similar facilities; providing that the
bonds of the Authority are legal and
authorized investments of certain
entities; providing for a depository
bank; providing for the keeping of
a complete system of accounts; find-
ing that the Authority will be
performing an essential public func-
tion; finding that the enactment
hereof is in fulfillment of a duty
conferred by the Constitution of
the State of Texas; providing a
severability clause; and declaring an
emergency."

Has carefully compared same and
finds it correctly engrossed.

NELSON COWLES, Chairman.

FIFTY-EIGHTH DAY
(Monday, April 22, 1963)
The House met at 11:00 o'clock a.m., pursuant to adjournment, and
was called to order by the Speaker.
The roll of the House was called
and the following Members were
present:

Mr. Speaker Cory
Alanis Cotten
Allen Cowden
Alreda Cowlis
Ball Creas
Bamfield Crews
Barnes Davis
Bass of Bowie de la Garza
Bass of Harris Doke
Beckham Dugan
Berry Dungan
Birkner Richard
Blaloe Edwards
Boyesen Esquivel
Bridges Fairchild
Brooks Finney
Brown Fletcher Floyd
Brown of Galveston Fosdren
Brown of Taylor Foreman
Butler Garrison
Cain Gibbens
Caldwell Gladdin
Canales Glenn
Carthker Green
Cavaness Grover
Chapman Guflcy
Cherry Haines of Brazos
Chilton Hallmark
Collins Harding
Cook Haring

Harris of Galveston Parley
Harris of Dallas Pearcy
Haynes of Orange Pendleton
Healy Petty
Heaton Ficklen
Hendryx Price
Hinson Quilliam
Hollowell Rapp
Houston Richards
Hughes Richardson
Husnack Ritter
Jamison Roberts
Jarvis Rodrigues
Johnson of Dallas Rosen
Johnson of Bexar Satterwhite
Klager Schiller
Knapp Segrest
Kothmann Shannon
Lack Shiplcy
Ligardes Shuttc
McClintion Simpson
McDonald Slack
of Hidalgo Slider
McDonald of Hunt Smith of Jefferson
McGregor Stewart
McIlhany Stollenwarck
McLaughlin Thompson
McNutt Thurmond
Macnee Townsend
Mann Tragner
Markgraf Walker
Miller Ward
Monigan Weldon
Moyer Wells
Moyr Waylel
Nuch серь Wheeler
Niemeyer Whitfield
Negent Wieting
Parker Wilson
Parnur Woods

Absent—Excused
Adams Koilba
Carpenter Smith of Bexar
Kilpatrick

A quorum of the House was an-
nounced present.

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

"Our Heavenly Father, as each
day brings increased responsibility,
and as pressures are brought to bear
upon our lives, we pray for strength
that will not fail.
"May we find in Thee a strong
foundation for our lives, that can-
not be shaken by the storms of anger
or the pettiness of prejudice.
"Grant us this day, the power to
see beyond our own selfish desires, that vision of what can be accomplished as we work together in unity.

O Lord, let our lives be flexible enough that we may give, in order that we might receive.

"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. Smith of Bexar for today on motion of Mr. Segrest.

Mr. Adams for today on motion of Mr. Clayton.

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

Mr. Kilpatrick for today on motion of Mr. Smith of Jefferson.

MEMORIAL RESOLUTION ADOPTED

H. S. R. No. 412, By Haring:
In memory of Dr. Paul Henry Keck.

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:


H. B. No. 1032, A bill to be entitled "An Act empowering and directing the Board of Control to construct an elevator (in the north wing of the Capitol Building; empowering and directing the State Building Commission to allocate from the State Building Fund such moneys as may be provided in the General Appropriation Act to cover the cost of construction; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Gibbens:

H. B. No. 1033, A bill to be entitled "An Act authorizing the election of school trustees by separate positions in independent school districts in counties having a population of not less than eight thousand five hundred (8,500) nor more than nine thousand (9,000) according to the last preceding Federal Census; providing that when the Board of Trustees adopts the procedure herein it may not rescind such action; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Crews:

H. B. No. 1034, A bill to be entitled "An Act amending Acts 1951, 52nd Leg., Chapter 491, known as the Texas Insurance Code, by adding thereto a new Article numbered 1.26; defining credit guaranty insurance; providing for the maintenance of reserves on such insurance; and declaring an emergency."

Referred to the Committee on Insurance.

By Duggan:

H. B. No. 1035, A bill to be entitled "An Act defining the terms 'Issuer,' 'Bonds,' and 'governing body' as used herein; authorizing the governing body of an issuer by ordinance to fix and prescribe the denominations of bonds of the issuer, when the same have otherwise been authorized in the manner prescribed by law; providing that this act shall control over inconsistent provisions of prior laws, general or special; and declaring an emergency."

Referred to the Committee on State Affairs.

By Atwell and Morgan:

H. B. No. 1036, A bill to be entitled...
"An Act amending Section 8 of the Acts of 1959, 66th Legislature, 2nd Called Session, Page 147, Chapter 43, Section 1, as amended, so as to provide for the minimum and maximum salaries of certain public officials in counties having a population of not less than nine hundred thousand (900,000) nor more than one million (1,000,000) according to the last preceding Federal Census; repealing all other salary and compensation laws applicable to said officials, providing for a savings clause and declaring an emergency."

Referred to the Committee on Counties.

By Caldwell:
H. B. No. 1037, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 69, Article XVI, Constitution of Texas, to be known as 'Oak Manor Municipal Utility District of Hays County, Texas,' prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Referred to the Committee on Counties.

By Smith of Bexar:
H. B. No. 1038, A bill to be entitled "An Act amending Acts 1947, 56th Legislature, page 486, Chapter 283, providing for the compensation of Grand Jury Bailiffs in counties having a population of not less than 600,000 inhabitants and not more than 800,000 inhabitants according to the last preceding or any future Federal Census, repealing all laws or parts of laws in conflict therewith to the extent of such conflict only; 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. 25 to the Committee on State Affairs.
S. B. No. 94 to the Committee on Municipal and Private Corporations.
S. B. No. 127 to the Committee on Counties.
S. B. No. 138 to the Committee on State Affairs.
S. B. No. 218 to the Committee on Revenue and Taxation.
S. B. No. 237 to the Committee on Judicial Districts.
S. B. No. 246 to the Committee on Counties.
S. B. No. 247 to the Committee on Judiciary.
S. B. No. 250 to the Committee on Insurance.
S. B. No. 281 to the Committee on Municipal and Private Corporations.
S. B. No. 300 to the Committee on Revenue and Taxation.
S. B. No. 328 to the Committee on Municipal and Private Corporations.
S. B. No. 332 to the Committee on Counties.
S. B. No. 337 to the Committee on State Affairs.
S. B. No. 347 to the Committee on State Affairs.
S. B. No. 355 to the Committee on Revenue and Taxation.
S. B. No. 366 to the Committee on Judiciary.
S. B. No. 373 to the Committee on Counties.
S. B. No. 388 to the Committee on Municipal and Private Corporations.
S. B. No. 389 to the Committee on Conservation and Reclamation.
S. B. No. 390 to the Committee on Judiciary.
S. B. No. 391 to the Committee on State Affairs.
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S. B. No. 393 to the Committee on State Affairs.
S. B. No. 394 to the Committee on Appropriations.
S. B. No. 416 to the Committee on Counties.
S. B. No. 417 to the Committee on Insurance.
S. B. No. 419 to the Committee on Insurance.
S. B. No. 424 to the Committee on Municipal and Private Corporations.
S. B. No. 430 to the Committee on Counties.
S. B. No. 433 to the Committee on School Districts.
S. B. No. 440 to the Committee on Counties.
S. B. No. 315, "An Act amending in Section 1, Sections 1, 2, 3, 6, 7, 13, 14, and 18 of Chapter 101, Acts of the 43rd Legislature, First Called Session, 1933, as last amended by Chapter 427, Acts of the 57th Legislature, Regular Session, 1961, (codified as Article 6243b of Vernon's Texas Civil Statutes), relating to the Firemen and Policemen pension fund in cities of more than two hundred seventy-five thousand (275,000) and less than three hundred thousand (300,000) inhabitants; providing for enlarging the membership in the board of trustees; increasing the maximum amount deductible; making participation compulsory within specified age limit; and declaring an emergency."
S. C. R. No. 49, Giving honor and recognition to City of Grand Prairie, Texas, during its centennial in the month of May, 1963.
S. B. No. 445 to the Committee on Judicial Districts.
S. B. No. 446 to the Committee on Counties.
S. B. No. 448 to the Committee on Appropriations.
S. B. No. 454 to the Committee on State Affairs.
S. B. No. 458 to the Committee on Counties.
S. B. No. 459 to the Committee on Counties.

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:

S. B. No. 172, "An Act creating the Richmond State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying schoolchildren; and declaring an emergency."
S. B. No. 232, "An Act creating the Lufkin State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying schoolchildren; and declaring an emergency."
S. B. No. 315, "An Act amending in Section 1, Sections 1, 2, 3, 6, 7, 13, 14, and 18 of Chapter 101, Acts of the 43rd Legislature, First Called Session, 1933, as last amended by Chapter 427, Acts of the 57th Legislature, Regular Session, 1961, (codified as Article 6243b of Vernon's Texas Civil Statutes), relating to the Firemen and Policemen pension fund in cities of more than two hundred seventy-five thousand (275,000) and less than three hundred thousand (300,000) inhabitants; providing for enlarging the membership in the board of trustees; increasing the maximum amount deductible; making participation compulsory within specified age limit; and declaring an emergency."
S. C. R. No. 49, Giving honor and recognition to City of Grand Prairie, Texas, during its centennial in the month of May, 1963.
S. C. R. No. 50, Designating Peace Officers Memorial Day and Police Week.

