate filed by the candidate prior to the election is more than five times the actual amount of additional expenditures, as shown by the supplemental statement, the candidate shall be guilty of a misdemeanor punishable by a fine of six per cent of the amount by which the estimate exceeds the actual expenditures.

(c) Each candidate whose name appears on the ballot as a second primary election shall file a similar sworn statement not less than seven nor more than ten days prior to the day of the election and a similar supplemental statement not more than ten days after the day of the election. The estimate of additional expenditures as made in the pre-election statement may be amended in the manner prescribed in Paragraph (b) of this article. The filing of an underestimate or overestimate of additional expenditures shall be subject to the same terms and penalties as prescribed in Paragraph (b) of this article.

Mr. Fondren moved to table the amendment offered by Mr. Eckhardt, and the motion to table prevailed.

S. B. No. 61, as amended, was then passed to third reading.

Mr. Fondren moved to reconsider the vote by which S. B. No. 61 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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. 895, By McClintock: Relating to the salary of the official shorthand reporter of the 51st Judicial District; and declaring an emergency.

H. B. No. 614, By Canales: Closing the season in Duval County for five (5) years on deer, javelina, bobwhite and bluetop quail, and dove; and declaring an emergency.

H. B. No. 589, By Ritter: Providing that the District Attorney of the 53rd Judicial District shall represent the State in the Criminal District Court and all other district courts of Travis County; and declaring an emergency.

H. B. No. 593, By Gladden: Relating to Court of Domestic Relations in Tarrant County; and declaring an emergency. (As amended)

H. B. No. 708, By Cavness: Relating to city employees group insurance; and declaring an emergency.

H. B. No. 554, By Clayton: Fixing salaries of Official Shorthand Reporter for the 164th and 64th Judicial Districts; and declaring an emergency.
H. B. No. 577, By Wells: Relating to an additional tax for common school districts in certain counties; and declaring an emergency.

H. B. No. 460, By Allen: Validating the proceedings of common school districts in certain counties; and declaring an emergency.

H. B. No. 317, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 697, By Cory: Authorizing District Judges to draw warrants on appropriate county fund, in certain instances; and declaring an emergency. (As amended)

H. B. No. 1003, By Floyd: Creating a conservation and reclamation district to be known as "Clear Lake City Water Authority;" and declaring an emergency. (As amended)

H. B. No. 460, By Allen: Validating the proceedings of common school districts in certain counties; and declaring an emergency.

H. B. No. 317, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 697, By Cory: Authorizing District Judges to draw warrants on appropriate county fund, in certain instances; and declaring an emergency. (As amended)

H. B. No. 1003, By Floyd: Creating a conservation and reclamation district to be known as "Clear Lake City Water Authority;" and declaring an emergency. (As amended)

H. B. No. 317, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 697, By Cory: Authorizing District Judges to draw warrants on appropriate county fund, in certain instances; and declaring an emergency. (As amended)

H. B. No. 317, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 460, By Allen: Validating the proceedings of common school districts in certain counties; and declaring an emergency.

H. B. No. 317, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 422, By Hefton: Relating to selection of jurors by jury wheel system; and declaring an emergency.

H. B. No. 980, By Hollowell: Relating to an additional maintenance tax for certain school districts; and declaring an emergency.

H. B. No. 432, By Hinson: Conveying a certain tract of land to Gilmer Industrial Foundation, Inc.; and declaring an emergency.

H. B. No. 578, By Nugent: Relating to Corporate limits of the city of Junction; and declaring an emergency.

H. B. No. 314, By Slack: Respecting notice required of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 567, By de la Garza: Relating to licensing of citrus fruit dealers; and declaring an emergency.

H. B. No. 502, By Grover: Relating to audit of county departments of education in certain counties; and declaring an emergency. (As amended)

H. B. No. 595, By Eckhardt: Establishing and maintaining setback lines along waterways; and declaring an emergency.

H. B. No. 316, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 315, By Slack: Respecting notice of hearing on assessments for street improvements; and declaring an emergency.

H. B. No. 422, By Hefton: Relating to selection of jurors by jury wheel system; and declaring an emergency.

H. B. No. 781, By Collins: Authorizing the creation of a Hospital District comprising all of Tyler County; and declaring an emergency.
County; and declaring an emergency. No. 906, H. B. No. 993, H. B. No. 1013, S. B. No. 432.

Conservation and Reclamation: H. B. No. 597.


Judicial Districts: H. B. No. 994.

Livestock and Stock Raising: H. B. No. 946.

