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; 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
Alan Coghan
Allen Cowles
Arlidge Crain
Atwell Crews
Bailey Davis
Bannfield dav de la Garza
Barnes Dike
Bass of Bowie Dinkins
Bass of Harris Douglass
Beckham Dungan
Berry Ekhart
Birkner Edwards
Blaine Equiovt
Boyce Fairchild
Bridges Fhiney
Brooks Fletcher
Brown Floyd
Brown of Galveston Founds
Brown of Taylor Pounds
Butler Foreman
Caln Gibson
Caldwell Gladden
Canales Gleen
Cannon Green
Carriker Grover
Carranza Guerry
Chapman Haines of Briscoe
Cherry Hallmark
Clayton Harding
Cole Harris
Collins Hart
Cook of Galveston
Absent—Excused

Carpenter Koiba

A quorum of the House was announced present.

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

"Our Heavenly Father, we pause to acknowledge our dependence upon Thee. All that we are and all that we ever hope to be we dedicate to Thee and to Thy Kingdom's work. Help us, O Lord, that we may never be found guilty of putting that which is physical before that which is spiritual.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 415, By Guffey: In memory of James Harvey Evans.

H. S. R. No. 418, By Cherry, Cawder and Woods: In memory of Wayne Cagle, Jr.

HOUSE BILLS ON FIRST READING

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

By Parker:

H. B. No. 1040, A bill to be entitled "An Act creating within the State of Texas, in addition to the districts into which the State has heretofore been divided, a Port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas, situated in Jefferson County, Texas; declaring the same to be a governmental agency and body politic, the creation of which is determined to be essential to the accomplishment of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, for the improvement of navigation and the development of port and wharf and dock facilities of the Port of Port Arthur within the boundaries thereof, which is declared to be essential to the general welfare of the State for the development of maritime shipping and in the interest of national defense, and of material benefit to and result in the increase of taxable value of the property included therein; defining the boundaries thereof; defining the powers, rights, privileges and functions thereof; providing for its management by a Board of Port Commissioners composed of five (5) persons; defining their qualifications and duties and the manner of their election; providing said district shall have authority to..."
quire from the City of Port Arthur, with the consent of the city, all of its port properties, lands, assets, moneys and funds on hand, and facilities by assuming the unpaid and outstanding bonded debt and other indebtedness and obligations incurred by the city on account of same; providing for an election in said district and in the City of Port Arthur to be held on the same day to determine whether or not said properties shall be acquired by said district and transferred to the same by the City of Port Arthur; providing said district may have levied a maintenance tax not to exceed ten cents (10¢) on the One Hundred Dollars ($100) valuation of taxable property therein, providing such proposition shall be adopted by a majority vote of the qualified property taxpayers of said district; providing for an election to be called by the County Judge of Jefferson County, Texas, at which election the proposition of acquiring the port and wharf and dock properties of the city and the assumption of the outstanding indebtedness of the city for port purposes shall be determined, as well as for the maintenance tax; providing for the giving of security to the County Judge to pay the costs of said election; providing the manner of calling said election and giving notice thereof and the holding and canvassing the returns thereof; prescribing the duties of the county officials with reference to the giving of notice of said election, and canvassing the returns thereof; providing that said district shall be divided into four wards by the County Judge, and providing that each of said wards shall be entitled to representation on said commission; providing the manner of having the names of candidates printed on the ballot for said election; providing that those qualified to vote for Governor may vote for the candidates for commissioners of said port district; providing that only those resident qualified electors of said district who own taxable property therein and who have duly rendered the same for taxation therein shall be allowed to vote upon the proposition assuming said indebtedness and levying said maintenance tax; providing the term of office of the board of commissioners of the district and the manner of their election after the first board of commissioners are elected; prescribing the authority, power, and duties of said board of Port Commissioners; providing for the filling of vacancies on said board; providing for the alteration or change in the boundaries of said port district for voting purposes; providing the compensation for said board of commissioners; providing for the organization of said board and the election of officers thereof; for its regular and special meetings; providing that said board may employ a general manager, attorney, engineers, and all other employees of said district and fix the term of office and provide for their compensation; providing that said officers, agents, and employees of said district charged with the collection, custody or payment of any funds of the district shall give bond; providing for the selection of a depository for said district in accordance with laws relating to county depositories; providing for reports by said depository and providing an audit to be made of the accounts and records of said district annually; providing that said port commissioners shall give bond in the sum of One Thousand Dollars ($1,000) payable to the district, conditioned upon the faithful performance of their duties, and for the approval thereof; providing for the issuance of bonds by said district to procure funds for any lawful purpose provided for in this Act and when authorized by the majority vote of the qualified property taxpayers of said district at election held for said purpose; providing the method of holding said election and giving notice thereof and the manner of voting said bonds and the duties of the officers with reference thereto; prescribing the form of ballot to be used in said election for the issuance of bonds; providing for the refunding of the district's bonds; providing said district shall have powers granted by general and special laws appertaining to navigation districts, but such as are not inconsistent with the terms hereof and permitting said District to pledge certain revenues of said District to the payment of its revenue bonds;
providing that bonds shall be eligible for certain investments and eligible to secure certain funds; providing that bonds issued under the provisions hereof shall be submitted to the Attorney General for approval and registered with the State Comptroller, after which such bonds shall be incontestable; providing that the Commissioners Court of Jefferson County shall upon requisition of the board of port commissioners assess and levy taxes for said district; providing that the levying and assessing of taxes, the equalization thereof and the collection of same and the duties of all officers in connection therewith shall be governed by the general laws of Texas relating to State and county taxes; providing compensation for the officers charged with the levying, assessing, and collecting of said taxes; providing a lien to secure taxes of said district; providing limitation shall not run against the same or any other public charge in such event all ordinances, rules and regulations heretofore adopted by the city appertaining thereto shall remain in full force and effect until modified or changed by the port commissioners; providing this Act shall be liberally construed; providing a saving clause; and declaring an emergency.