PERMISSION GRANTED TO INTRODUCE HOUSE BILLS

Mr. Grover moved to suspend the necessary rules in order to introduce H. B. No. 1041 at this time.

The motion prevailed without objection.

Mr. Smith of Jefferson moved to suspend the necessary rules in order to introduce H. B. No. 1042 at this time.

The motion prevailed without objection.

Mr. Haynes of Orange moved to suspend the necessary rules in order to introduce H. B. No. 1043 at this time.

The motion prevailed without objection.

Mr. Haynes of Orange moved to suspend the necessary rules in order to introduce H. B. No. 1044 at this time.

The motion prevailed without objection.

Mr. Duggan moved to suspend the necessary rules in order to introduce H. B. No. 1045 at this time.

The motion prevailed without objection.

Mr. Haynes of Orange moved to suspend the necessary rules in order to introduce H. B. No. 1046 at this time.

The motion prevailed without objection.

Mr. Duggan moved to suspend the necessary rules in order to introduce H. B. No. 1047 at this time.
The motion prevailed without objection.

HOUSE BILL NO. 690 WITH SENATE AMENDMENTS

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

H. B. No. 690, A bill to be entitled "An Act amending Section 1 and Section 2 of Chapter 169, Acts of the Fortieth Legislature, 1945, removing the general jurisdiction of eminent domain from the County Court of Titus County; transferring the general jurisdiction of eminent domain to the district court having jurisdiction in Titus County; and declaring an emergency."

On motion of Mr. Chapman, the House concurred in the Senate Amendments by the following vote:

Yea.s-139

Absents-10

The following Senators voted Absent—Excused:

Adams, Kilpatrick

The following Senators voted Absent:

Jarvis, Quillian

Johnson of Dallas, Rapp

Johnson of Bexar, Richards

Kliger, Richardson

Knapp, Ritter

Kothmann, Roberts

Lack, Rodriguez

Ligard, Rosson

McClinton, Satterwhite

McDonald, Schiller

McDonald of Hidalgo, Segrest

McDonald of Rusk, Shannon

McGregor, Shipley

McIlhaney, Shutt

McLaughlin, Simpson

McNutt, Black

Macatee, Bledsoe

Mann, Smith of Jefferson

Markgraf, Shewert

Miller, Hollemauer

Morgan, Thompson

Moyer, Thurmond

Murray, Townsend

Mutschler, Trager

Nagel, Walker

Parker, Ward

Parmer, Waldon

Parrish, Wells

Peary, Whatley

Peeler, Wheeler

Pendleton, Wildfield

Pettit, Wiesting

Pipkin, Wilson

Price, Woods

Cowles, Jamison

Dungan, Niehueser

Absent

Adams, Kilpatrick

Carpenter, Smith of Bexar

Text of Senate Amendments to House Bill No. 690

Senate Floor Amendment No. 1

Amend House Bill No. 690 by striking out all below the enacting clause and substituting therefor the following:

"Section 1. Section 1 of Chapter 169, Acts of the Fortieth Legislature, 1945, is hereby amended to read as follows:

"Section 1. The County Court of Titus County shall retain and continue to have and exercise the general jurisdiction of probate courts, and all other jurisdiction now or hereafter conferred by the Constitution"
and laws of this state, except as is hereinafter provided, and shall retain all jurisdiction and power to issue all writs necessary to the enforcement of its jurisdiction and to punish contempts; but said county court shall have no civil jurisdiction and no criminal jurisdiction except jurisdiction to receive and enter pleas of guilty in misdemeanor cases, and except as to final judgments referred to in Section 2, hereof, and shall have no general jurisdiction in trial of all matters of eminent domain on appeal from the awards of commissioners.

"Section 2. The district court having jurisdiction in Titus County shall have and exercise jurisdiction in all matters and cases of a civil nature and in all matters of a criminal nature, except as to such jurisdiction that the county court has to receive and enter pleas of guilty in misdemeanor cases as is provided in Section 1 hereof, whether the same be of original jurisdiction or of appellate jurisdiction, and shall have the general jurisdiction in trial of all matters of eminent domain on appeal from the awards of commissioners, over which by the general laws of the State of Texas now existing and hereinafter enacted the county court of said county would have had jurisdiction and all pending civil or criminal cases and eminent domain appeals from the awards of commissioners be, and the same are hereby transferred to the district court having jurisdiction in Titus County, Texas, and all writs and process heretofore issued by or out of said county court in all pending civil or criminal cases or eminent domain appeals from the awards of commissioners be, and the same are hereby, made returnable to the district court sitting in Titus County, Texas. However, there shall not be transferred to said district court jurisdiction over any judgments, either in civil, criminal or eminent domain cases, rendered prior to the time this Act takes effect and which have become final, but as to such judgments the said county court shall retain jurisdiction for the enforcement thereof by all appropriate process.

"Section 3. 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.

Mr. Fairchild called up Senate Amendments for consideration at this time.

H. B. No. 236, A bill to be entitled "An Act amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, relating to commercial fishing in certain counties to prohibit fishing commercially in the Angelina River -Of Nacogdoches County; and declaring an emergency.

On motion of Mr. Fairchild the House concurred in the Senate Amendments to H. B. No. 236.
Senate Amendment No. 2
Amend caption to conform to body of bill.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Herndon offered the following resolution:

H. C. B. No. 63

WHEREAS, it is alleged that on the 17th day of May, 1965, Andrew G. Buckner and wife, Narcadean Buckner, executed and delivered to the City of Sherman, a municipal corporation of the State of Texas, a certain deed, dated on said date, and conveying to said City of Sherman certain lands and premises described in such deed; to wit:

Lot No. Seven (7) of Nall & Thompson Replat of Preston Place Estates Addition to the City of Sherman, Grayson County, Texas; which deed is now of record in Volume, 435, Page 517, of the deed records of Grayson County, Texas; and

WHEREAS, it is further alleged that a part of the consideration for the execution of said deed was as reflected by the following provisions therein contained:

"The considerations for this grant and conveyance are as follows:

(3) A conveyance from the City of Sherman of any lands herein described not required by the Texas Highway Department, for the establishment of a divided 4-lane controlled access Freeway and Expressway Highway, and subject to all rights and lands required for the construction of such project, such conveyance to be made upon demand and upon completion of said project; the consideration for such conveyance shall be One and No/100 Dollars, regardless of the amount of land to be therein described and conveyed; such conveyance to contain a warranty of the same kind, character and degree as the warranty hereinafter in this instant Right-of-Way Deed expressed;" and

WHEREAS, it is further alleged that on July 20, 1962, the City of Sherman, Texas, executed and delivered to the State of Texas a certain quitclaim deed, dated on said date, covering certain lands and premises described in such deed, including the land therefore conveyed to said City by Andrew G. Buckner and wife, as aforesaid; and

WHEREAS, it is further alleged that the State Highway Department of Texas thereafter constructed through the City of Sherman a four-lane, controlled access highway, which was ultimately designated as the route of U. S. Highway No. 76 through said City, which highway was in part located and established upon the lands described in said quitclaim deed, including a portion of the land described in said deed on May 17, 1965, from Andrew G. Buckner and wife; and

WHEREAS, it is further alleged that such highway construction work, insofar as the same affected the land conveyed by the said Andrew G. Buckner and wife, as aforesaid, having been completed by the general contractor, was accepted by the State Highway Department of Texas, and that a substantial portion of the land so conveyed by Andrew G. Buckner and wife, was not required for the establishment, construction or maintenance of said highway and was not actually occupied by said highway or by any approaches or drainage facilities pertinent thereto, as the same were finally located and constructed; and

WHEREAS, it is further alleged that subsequent to the completion and acceptance of said highway construction work, the said Andrew G. Buckner and wife made due demand upon the City of Sherman, Texas, and the State Highway Department of Texas for a reconveyance to them, pursuant to the terms of said deed of May 17, 1965, of that portion of the land described in such deed not required for the establishment, construction or maintenance of said highway or its appurtenances, as aforesaid, but that both the City of Sherman and the State of Texas, through its State Highway Department, refused to execute a reconveyance of any part of said land, but asserted that all of it was needed for the operation and maintenance of said highway; and

WHEREAS, it is proper that the said Andrew G. Buckner and wife should have the opportunity of litigating
Resolved, That the sole purpose of this Resolution is to grant permission to the said Andrew G. Buckner and wife, Narcadene Buckner, to bring such suit against the State of Texas and the State Highway Department of Texas, to compromise and settle the same as herein provided, and to authorize said Commission to expend funds as herein provided in connection with such suit; and no admission of any fact or of liability of the State of Texas or of any department or agency thereof is made in any way by the passage of this Resolution; and it is specifically provided that, except in case of compromise and settlement, all allegations and claims must be proved as in other suits under the same rules of evidence and the same laws as apply to and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any department or agency thereof, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO
SUE THE STATE

Mr. Barnes offered the following resolution:

House Concurrent Resolution No. 64

Whereas, Tectonic Oil, Inc., alleges that it is a corporation and further alleges that it is the present owner of oil and gas lease No. 9999 from the State of Texas by and through the School Land Board to Carri Oil Co. dated April 14, 1959 and covering Tract No. 296 Laguna Madre, Kenedy County, Texas, containing 266 acres as shown on the official map of Laguna Madre, now on file in the General Land Office, said lease having been assigned to Tectonic Oil, Inc., by Carri Oil, etc., by assignment dated May 10, 1962 and record-
ed in Vol. 11, pages 506-8, Oil & Gas Records of Kenedy County, Texas, subject to certain outstanding and overriding royalties, and