Oil, Gas and Mining: H. B. No. 138.


REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 16, 1983

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 41, A bill to be entitled "An Act to amend Chapter 16, Title 15, Article 1257b of the Penal Code of Texas, as amended, providing punishment for murder without malice; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

STANDING COMMITTEE REPORTS

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


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

In accordance with the motion to recess, the House, at 4:19 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

THE COMMITTEE ON ENGROSSED BILLS

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 116, A bill to be entitled "An Act making it unlawful to present a credit card or alleged credit card, with the intent to defraud, for the purpose of obtaining or attempting to obtain any item of value or service; making it unlawful to present such credit card or alleged credit card, with the intent to de-
fraud, to pay for items of value or services rendered; making it unlawful to present a credit card, with the intent to defraud, which credit card has expired or has been revoked with the knowledge of such expiration or revocation; providing a prima facie rule of evidence; providing definitions of terms contained in this Act; providing penalties for violation based upon the amount of credit involved or the value of services involved; providing for service of process in cases involving violations of this Act and for compensation of witnesses; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 204, 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 Forty-fourth Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualification for benefits by adding to Section 5 a new subsection to be known as (g) pertaining to certain students; providing for an effective date for this Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 203, 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 Forty-fourth Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualification for benefits by adding a new subsection to be known as (g) providing that an individual shall be disqualified for benefits for any benefit period with respect to which he is receiving or has received or has attained the age of sixty-five (65) and is eligible to claim renumeration in the form of old age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress, or a State Legislature, and has applied for same; specifically repealing Subsection (e) (2) of Section 5; providing for an effective date for this Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 159, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended; providing criminal penalties for certain acts involving certain obscene articles; defining obscene; providing severability and general repealing clauses; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 16, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 159, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended; providing criminal penalties for certain acts involving certain obscene articles; defining obscene; providing severability and general repealing clauses; and declaring an emergency."
ing Code of 1943, same being Chapter 97, Acts of the Forty-eighth Legislature, Regular Session, 1943; by adding a new Article designated as Article 9a; providing for the appointment of bank examiners; for perpetual corporate existence for state banks; for preparation and filing of applications for charter and providing for removal from office for violation; for the investigation of charter applications for the State Banking Board and payment of expenses thereof; for real estate loans, limitations and exceptions; authorizing bank stockholders and employees to take acknowledgements of instruments in which the bank is interested; defining "banking house;" providing for equal application of state law to state and national banks; providing for severability; providing that all laws or parts of laws, including specifically the provisions of Chapter 24, Article I, Section 1, Acts of the Fifty-seventh Legislature, First Called Session, 1961, and the provisions of Chapter 1, Section 1, Acts of the Fifty-sixth Legislature, Third Called Session, 1959, as amended, which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR
April 18, 1963

H. B. No. 16.

FIFTY-SEVENTH DAY
(Continued)

(Friday, April 19, 1963)

The House met at 10:00 o'clock a.m. and was called to order by the Speaker.

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

"Our Heavenly Father, we pause in the grateful spirit of thanksgiving as we remember those who make our labors fruitful. We give Thee thanks, O Lord, for those who serve so faithfully as the officers and employees of this House of Representatives. We pray that they shall be sustained by Thy grace, filled with Thy Spirit, and uplifted by Thy ever-present love as they continue in their devotion to duty in every field of service.

"Let us never fail to acknowledge with grateful hearts that which others do to assist us in our work, that as we work together, we might reach that common good for all the people of this great State.

"Through Christ our Lord, we pray. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Dungan for today on motion of Mr. Fondren.

Mr. Wheeler for today on motion of Mr. Fondren.

Mr. Green for today on motion of Mr. Finney.

Mr. de la Garza for today on motion of Mr. McDonald of Hidalgo.

Mr. Niemeyer for today on motion of Mr. Beckham.

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

Mr. Crain for today on motion of Mr. Cotten.

Mr. Floyd for today on motion of Mr. Miller.

HOUSE BILL NO. 31 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 31, A bill to be entitled "An Act amending subdivision (g) of Section 1 of Chapter 314, General Laws, 41st Legislature, Regular Session as heretofore amended (and now codified as subdivision (g) of Section 1 of Art. 911b Vernon's Civil Statutes) so as to re-define the term 'Motor Carrier;' providing that the terms 'Motor Carrier,' 'contract carrier,' and 'specialized motor carrier' shall not include vehicles used exclusively in the transportation of sand, gravel, dirt, caliche, shell, co-