Whereas, Tectonic Oil, Inc., alleges further that it is also the owner of a portion of an oil and gas lease dated December 8, 1936, by and between Barita Kenedy East, et vir, as Lessee and Humble Oil and Refining Co. as Lessee, covering certain lands in Kenedy County, Texas and recorded in Volume 2 at Page 109 et seq., of the Kenedy County Oil and Gas Records, said lease having been partially assigned by Humble Oil & Refining Co. to Tectonic Oil, Inc., by instrument dated June 13, 1962, and recorded in Volume 11, Pages 107-113 of the Oil and Gas Records of Kenedy County, Texas, subject to certain outstanding and overriding royalties and purporting to cover 566 acres of land in the Las Motas de LaBerreta Grant, Kenedy County, Texas, and

Whereas, it is alleged that the 566 acres described in the assignment from Humble Oil & Refining Co. to Tectonic Oil, Inc., is the same land as the 566 acres described in State Oil and Gas Lease No. 60090 and, whereas, Tectonic Oil, Inc., alleges that it has completed a well on said 566 acres capable of production of oil or gas in paying quantities, and there is dispute between Humble Oil & Refining Co. and its lessors on the one hand and the State of Texas by and through the Commissioner of the General Land Office and the School Land Board on the other hand as to the ownership of said 566 acres and as to the ownership of all royalty and mineral interest in and to any and all production of oil, gas or other minerals from said 566 acres and,

Whereas, Tectonic Oil, Inc., further alleges that it has no way of resolving said conflict and of determining the rightful owner of royalties other than to file an interpleader action seeking a judicial determination of the ownership of said 566 acres and the royalty and mineral interest thereunder, and Tectonic Oil, Inc., desires to file such a suit in order to protect its rights under such leases and in and to the working interests thereunder; now therefore

Be it Resolved by the House of Representatives of the State of Texas, the Senate of the State of Texas concurring, that Tectonic Oil, Inc., be and it is hereby granted permission to bring and maintain an interpleader suit against the State of Texas, the Land Commissioners of the State of Texas, and the members of the School Land Board of the State of Texas in their respective official capacities, said suit to be filed in a District Court of competent jurisdiction in Kenedy County, Texas, in which suit Tectonic Oil, Inc., may tender all accrued royalties, if any, arising from production of oil, gas or other minerals from the 566 acres described above and may seek a judicial determination of the rightful owner of said 566 acres and of all royalty and mineral interests in production thereunder, and a declaration as to how royalties from production of oil, gas or other minerals from the 566 acres shall be paid, and being further provided that Tectonic Oil, Inc., may join in such suit Humble Oil & Refining Co. and its lessors and all other indispensable parties to such suit, and be it further

Resolved, That the sole purpose of this resolution is to grant permission to Tectonic Oil, Inc., to bring and maintain suit against the State of Texas and the officials named above and no admission of ownership of said land by any party other than the State of Texas or of liability on the part of the State of Texas is made by this resolution and all essential facts shall be proved, according to the law and rules of evidence in other similar cases under the Texas Rules of Civil Procedure and any party may appeal from the judgment as in similar cases.

The resolution was referred to the Committee on State Affairs.

TO CONGRATULATE THE HONORABLE RONALD W. BRIDGES

Mr. Peeler offered the following resolution:

H. S. R. No. 409

Whereas, Gifted in the art of concealment as an ex-cloak and dagger man, Ronald W. Bridges of Corpus Christi kept secret from this House the important intelligence
that he reached his thirty-first birthday on April 17; and

Whereas, It has been ferreted out, nonetheless, that he was born on April 17, 1930, in Breckenridge, Texas, and that he now lives in Corpus Christi, Texas; that he is in his third term as a Member of the House; that he heads a public relations firm; that he is an alumnus of two universities—St. Mary's and The University of Texas; that he is a lawyer as well as a writer, and that he served in Army Intelligence during the war; and

Whereas, It is no secret that the nicest things about him are his delightful wife Kathy and his children, Kitty and Kimberly; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas extends birthday congratulations and best wishes to our admired colleague, the Honorable Ronald W. Bridges.

Signed: Peeler and Stewart.

The resolution was read and was adopted unanimously.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 413, By Cole: Com­mending students from Greenville, Texas.

H. S. R. No. 407, By Ritter, Cav­ness, Cain and Foreman: Com­mending the Third Grade Class of Highland Park School, Austin, Texas.

H. S. R. No. 408, By Cotten: Congratulating the Texas Joint Railway Labor Legislative Board.

H. S. R. No. 410, By Foreman, Cain, Cavness and Ritter: Welcoming and commending the Austin Junior League.

H. C. R. No. 62, By Bass of Bowie: Congratulating the DeKalb High School track team.

RELATIVE TO HOUSE BILL NO. 180

Mr. Finney moved to suspend the necessary rules in order to make a motion to reconsider the vote by which H. B. No. 180 was passed was, on last Friday, tabled.

The motion to suspend the rules prevailed without objection.

Mr. Finney then moved to reconsider the vote by which the motion to reconsider the vote by which H. B. No. 180 was passed, was tabled.

The motion to reconsider the vote prevailed without objection.

Mr. Finney then moved to reconsider the vote by which H. B. No. 180 was passed.

The motion prevailed without objection.

Mr. Finney then moved to reconsider the vote by which H. B. No. 180 was passed.

The motion prevailed without objection.

The Speaker then laid before the House, on its passage, H. B. No. 180, A bill to be entitled "An Act to establish the County Criminal Court of Appeals of Tarrant County, Texas, to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Tarrant County, the County Criminal Court of Tarrant County and The County Criminal Court No. 1 of Tarrant County; providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and Municipal Ordinances of the Municipalities located in Tarrant County, Texas, from The County Criminal Court of Tarrant County and The County Criminal Court No. 1 of Tarrant County to the County Criminal Court of Appeals of Tarrant County; declaring the validity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; providing for the practice and procedure in said court; for the terms of said court, for the election, qualification and appointment of a judge thereof, and for the execution of a bond and oath of office; providing for the removal of said judge; providing for a clerk of said court and for the duties of said clerk and the duties of the Sheriff as to such court; providing a seal for said court; establishing the fees and compensation to be paid the Judge thereof and providing for the payment of such compensation; providing for the appointment, qualifications and compensation of an official shorthand reporter for
said court; conferring upon the judge of the County Criminal Court of Tarrant County and the judge of the County Criminal Court No. 1 of Tarrant County the power and authority to transfer matters and proceedings from their respective courts to the said County Criminal Court of Appeals of Tarrant County; conferring upon the judge of The County Criminal Court of Tarrant County, the judge of the County Criminal Court No. 1 of Tarrant County and the Judge of The County Criminal Court of Appeals of Tarrant County the authority to sit and act as judge of any of the other court; providing for conflict or unconstitutionality in said Act; and declaring an emergency."

The bill was read third time.

Mr. Finney moved to reconsider the vote by which the amendment to H. B. No. 186 was on last Friday adopted.

The motion to reconsider the vote prevailed.

HOUSE BILL NO. 487 ON SECOND READING

Mr. Heatly moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 487.

The motion prevailed by unanimous consent.

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

H. B. No. 487. A bill to be entitled "An Act relating to the salaries of all state officers and employees except the salaries and other compensation of District Judges; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, Supreme Court and Court of Criminal Appeals; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

The bill was read second time.

Mr. Heatly offered the following amendment to the bill:

Amend H. B. No. 487 by deleting Section 1 thereof and by substituting the following:

"Section 1. The salaries of all state officers and all state employees, and the state's portion of salaries for District Judges and Criminal District Judges, excepting only such salaries as may be set by the Constitution, shall be in such sums or amounts as may be provided for or authorized by the Legislature in the biennial or other appropriations Acts. This Act shall not be construed as amending, repealing, or suspending existing statutes which govern the additional compensation of District Court Judges and Criminal District Court Judges from local funds by virtue of population bracket laws, service on Juvenile Boards, Domestic Relations Courts, or by virtue of other administrative and judicial services rendered. It is further provided that in instances where the biennial or other general appropriations Acts do not specify or regulate the salaries or compensation of a state official or employee, the law specifying or regulating the salary or compensation of such official or employee is not suspended or repealed by this Act. It is declared to be one of the intents of this Act that the Legislature shall also fix the amount of supplemental salaries hereafter, out of court fees and receipts, to be paid to the clerks and other employees of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals."

A record vote was requested on the amendment.

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Arledge</td>
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<tr>
<td>Atwell</td>
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<tr>
<td>Cory</td>
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<td>Coughran</td>
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<td>Crow</td>
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<td>Dauphina</td>
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<tr>
<td>de la Garza</td>
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<td>Dugan</td>
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<td>Edwards</td>
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<td>Exerlal</td>
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<td>Fairchild</td>
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<td>Finney</td>
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<td>Floyd</td>
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<td>Fondren</td>
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<td>Foreman</td>
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<tr>
<td>Foster</td>
<td></td>
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<tr>
<td>Garrison</td>
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</tbody>
</table>

1252 HOUSE JOURNAL
Mr. Allen offered the following amendment to the bill:

Add a new section to H. B. 487 properly numbered to read as follows:

"Provided salaries above $10,000 shall not be set at an amount in excess of the amount set in the General Appropriation Act of the 57th Legislature."

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

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the amendment offered by Mr. Allen, and the vote was announced Yeas 68, Nays 72 and 1 present-not voting.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Nays—69

Yeas—63

Present—Not Voting

Mr. Allen offered the following amendment to the bill:

Add a new section to H. B. 487 properly numbered to read as follows:

"Provided salaries above $10,000 shall not be set at an amount in excess of the amount set in the General Appropriation Act of the 57th Legislature."

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

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the amendment offered by Mr. Allen, and the vote was announced Yeas 68, Nays 72 and 1 present-not voting.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Yeas—63

Nays—69

Present—Not Voting

Mr. Allen offered the following amendment to the bill:

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A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the amendment offered by Mr. Allen, and the vote was announced Yeas 68, Nays 72 and 1 present-not voting.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Yeas—63

Nays—69

Present—Not Voting

Mr. Allen offered the following amendment to the bill:

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A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the amendment offered by Mr. Allen, and the vote was announced Yeas 68, Nays 72 and 1 present-not voting.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Yeas—63

Nays—69

Present—Not Voting

Mr. Allen offered the following amendment to the bill:

Add a new section to H. B. 487 properly numbered to read as follows:

"Provided salaries above $10,000 shall not be set at an amount in excess of the amount set in the General Appropriation Act of the 57th Legislature."

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

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the amendment offered by Mr. Allen, and the vote was announced Yeas 68, Nays 72 and 1 present-not voting.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Yeas—63

Nays—69

Present—Not Voting
<table>
<thead>
<tr>
<th>Absent</th>
<th>Present—Not Voting</th>
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</thead>
<tbody>
<tr>
<td>Adjourned...</td>
<td>Mr. Wieting (present), who would vote Nay, with Mr. Smith of Bexar (absent) who would vote Yea.</td>
</tr>
<tr>
<td>The Speaker stated that the motion to table the amendment offered by Mr. Allen was lost by the above vote.</td>
<td></td>
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<tr>
<td>A record vote was requested on the amendment offered by Mr. Allen.</td>
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<tr>
<td>The amendment offered by Mr. Allen was lost by the following vote:</td>
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<table>
<thead>
<tr>
<th>Yeas—63</th>
<th>Nays—70</th>
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<tr>
<td>Alanis</td>
<td>Harris of Dallas</td>
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<td>Allen</td>
<td>Haynes of Orange</td>
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<td>Aderhag</td>
<td>Heflin</td>
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<td>Hinson</td>
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<td>Isaacks</td>
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<td>Bass of Harris</td>
<td>Johnson of Bexar</td>
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<td>Kaapp</td>
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<td>McDonald</td>
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<td>Bridges of Hidalgo</td>
<td>McDonald of Rusk</td>
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<td>Brooks</td>
<td>McDonald of Rusk</td>
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<tr>
<td>Brown McGuffin</td>
<td>and Galveston</td>
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<td>Caldwell</td>
<td>Markgraf</td>
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<td>Cherry</td>
<td>Morgan</td>
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<td>Cotton</td>
<td>Nimmer</td>
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<td>Crain</td>
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<td>de la Garza</td>
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<td>Satterwhite</td>
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<td>Seestin</td>
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<td>Harding</td>
<td>Shattara</td>
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<td>Haring</td>
<td>Simpson</td>
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<td>Harris</td>
<td>Slater</td>
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<tr>
<td>of Galveston</td>
<td>Stewart</td>
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</tbody>
</table>
Mr. Haring offered the following amendment to the bill:

Amend H. B. 487 by adding "Sec­tion 18, after Sec. 1: "The compen­sation of state officers shall not be diminished during their term of of­fice."

Mr. Heatly moved to table the amendment offered by Mr. Haring.

A record vote was requested on the motion to table.

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

Yeas—98

Allen  Arledge  Hendryx
Arwells  Blaine  Johnson of Dallas
Ball  Houston  Johnson of Harris
Barnes  Hughes  Isaacs
Bass of Bowie  Jarvi  Johnson of Harris
Bass of Harris  Jarvi  Johnson of Dallas
Birdsall  Kiger  Ligarde
Blaine  Knapp
Borden  Kothmann
Brown of Taylor  Larder
Butler  McGarhey
Cain  McDonald
Canales  McDonald of Hidalgo
Canales  McDonald of Rusk
Clayton  McLaughlin
Collins  McMeekin
Cory  Mann
Cory of El Paso  Minter
Cowden  Murray
Cowden  Parker
Crews  Parsley
de la Garza  Phipkin
Duggan  Quesen
Esquivel  Ritter
Fairchild  Satterwhite
Finney  Schiller
Floyd  Segret
Fondren  Shannon
Foreman  Shipley
Garrison  Shutt
Gibbons  Simpson
Gladden  Slack
Green  Smith of Jefferson
Grover  Thompson
Guffey  Thurmond
Hayes of Brazos  Walker
Hallmark  Wells
Hayes of Orange  Whatley
Healy
Mr. Wieting (present), who
would vote Yes, with Mr. Smith of
Harris (absent) who would vote
Nay.
H. B. No. 628 was then passed to engrossment.

RECESS

Mr. Mann moved that the House recess until 2:30 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House, at 1:16 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.
purposes as contemplated under
shown on such registers shall be
or payment transactions with the
sequence, of all warrants paid dur­
ting the preceding month. The

The Treasurer shall designate such record
as an original record for all legal
purposes as contemplated under Sec-

of the 50th Legislature, 1947 (codified as Article 5441a, Revised Civil Statutes).

Sec. 6. The Comptroller, when the
photographic record as provided in
Section 3 or Section 5 above, has
been completed, shall forward the
paid warrants to the State Agency
for which they were originally issued.
Each Agency shall hold such paid
warrants for audit by the State
Auditor. Upon completion of a sub-
sequent audit all paid warrants en-
compassed in such audit may be
destroyed in accordance with the
procedure established by Section 1,
Chapter 403, Acts of the 50th Leg-
isature, 1947 (codified as Article
5441a, Revised Civil Statutes).

Sec. 7. Upon receipt of an inquiry
concerning a previously issued war-
rant or a request for a duplicate
warrant, the Agency for which the
warrant was issued shall search its
records. Such Agency shall initiate
appropriate action, through the
Treasurer, to obtain reimbursement
to the State for any warrant found
to be improperly paid.

Copies of paid warrants may be
prepared as needed.

Sec. 8. Outstanding warrants shall
be listed each month by reconcilia-
tion of warrants issued against war-
rants paid; and such list of war-
rants remaining outstanding shall
be prepared by the Comptroller who
shall furnish a copy of such register
or list to the Treasurer. The Treas-
urer and the Comptroller shall rec-
oncile the totals outstanding by fund
or fund class or warrant class with
the control ledgers maintained by
the respective offices.

Sec. 9. Article 4382, Revised Civil
Statutes of Texas, 1915, as last
amended by Section 1 of Chapter
377, Acts 53rd Legislature, Regular
Session, 1953; and Article 4384,
Revised Civil Statutes of Texas, 1925;
and all other laws and parts of laws
in conflict with this Act are speci-
ically repealed.

Sec. 10. This Act shall be in effect

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and in force on and after September 1, 1963. It shall be implemented thereafter as the Comptroller of Public Accounts can assume the responsibility for preparing the records and performing the routines required by this Act.

Sec. 11. The fact that existing laws impose responsibilities on the Treasurer which should devolve upon the Comptroller and the fact that the Comptroller has been provided with an electronic data processing center capable of handling the work of reconciling warrants issued, paid, and outstanding electronically and therefore more rapidly and more economically than this work can be performed by the Treasurer, and the necessity for paid warrants to be on file in the State agencies for which they were issued so that they may be audited in the post-audits made by the State Auditor, 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 said Rule is hereby suspended; and this Act shall take effect as provided herein, and it is so enacted."

The amendment was adopted without objection.

A record vote was requested on the passage of H. B. No. 628 to engrossment.

H. B. No. 628 was passed to engrossment by the following vote:

Year—111

Allen Clayton
Artledge Cole
Atwell Collins
Bail Cotton
Banfold Coughran
Barnes Cowden
Base of Bowie Crowes
Bass of Harris Crews
Beckham Davis
Berry de la Garza
Blaine Dodge
Boyce Duncan
Brown of Taylor Dungag
Butler Edwards
Caldwell Everts
Canalies Fairchild
Cannon Finney
Carriker Fletcher
Cherry Floyd
Garrison Moyer
Gibbens Murray
Glidden Nemesper
Glenn Nugent
Green Parker
Grover Farmer
Haines of Brazos Parsley
Hallmark Peary
Harding Pfeiler
Harris of Dallas Pendleton
Haynes of Orange Petti
Healy Pipkin
Hef ton Quillian
Hendryz Rapp
Hineson Roberts
Hollowell Rosson
Houston Satterwhite
Hughes Shannon
Issaacks Shipley
Jarvis Shutt
Johnson of Dallas Simpson
Johnson of Bexar Slack
Klager Smith of Jefferson
Knapp Stewart
Kothmann Stollenweck
Lack Thompson
Ligarde Thurmond
McDonald Townsend
of Hidalgo Walker
McGregor Ward
McMnelly Weldon
McLaughlin Wells
McNutty Weatherly
Macalee Wheeler
Mann Whitefield
Miller Wilson
Morgan Woods
Nays—26

Alaniz Harris
Birkrner of Galveston
Bridges McClinton
Brown McDonald of Rusk
of Galveston Markgraf
Cain Mutchker
Cavness Richards
Chapman Ritter
Cory Rodriguez
Crain Schiller
 Eckhardt Seger
Fondren Slider
Foreman Wieling
Guffey

Present—Not Voting
Brooks Haring

Absent
Cook Richardson
Jamison Treasurer
Price
Mr. Haring (present), who would vote Yeas, with Mr. Smith or Bexar (absent) who would vote Nays.

Mr. Macatee moved to reconsider the vote by which H. B. No. 628 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON H. B. NO. 628

Although I certainly am anxious to save any unnecessary State expenses, I believe passage of H. B. 628 will eliminate some of the protections we have established in our State's accounting system to prevent possible fraud or mishandling of State funds. The people of Texas are entitled to every possible protection against mishandling or money by State Officials, such as in the case of the Veterans' Land Scandals in recent years. For these reasons, I voted against H. B. 628.

Jim Markgraf.

HOUSE BILL NO. 180 ON PASSAGE

The Speaker laid before the House its passage. H. B. No. 180, relative to creating County Criminal Court of Appeals of Tarrant County.

The vote having been reconsidered by which H. B. No. 180 was on last Friday passed and by which the amendment offered by Mr. Finney on last Friday was adopted.

Mr. McLaughlin offered the following amendment to the amendment offered by Mr. Finney:

Amend Section 11 of Finney Amendment to House Bill 180, by striking the words "Fourteen Thousand, Four Hundred Dollars ($14,400)" and inserting in lieu thereof the following "Twelve Thousand Dollars ($12,000)."

The amendment was adopted without objection.

Mr. McLaughlin offered the following amendment to the amendment offered by Mr. Finney:

Amend Finney Amendment to House Bill 180 by striking sections 17, 18, 19, and 20 and renumbering the following sections accordingly.

The amendment was adopted without objection.

The amendment offered by Mr. Finney, as amended, was adopted.

H. B. No. 180 was then passed.

Mr. McLaughlin moved to reconsider the vote by which H. B. No. 180 was passed and to table the motion to reconsider.

The motion to table prevailed.

The motion to table prevailed.

HOUSE BILL NO. 755 ON SECOND READING

Mr. Haines of Brazos moved that the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 755.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 755, a bill to be entitled "An Act changing the name of the Agricultural and Mechanical College of Texas to Texas A&M University; changing the name of the Texas Agricultural and Mechanical College System to the Texas A&M University System; and declaring an emergency."

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

Mr. Haines of Brazos moved to reconsider the vote by which H. B. No. 755 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE ON H. B. NO. 755

I voted No on changing the name of Texas A and M College to Texas A and M University.

Paul Floyd.

HOUSE BILL NO. 357 ON SECOND READING

Mr. Green moved that all the
necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 357.

The motion prevailed.

The Speaker laid before the House on Its second reading and passage to engrossment, H.B. No. 357, A bill to be entitled "An Act amending Chapter 9, Article 9.14, of House Bill No. 11, as passed by the 66th Legislature, Third Called Session, to provide for refund or motor fuel taxes paid by a transit company on motor fuel used or consumed or to be used or consumed, except the one-fourth (1/4) of the taxes which is allocated to the Available School Fund, by the Constitution of the State of Texas; and amending Article 10.03, subsection (2) of Chapter 10 of House Bill No. 11, as passed by the 66th Legislature, Third Called Session, to provide for refund of special fuel taxes paid by a transit company on special fuel used or consumed, or to be used or consumed, except the one-fourth (1/4) of the taxes which is allocated to the Available School Fund, by the Constitution of the State of Texas; and declaring an emergency."

The bill was read second time.

A record vote was requested on the passage of H. B. No. 357 to engrossment.

H. B. No. 357 failed to pass to engrossment by the following vote:

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<th>Yeas—61</th>
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<td>Allen</td>
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April 22, 1963  HOUSE JOURNAL  1261

PAIRED

Mr. Roberts (present), who would vote Nay, with Mr. Smith -Of Bexar (absent) who would vote Yea.

(The above record vote was requested by Mr. Berry, Mr. Shannon and Mr. Green.)

Mr. Chapman moved to reconsider the vote by which H. B. No. 357 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

Mr. Mutscher moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 620.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 620, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act by making plain the intent of those seeking local option elections and providing for a remaining local option status quo in an area where an attempt to legalize has failed; providing a savings clause; repealing laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Mr. Mutscher offered the following amendment to the bill:

Amend House Bill No. 620 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 32 of Article 1 of the Texas Liquor Control Act, being Article 666-32 of the Penal Code of Texas, is hereby amended so as to read thereafter as follows:

'Section 32. The Commissioners Court of each county in the State, upon proper petition, shall order an election wherein the qualified voters of such county, or of any justice's precinct, or incorporated city or town therein, may by the exercise of local option determine whether or not the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice's precinct, or incorporated city or town.

'Upon the written application of any ten (10) or more qualified voters of any county, justice's precinct, or incorporated city or town, the County Clerk of such county shall issue to the applicants a petition to be circulated among the qualified voters thereof for the signatures of those qualified voters in such area who desire that a local option election be called in the purpose of determining whether the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be prohibited or legalized within the prescribed limits of such county, justice's precinct, or incorporated city or town.

'An application for a petition seeking an election to legalize the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be headed "Application for Local Option Election Petition to Legalize," and shall contain a statement just ahead of the signatures of the applicants, as follows: "It is the hope, purpose and intent of the applicants whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above." The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and said issue shall be one of those set out in Section 40 of Article 1 of the Texas Liquor Control Act.

'An application for a petition seeking an election to prohibit the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be headed "Application for Local Option Election Petition to Prohibit," and shall contain a statement just ahead of the signatures of the applicants, as follows: "It is the hope, purpose..."
and intent of the applicants whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above. The petition so issued shall clearly state the issue to be voted upon in such election, which shall be the same issue as that set out in the application, and said issue shall be one of those set out in Section 40 of Article I of the Texas Liquor Control Act.

The petition for a local option election seeking to legalize the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be headed "Petition for Local Option Election to Legalize" and shall contain a statement just ahead of the signatures of the petitioners, as follows: "It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see legalized the sale of alcoholic beverages referred to in the issue set out above."

The petition for a local option election seeking to prohibit the sale of alcoholic beverages of one (1) or more of the various types and alcoholic contents shall be headed "Petition for Local Option Election to Prohibit," and shall contain a statement just ahead of the signatures of the petitioners, as follows: "It is the hope, purpose and intent of the petitioners whose signatures appear hereon to see prohibited the sale of alcoholic beverages referred to in the issue set out above."

Each such petition shall show the date of its issue by the County Clerk and shall be serially numbered, and each page of such petition shall bear the date, number and seal of the County Clerk. The County Clerk shall deliver as many copies of said petition as may be required by the applicants, and each copy shall bear the date, number and seal on each page as required in the original. The County Clerk shall keep a copy of each such petition and a record of the sale of alcoholic beverages thereof. When any such petition so issued shall within thirty (30) days after the date of issue be filed with the Clerk of the Commissioners Court bearing the signatures of as many as twenty-five per cent (25%) of the qualified voters of any such county, justice’s precinct, or incorporated city or town, together with a notation showing the residence address of each of the said signers, together with the number that appears on his poll tax receipt or exemption certificate, or a sworn statement that the signer is entitled to vote without holding either a poll tax receipt or an exemption certificate, taking the votes for Governor at the last preceding General Election at which presidential electors were elected as the basis for determining the qualified voters in any such county, justice’s precinct, or incorporated city or town, it is hereby required that the Commissioners Court at its next regular session shall order a local option election to be held upon the issue set out in such petition. Such order shall state in its heading and in its text whether the local option election to be held is for the purpose of prohibiting or for the purpose of legalizing the sale of the alcoholic beverages set out in the issue recited in the application and the petition. It shall be the duty of the County Clerk to check the names of the signers of any such petition, and the voting precincts in which they reside, to determine whether or not the signers of such petition are in fact qualified voters in such county, justice’s precinct, or incorporated city or town at the time such petition is presented, and to certify to the Commissioners Court the number of qualified voters signing such petition. No signature shall be counted, either by the County Clerk or the Commissioners Court, where there is reason to believe it is not the actual signature of the purported signer or that it is a duplication either of name or of handwriting used in any other signature on the petition, and no signature shall be counted unless the residence address of the signer is shown, or unless it is signed exactly as the name of the voter appears on the official copy of the current poll list or the official copy of the current list of exempt voters, if the signer be the holder either of a poll receipt or an exemption certificate.

The minutes of the Commissioners Court shall record the date any such petition is presented, the names of the signers thereof, and the action taken with relation to the same, at any election ordered by the Com-
mmissioners Court, the issue ordered to
appear on the ballot shall be the
same as that applied
in the petition. No subsequent elec-
tion upon the same issue shall be
held within one (1) year from the
date of the last preceding local
option election in any county,
justice's precinct, or incorporated
city or town.'

"Section 2. Section 27, of Article 1
of the Texas Liquor Control Act,
being Article 666-37 of the Penal
Code of Texas, is hereby amended
so as to read hereafter as follows:

'Section 37, of Article 666-37 of the
Penal Code of Texas, is hereby amended
so as to read hereafter as follows:

'Section 37. Said Court shall hold
a special session on the fifth day
after holding of said election, or as
soon thereafter as practicable, for
the purpose of canvassing the votes
and certifying the results, and if a
majority of the voters favor the issue
"Against the legal sale" etc., as to
any alcoholic beverages of the
various types and alcoholic contents,
said Court shall immediately make
an order declaring the results of said
vote and absolutely prohibiting the
sale of such prohibited type or types
of alcoholic beverages within the
political subdivision after thirty
(30) days from the date of declaring
the results thereof, and thereafter
until such time as the qualified
voters therein may thereafter at a
legal election held for such purpose
by a majority vote decide otherwise;
and the order thus made shall be
held as prima facie evidence that all
provisions of law have been complied
with in giving notice of and holding
said election and counting and re-
turning the votes and declaring the
results thereof.

'In any local option election in
which it is sought to prohibit the
sale of alcoholic beverages in which
a majority of the votes cast favor
the issue "For the legal sale of"
etc., or in any local option election
in which it is sought to legalize the
sale of alcoholic beverages of one
(1) or more of the various types and
alcoholic contents or manner of sale
not already legal in the political
subdivision involved in which a
majority of the votes cast favor the
issue "Against the legal sale of"
e etc., then the sale of all alcoholic
beverages which were legal in said
county, justice's precinct, or incorpo-
rated city or town before the hold-
ing of such local option election shall
continue to be legal.'

"Section 3. If any section, sub-
section, paragraph, sentence, clause,
or provision of this Act is for any
reason held invalid, such invalidity
shall not affect any other portion of
this Act; but this Act shall be con-
strued and enforced as if such in-
valid provision had not been contain-
ed therein.

"Section 4. All laws and parts of
laws in conflict herewith are hereby
repealed to the extent of such con-
flict.

"Section 5. The urgent public need
for clarification of the Texas Liquor
Control Act for the proper adminis-
tration of the liquor laws of the State
of Texas, creates an emergency and
an imperative public necessity that
the Constitutional Rule requiring
bills to be read on three several days
in each House be suspended; and
said Rule is hereby suspended, and
this Act shall take effect and be in
force from and after its passage,
and it is so enacted.'"

Mr. Glenn offered the following
amendment to the amendment of-
fered by Mr. Mutscher:

"To amend the Amendment to
H. B. 620 by deleting the last
sentence of Section 37 thereof and
substitute in lieu of said last sentence
the following:

"In any local option election in
which it is sought to legalize the
sale of alcoholic beverages of one
(1) or more of the various types
and alcoholic contents greater than
any alcoholic beverage therefore
legalized in the County, Justice's
Precinct or incorporated city or
town in which a majority of the
votes cast favor the issue "against
the legal sale of", etc., then the sale
of all alcoholic beverages which
were legal in said County, Justice's
Precinct, or incorporated city or
town before the holding of such
local option election shall there-
upon be illegal.'"

Mr. Mutscher moved to table the
amendment offered by Mr. Glenn.

A record vote was requested on
the motion to table the amendment.

April 22, 1963

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1263
The motion to table the amendment offered by Mr. Glenn prevailed by the following vote:

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Lack of Rusk | Simpson |
Markgraf of Texas | Simpson |
Moyer | Thompson |
Parmer | Walls |
Parsley | Wheeler |
Pendleton | Whitley |
Petty | Whitmire |
Price | Wilson |
Quillian | Woods |
Richards | |

Absent—Excused

Adams | Kilibe |
Green | Shafter |
Johann | Shannon |
Jarvis | Smith of Jefferson |

(The above record vote was requested by Mr. Glenn, Mr. Petty and Mr. Birkner.)

Mr. Roberts offered the following amendment to the amendment offered by Mr. Mutschler:

Amend the amendment to H. B. No. 620 by deleting the 1st paragraph on page 4 of the Mutschler substitute, and substitute in lieu thereof the following:

"The minutes of the Commissioners Court shall record the date any such petition is presented, the names of the signers thereof, and the action taken with relation to the same. In any election ordered by the Commissioners Court the issue ordered to appear on the ballot shall be the same as that applied for and set out in the petition. No subsequent election upon any issue shall be held within one (1) year from the date of the last preceding local option election in any county, justice's precinct, or incorporated city or town.

Mr. Mutschler moved to table the amendment by Mr. Roberts.

A record vote was requested on the motion to table.

The motion to table the amendment offered by Mr. Roberts prevailed by the following vote:
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(The above record vote was requested by Mr. Birkner, Mr. Collins and Mr. Hollowell.)

The amendment offered by Mr. Mutschler was then adopted.

A record vote was requested on the passage of H. B. No. 620 to engrossment.

H. B. No. 620 was passed to engrossment by the following vote:

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

The amendment offered by Mr. Mutschler was then adopted.

A record vote was requested on the passage of H. B. No. 620 to engrossment.

H. B. No. 620 was passed to engrossment by the following vote:

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Mr. Mutercher moved to reconsider the vote by which H. B. No. 620 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

**REASON FOR VOTE**

Reason for voting No on H. B. 620.

Since costs of local option elections are a direct cost to local counties and this bill provides for too many local option elections per year, I believe such issue can be determined with fewer elections either for wet or dry.

Wieting.

**HOUSE BILL NO. 291 ON SECOND READING**

Mr. Miller moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 291.

The motion prevailed.

The Speaker laid before the House its second reading and passage to engrossment, H. B. No. 291, A bill to be entitled "An Act amending Chapter 870, Acts of the 57th Legislature, Regular Session, 1961 (compiled under Article 2615g, Vernon's Texas Civil Statutes); amending Sections 7a, 10 and 11 thereof and adding a Section 10a conferring on the Board of Regents of the University of Houston the power of eminent domain; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. Miller offered the following amendment to the bill:

Amend House Bill 291 by placing a comma after the figures 1961 at the end of line 22 of the printed bill and inserting the words "or as subsequently amended," immediately thereafter.

The amendment was adopted.

Mr. Collins offered the following amendment to the bill:
Amend H. B. 291, Sec. 3, page 2, line 5, by replacing the period after the word education with a comma and adding the following:

"providing however, the power of eminent domain granted herein shall be restricted to the boundaries of Harris County and any county whose boundaries are contiguous to Harris County."

The amendment was adopted.

Mr. Johnson of Dallas offered the following amendment to the bill:

Amend H. B. 291 by striking out line 49, page 1. through "Public funds" on line 52 of the printed bill and insert the following:

"within the State Treasury"

Mr. Miller moved to table the amendment, and the motion to table prevailed.

H. B. No. 291 was then passed to engrossment.

Mr. Miller moved to reconsider the vote by which H. B. No. 291 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 22, 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. 54, By Blanchard: Establishing and providing for a state mentally retarded school; and declaring an emergency.

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

H. B. No. 781, "An Act authorizing the creation of a Hospital District comprising all of Tyler County, Texas, and the assumption of all outstanding indebtedness of Tyler County incurred for hospital purposes; providing said District shall assume responsibility for medical and hospital care for the needy residing within the District; providing that such District shall not be created until authorized by a majority vote of the qualified property taxpayers in said District at an election called by the
H. B. No. 685, "An Act amending Section 23 of Chapter 46, Acts of the Regular Session of the Fifty-fourth Legislature, being the Act creating West Central Texas Municipal Water District, by providing that the regulatory powers conferred by that Section may be exercised to protect the District's reservoir from the inflow of salt and other chemicals, and that the District's regulatory powers may also be exercised as to any stream contributing water to the reservoir of the District, and providing that the District shall have the power to employ and constitute its own peace officers who shall have the same power to make arrests as is conferred upon any other duly constituted peace officer by said Section 23, and conferring on the District the rights, power and privilege conferred by general law on Water Control and Improvement Districts where not in conflict, and declaring an emergency."

H. B. No. 688, "An Act creating the County Criminal Court at Law No. 4 of Harris County, Texas; providing for the organization thereof and practice therein; prescribing the jurisdiction and terms thereof, defining the powers, rights and privileges of the Judge thereof; providing for clerks therefor in criminal matters and causes and prescribing their duties; providing for the creation of criminal dockets; providing for the appointment, election and compensation of the Judge of the Court and prescribing his qualifications; providing for an official court reporter and for his compensation; providing for the collection of fees; providing for an official seal of the Court; prescribing certain duties of sheriffs and constables in relation to the Court; providing for a special Judge; providing for transfer of cases and for exchange of benches; providing for return and validity of process in transferred cases; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 596, "An Act to authorize the governing body of the Harris County Flood Control District to establish and maintain building setback lines along waterways; providing for hearing thereon and procedures, including enforcement; enacting other provisions related to the subject; providing for severability; and declaring an emergency."

H. B. No. 599, "An Act relating to an additional maintenance tax for any common or independent school district having five hundred ($500) scholastics or less, according to the last preceding school census, and lying within a county having a population of twenty-one thousand, five hundred (21,500) or more but less than twenty-one thousand, eight hundred (21,800), according to the last preceding Federal Census; providing that such an additional tax shall not be effective until authorized by

...
H. B. No. 708, "An Act authorizing any city, town or village to pay all or any portion of the premiums for certain group insurance contracts covering its employees; amending the Insurance Code of the State of Texas (Chapter 481, Acts of the Fifty-second Legislature, Regular Session, 1951) as last amended by adding a new Article to be known as Article 8.51:1; providing for severability; and declaring an emergency."

H. B. No. 796, "An Act amending Chapters 55, Acts, Fifty-second Legislature, 1951, as amended by Chapter 42, Acts, Fifty-fifth Legislature, 1957 (compiled as Article 1105b in Vernon's Texas Civil Statutes), 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, providing for the appointment of a First Assistant District Attorney and other Assistant District Attorneys and secretaries with the consent and approval of the Commissioners Court; providing for the minimum and maximum salaries to be paid; containing a severability clause; and declaring an emergency."
tion of depositories; exempting Authority's property from taxation; conferring the power of eminent domain; providing for investment of funds; conferring the power to accept donations; prescribing a severability clause; providing bonds issued by the Authority shall be lawful investments and security for deposit in certain instances; enacting other provisions related to the subject; and declaring an emergency.

H. B. No. 577, "An Act relating to an additional tax for common school districts in certain counties; providing a severability clause; and declaring an emergency."

H. B. No. 598, "An Act relating to the functioning of the Court of Domestic Relations in and for Tarrant County, Texas; amending Section 9 of Chapter 6, Acts of the 57th Legislature, 1961, Third Called Session to provide that the Judge of such Court of Domestic Relations may sit and hear proceedings in the other District Courts of Tarrant County, Texas, of which such Court of Domestic Relations would have potential jurisdiction; and declaring an emergency."

H. B. No. 996, "An Act amending Chapter 372, Section 1, Acts of the Fifty-seventh Legislature, Regular Session, as amended Article 3223b, Vernon's Annotated Civil Statutes; and declaring an emergency."

H. B. No. 432, "An Act authorizing the Commissioners Court of Upshur County, Texas, to acquire and sell or convey a certain tract of land to Gilmer Industrial Foundation, Inc., of Upshur County, Texas, aggregating fifty-five and six hundred and sixty-eight thousandths (55.618) acres of land more or less, and being a part of the tract of land conveyed to the County of Upshur, Texas, by Chapter 182, Acts of the Fifty-sixth Legislature, Regular Session, 1961, in order to facilitate its program of the development of its parks and recreational program; providing that funds received by the Commissioners Court from such leases, and/or sales and conveyance be used to maintain and improve the remaining acreage; authorizing the Commissioners Court to employ the use of county machinery, labor, and other resources necessary for the maintenance and improvement of the remaining acreage; authorizing an agreement with the Gilmer Industrial Foundation, Inc., not to interfere with development by the county of any project on the remaining acreage; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 995, "An Act relating to the salary of the official shorthand reporter of the 39th Judicial District; providing for travel expenses; and declaring an emergency."

H. B. No. 567, "An Act amending Sections 1, 3, 4, 6 and 21 of Chapter 238, House Bill No. 99, Acts of the Regular Session of the Forty-fifth Legislature as amended by Chapter 7, House Bill No. 943, Acts of the Regular Session of the Forty-sixth Legislature (codified as Article 118b, Sections 1, 3, 4, 6 and 21, Vernon's Annotated Civil Statutes of Texas and Articles 1760a-3 Vernon's Annotated Penal Code of Texas); amending Section 11 and repealing Section 27 of Chapter 238, House Bill No. 99, Acts of the Regular Session of the Forty-fifth Legislature (codified as Article 118b, Sections 11 and 27, Vernon's Annotated Civil Statutes of Texas); amending Section 25 of Chapter 238, House Bill No. 99, Acts of the Regular Session of the Forty-fifth Legislature as amended by Chapter 35, House Bill No. 78, Acts of the Second Called Session of the Forty-fifth Legislature (codified as Article 118b, Section 25, Vernon's Annotated Civil Statutes of Texas); amending Section 3 of Chapter 16, Senate Bill No. 24, Acts of the First Called Session of the Forty-fifth Legislature (codified as Article 1387-3 of Vernon's Annotated Civil Statutes of Texas); relating to the bonding and licensing of dealers in citrus fruit in the State of Texas; providing for a bond based on the number of standard packed boxes of citrus handled; prescribing penalties for the violation of this Act; providing for the giving of a single surety bond of Two Hundred Thousand Dollars ($200,000) contingent upon faithful performance of all provisions of House Bill No. 99 and House Bill No. 567, Acts of the Regular Session of the Forty-fifth Legislature, and the hearing
of any person under both Acts on the payment of a single license fee; repealing the provisions requiring li-
causal fee only for those entering or doing business in the Texas citrus zone as defined in Section 1 of House Bill No. 553, Chapter 546, Forty-second Legislature, Special Session, providing a saving clause; and declaring an emergency."

H. B. No. 29, "An Act arranging the statutes of this state affecting savings and loan associations and their operations in appropriate Sections and Chapters into a consistent whole and under a single Act; defining certain terms; providing a method of forming associations; stating the powers, duties and qualifications of directors, officers and members of such associations; fixing the corporate power thereof; regulating the loans, investments and ownership of real property by such associations; providing for savings accounts and fixed rights and obligations in regard thereto; providing for the computation of earnings, transfers to loss reserves, dividends and surplus of such associations; providing for the supervision and regulation of such associations, their books and records, accounting practices, statements, reports, audits and examinations; providing for disqualification of violations and receivership, limiting the rights of foreign associations to do business as a savings and loan association in this state; providing for conversion into Federal associations; providing for conversion into State associations and reorganization, mergers, consolidation and voluntary liquidation of such associations; exempting savings accounts from securities laws; authorizing acknowledgements to be taken before members and employees of associations who are notaries public; providing for closing of places of business; permitting associations to act to avoid losses; providing for fees to be collected by savings and loan commissioners; requiring all associations authorized to conduct a savings and loan association to conform to this Act; providing that outstanding shares, stock, share accounts and investment certificates (except permanent reserves fund stock) shall be considered as savings accounts; prohibiting the issuance of stock or shares not authorized by this Act; providing for ad valorem taxation of the property of such associations; permitting rule-making procedures to be instituted under certain conditions; providing hearing procedures; providing for judicial review; providing penalties for slander of an association, embezzlement, declaring greater dividends than earned, failing to comply with law, suppressing evidence and disclosures by examiners; repealing all laws in conflict herewith; providing for severability of the different Chapters or parts of Chapters so that the unconstitutionality of one or more shall not affect the remainder of the Act; providing an effective date; and declaring an emergency."

H. B. No. 422, "An Act amending Article 2094 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 1 of Chapter 147, Acts of the Fifty-fifth Legislature, Regular Session, 1957, relating to oil well servicing units; providing for conversion into Federal associations; providing for conversion into State associations and reorganization, mergers, consolidation and voluntary liquidation of such associations; exempting savings accounts from securities laws; authorizing acknowledgements to be taken before members and employees of associations who are notaries public; providing for closing of places of business; permitting associations to act to avoid losses; providing for fees to be collected by savings and loan commissioners; requiring all associations authorized to conduct a savings and loan association to conform to this Act; providing that outstanding shares, stock, share accounts and investment certificates (except permanent reserves fund stock) shall be considered as savings accounts; prohibiting the issuance of stock or shares not authorized by this Act; providing for ad valorem taxation of the property of such associations; permitting rule-making procedures to be instituted under certain conditions; providing hearing procedures; providing for judicial review; providing penalties for slander of an association, embezzlement, declaring greater dividends than earned, failing to comply with law, suppressing evidence and disclosures by examiners; repealing all laws in conflict herewith; providing for severability of the different Chapters or parts of Chapters so that the unconstitutionality of one or more shall not affect the remainder of the Act; providing an effective date; and declaring an emergency."

H. B. No. 613, "An Act defining 'oil well servicing unit'; providing that notwithstanding other statutes governing the length of motor vehicles, it shall be lawful to operate oil well servicing units not to exceed forty (40) feet in length; providing that the width, height, and gross weight of each such unit shall conform to the requirements of Chapter 42, Acts of the Forty-first Legislature, Second Called Session, 1933, amended (codified as Article 827a of the Revised Penal Code of Texas); and declaring an emergency."

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

H. B. No. 578, "An Act amending Chapter 28, Acts of the Fifty-seventh Legislature, First Called Session, 1961 (compiled as Article 2286 of Vernon's Texas Civil Statutes), which created the Kimble County River Authority, by adding thereto Section 13a and by amending the existing Section 24 so as to provide that the District may call elections..."
An Act authorizing certain cities to refund their outstanding waterworks revenue bonds and sewer revenue bonds into refunding bonds which will be secured by and payable from a pledge of both waterworks and sewer revenues, prescribing the procedure for the issuance of such refunding bonds and the exchange or sale thereof; prescribing the maximum interest rate and maturity of such refunding bonds; providing, if, prior to such refunding, such city has had elections authorizing the issuance of bonds to be secured by waterworks revenues and other bonds secured by sewer revenues, or either, such bonds may after the issuance of the refunding bonds authorized herein, be issued and secured by a pledge of revenues of both the waterworks system and sewer system without the necessity of an additional election; making provisions for the issuance of additional parity and junior lien revenue bonds; requiring approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency.

H. B. No. 627. "An Act establishing a Juvenile Board for Bell County, prescribing the membership of the board and providing for the compensation of its members; and declaring an emergency."

H. B. No. 614. "An Act closing the season in Duval County for five (5) years on deer, javelina, bobwhites and bluespotted quail, and dove; providing penalties for violations; and declaring an emergency."

H. B. No. 588. "An Act relating to rules and regulations governing eligibility for promotional examinations under firemen's and policemen's civil service, amending Subparagraph D of Section 14, Chapter 325, Acts of the Fifty-first Legislature, 1947, as amended, to provide that a person recalled to active military duty may consider time so spent as being duty in the Department concerned insofar as meeting the requirement of two (2) years service in the Department immediately preceding the day of promotional examination; and to provide that if absence for such military duty exceed twelve (12) months, then to be eligible to participate in a promotional examination upon returning from such service, an individual must serve in the Department a period of ninety (90) days to give him the opportunity to be brought up to date on equipment and techniques; and declaring an emergency."

H. C. R. No. 69, Caption of H. B. No. 562 ordered amended.

HOUSE BILL NO. 584 ON SECOND READING

Mr. Shipleys moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 584.

The motion prevailed.

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

H. B. No. 594, A bill to be entitled "An Act amending the provisions of Senate Bill No. 236, known as the Insurance Code, Acts 1961, 52nd Legislature, Page 568, Chapter 431, as amended by adding thereto a new Article, designated as Article 61.68, defining and concerning mortgage lenders and borrowers; prohibiting certain practices relating to insurance of real property and mortgaged accounts; permitting certain exceptions thereto; providing a penalty for violation thereof; declaring a violation thereof to be a misdemeanor and assessing a fine; providing a saving clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 584 by Shipleys by striking out all below the enact-
ing clause and substitute in lieu thereof the following:

Section 1. That Senate Bill No. 296, known as the Insurance Code, Acts 1951, 52nd Legislature, Page 868, Chapter 491, as amended, be, and the same is hereby, amended by adding thereto a new Article designated as Article 21.48, to hereafter read as follows:


“Section 1. Definitions.

“(1) Mortgage Lender means any person, partnership, corporation, or association, or any agent, loan agent, or servicing agent thereof, who loans money and receives a mortgage or deed of trust upon real property as security for such loan.

“(2) Borrower means any person, partnership, corporation, or association who has or acquires a legal or equitable interest in real property which is or becomes subject to a mortgage or deed of trust.

“Section 2. Prohibited Practices.

“No Mortgage Lender shall direct or require a Borrower to purchase insurance on the mortgaged property from such mortgage lender, or from an insurance agent, or solicitor, or company designated by such mortgage lender, as a condition precedent to the making of, or renewing of, or continuing of a loan, or decline existing insurance, or require a fee for the substitution by the borrower of an insurance policy for another insurance policy when such other policy is still in effect or upon its termination, when such existing or substituted insurance policy is provided through an insurance company duly licensed to do business in the State of Texas pursuant to the provisions of this Insurance Code; provided however, nothing herein shall prevent a mortgage lender who is a duly licensed local recording agent from soliciting insurance on the mortgaged property.

“Section 3. Escrow Account.

“No Mortgage Lender shall refuse to establish or to maintain an insurance premium escrow account solely because of the Borrower’s selection of an insurance company, or agent, or solicitor.

“Section 4. Exceptions.

“Nothing in this act shall prevent the right of a Mortgage Lender to require that an insurance policy have a fixed termination date, or to approve or to disapprove, for reasons which are not unreasonable, arbitrary, or discriminatory, the insurance company selected by the Borrower to underwrite the insurance.

“Section 5. Violations.

“A Mortgage Lender who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars ($100.00), nor more than one thousand dollars ($1,000.00).

“Section 6. Nothing contained herein shall apply to title insurance.”

April 22, 1963

Mr. Heatly moved that further consideration of House Bill No. 394 be postponed until May 9, at 10:30 o’clock a.m.

Mr. Shipley moved to table the motion to postpone H. B. No. 394, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. No. 394, Sec. 2, Line 44, by striking out the words “when such other policy is still in effect or.”

Mr. Shipley moved to table the
amendment, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. 394 by striking Subsection 5 of Section 1, beginning on line 46 of the printed bill.

Mr. Shipley moved to table the amendment offered by Mr. Floyd.

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

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<td>Wilson</td>
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Present—Not Voting

Garrison | Absent |
| Miller | Rodrigues |
| Moyer | Trasker |
| Richards | Weldon |

Absent—Excused

Adams | Koliba |
| Carpenter | Smith of Bexar |
| Kilpatrick |

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

Amend Committee Amendment No. 1 to H. B. 394 by striking all following the word “insurance” on lines 47 and all of lines 48 and 49, and substituting in lieu thereof the following:

or require a fee of over $7.50 for the substitution by the borrower of an insurance policy for another insurance policy still in effect, or require any fee for the substitution by the borrower of an insurance policy for an existing policy upon termination of the existing policy.
Mr. Butler offered the following substitute amendment to the amendment offered by Mr. Cavness:

Substitute for Cavness amendment to Committee Amendment No. 1:

Insert the words "in excess of ($1.00) one dollar" between the words "fee" and "for" on line 42 of page 1 of the printed bill.

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

The substitute amendment offered by Mr. Butler was then lost.

Mr. Cavness offered the following substitute amendment for the amendment offered by Mr. Butler:

Substitute for the Cavness amendment to Committee Amendment No. 1:

Insert the words "not in excess of ($2.50) two dollars and fifty cents" between the words "fee" and "for" on line 42 on page 1 of the printed bill.

Mr. Cavness moved to table the substitute amendment offered by Mr. Butler.

A record vote was requested on the motion to table.

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

Yeas—72

Dwight W. Atwell    Floyd
Bill Ball            Fondren
Banfield Barnes     Foreman
Bass of Bowie       Grover
Blaine Blaine       Hallmark
Brooks Brown        Harding
Brown of Galveston  Harris of Dallas
Cain Canty          Heffon
Carrin Carney       Hendryx
Clayton Clayton     Hinshaw
Cook Cook            Houston
Davis Davis         Hughes
de la Garza         Jarvis
Dewey Dewey         Knapp
Dugan Dugan         Lark
Dunagan Dunagan     McDonald
Fethel Fethel       Melnhan

Nays—64

Adams Hollowell     Honecker
Allen Allen         Jonacks
Baas of Harris      Jamison
Berkham Berkham    Johnson of Bexar
Berry Berry         Kline
Birkner Birkner     Kohlmann
Bloxom Bloxom      Lizard
Brown of Taylor     McDonald of Rusk
Butler Butler       McGregor
Canales Canales    McLaurin
Carriker Carriker  McNealy
Chapman Chapman     Morris
Cherry Cherry       Moyer
Cole Cole           Nance
Collins Collins    Parker
Cory Cory           Peary
Cowan Cory         Peeler
Coughran Coughran  Ritter
Cowles Cowles      Roberts
Crain Crain         Rodriguez
Crews Crews         Schiller
Ekhardt Ekhardt    Shannon
Edwards Edwards     Shipley
Enquist Enquist    Smith of Jefferson
Gibbons Gibbons    Stewart
Green Green
Guerry Guerry       Truex
Haines of Branoe   Ward
Harris Harris       Wething
of Galveston       Woods
Harvey of Orange

Present—Not Voting

Garrison          Absent
Arledge           Gaddum
Calwell           Johnson of Dallas
Flanery           Richards

Absent—Excused

Adams Koliba
Carpenter         Smith of Bexar
Kilpatrick
Mr. Shiple moved to table the amendment offered by Mr. Carman.

A record vote was requested on the motion to table.

The motion to table the amendment offered by Mr. Carman was lost by the following vote:

Yea—41

Johnson of Dallas
Klager
Knapp
McDonald
of Hidalgo
McDonald of Rock
McIlhany
McNeil
Mace
Mcatee
Mcn
Markgraf
Miller
Morgan
Murray
Mutchler
Niemeier
Niemeier
Nicholls
Patterson
Peeler
Pennington

Nay—72

Jarvis
Perry
Johnson of Dallas
Plehn
Klager
Price
Knapp
Quilliam
McDonald
Rapp
McDonald of Rock
Moseley
Bladd
McIlhany
Bettwhit
McNeil
Shutt
Maate
Simpson
Mcn
Slack
Markgraf
Stollenwerk
Miller
Thompson
Morgan
Thurmond
Murray
Walker
Mutchler
Wheelan
Niemeier
Whelan
Niemeier
Whelan
Nicholls
Whitfield
Nicholls
Wilson
Peeler
Woods

Mr. Carman offered the following substitute amendment for the amendment offered by Mr. Carman:

Substitute for the Carman amendment to the Committee Amendment No. 1:

Insert the words "not in excess of five dollars ($5.00)" between the words "fee" and "for" on line 41 on page 1 of the printed bill.

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

The substitute amendment offered by Mr. Butler was then adopted.

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

H. B. No. 984 was then passed to engrossment.

Mr. Shiple moved to reconsider the vote by which H. B. No. 984 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.
April 22, 1963

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REASON FOR VOTE

In compliance with Article 3, Section 22 of the Constitution of Texas which states that a member who has a personal or private interest in any measure or bill shall disclose the fact to the House and shall not vote thereon, we voted present not voting on H. B. No. 394 and all amendments as we are licensed Insurance Agents of the State of Texas.

DON GARRISON,
GEO. H. RICHARDS.

REASON FOR VOTE

Reason for voting "No" on the engrossment of H. B. 394.

I voted "No" in opposition to H. B. 394 because I feel that the $5.00 fee is insufficient for the services performed by Home mortgage companies and that the criminal penalties in this bill will open the door to improper charges being filed.

DUDLEY R. MANN, JR.

MESSAGE FROM THE SENATE

Austin, Texas, April 22, 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. 27, By Spears: Repealing Articles 3.33, 3.35, and 3.37 of the Insurance Code, enacted by Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, Page 868; and declaring an emergency.

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

ADJOURNMENT

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

The motion prevailed.

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

In accordance with the motion to adjourn, the House, at 5:33 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Highways and Roads: H. B. No. 616.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 31, A bill to be entitled "An Act amending subdivision (g) of Section 1, Article 911b, Vernon's Texas Civil Statutes, so as to redefine the term 'motor carrier,' amending Section 1, Article 911b, Vernon's Texas Civil Statutes, by adding a new Section to provide specified exceptions from the definitions of 'motor carrier,' 'contract carrier,' and 'specialized motor carrier,' providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 19, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.
ing the inheritance tax and additional inheritance tax; providing for the Comptroller to have full authority and responsibility for administration of the inheritance and additional inheritance tax; providing an exemption of property passing to or for the use of any religious, educational, or charitable organization, if the laws of the jurisdiction under which such organization is organized or is operating provide an exemption from death tax of any character with respect to property passing (1) to or for the use of any such organization; or (2) to or for the use of any such organization organized or operating within the State of Texas, or (3) to or for the use of any such organization organized or operating within any other jurisdiction which grants a reciprocal exemption; providing for the filing of returns and penalties for failure to file; providing for the payment of the tax within fifteen (15) months and interest and penalty for failure to pay; providing for additional information as the Comptroller may require; providing for the Comptroller to issue rules and regulations; providing authority for the Comptroller to examine records of estates; providing for the Comptroller and the Attorney General of Texas to enter into agreements with other states when the residence of a deceased is in question; providing exemptions applicable to non-residents; providing a saving clause; providing a severability clause; repealing all laws in conflict herewith; providing for an effective date; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

FIFTY-NINTH DAY
(Tuesday, April 23, 1963)

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

The roll of the House was called and the following Members were present:

Mr. Speaker
Cory
Adams
Cotton
Allen
Cranford
Arlidge
Cowles
Atwell
Crawford
Bell
Darnell
Banfield
dela Garza
Barnes
Beckham
Berry
Birkner
Blaine
Boyd
Birch
Boysen
Bridges
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Caldwell
Cherry
Carr
Chapman
Chase
Clark
Collins
Copeland
Cook

NELSON COWLES, Chairman.