Referred to the Committee on State Affairs.

By Grover:

H. B. No. 1041. A bill to be entitled "An Act relating to the creation of the Texas Commerce Commission and the transfer to such commission of certain powers, duties, and authority heretofore vested in the Railroad Commission of Texas; repealing conflicting laws; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Smith of Jefferson:

H. B. No. 1043. A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended and re-enacted by House Bill No. 611, Chapter 563, Page 814, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 15, Chapter 402, Page 743, General and Special Law of the State of Texas, Fifty-first Legislature, Regular Session, 1949, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, is hereby amended by adding Subsection 2(e) of Section 8(a) of said Article by permitting child-placing agencies to make reasonable charges for services performed in the placement, counseling, consultation, or other child-placing activities in accordance with the rules and regulations prescribed by the State Department of Public Welfare; providing a repealing clause, a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Haynes of Orange and Weldon:

H. B. No. 1045. A bill to be entitled "An Act authorizing the Game and Fish Commission to regulate the taking of shrimp from the coastal waters of Orange and Jefferson Counties, and to regulate the sale, transportation, possession and other handling thereof; prescribing procedures; providing for enforcement; providing a penalty for violation of such rules and regulations; providing for severability; repealing all laws in conflict; and declaring an emergency."

Referred to the Committee on Game and Fisheries.
By Haynes of Orange and Weldon: H.B. No. 1044, A bill to be entitled "An Act amending the Texas Shrimp Conservation Act by adding thereto a new Section 11A, making it lawful to transport in Texas coastal waters, under certain conditions, any trawl or equipment lawfully used in the waters of another state or foreign nation; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Grover, Duggan, Whitfield, Floyd, Bass of Harris, Brooks, Miller, Garrison, Whaley: H.B. No. 1045, A bill to be entitled "An Act re-enacting and amending Chapter 76, Acts of the 50th Legislature, 1947, (compiled as Article 6243-g-1 of Vernon's Texas Civil Statutes), as amended, relating to Pension Systems for policemen in cities of nine hundred thousand (900,000) or more inhabitants which do not now have a police, firemen and fire alarm operators pension system organized under another law; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Collins: H.B. No. 1046, A bill to be entitled "An Act to amend H.B. 377, heretofore enacted by the 58th Legislature at Its Regular Session in 1963, to clarify the qualification of voters at the election of directors for the District; to provide for the terms of office of the members of the Board of Directors of said District; validating all proceedings heretofore had under H. B. 377; providing for severability; and declaring an emergency."

Referred to the Committee on State Affairs.

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. 27 to the Committee on Insurance.
S.B. No. 54 to the Committee on State Affairs.

PERMISSION GRANTED TO INTRODUCE HOUSE BILLS

Mr. Jamison moved to suspend the necessary rules in order to Introduce H.B. No. 1047 at this time.

The motion prevailed without objection.

Mr. Gladden moved to suspend the necessary rules in order to introduce H. B. No. 1048 at this time.

The motion prevailed without objection.

HOUSE BILL NO. 502 WITH SENATE AMENDMENTS

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

H.B. No. 502, A bill to be entitled "An Act relating to the authority of and the procedures to be followed by county auditors in certain counties in auditing all books, accounts, reports, vouchers and other records of all funds handled by county departments of education; providing for severability; repealing laws in conflict; and declaring an emergency."

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

Yeas-149
Adams  Chapman
Allen  Cherry
Allen  Clayton
Aridge  Cole
Arwell  Collins
Bail  Cory
Bankhead  Cotten
Barnes  Coughran
Bass of Harris  Cowles
Bass of Bowie  Crow
Beccham  Crain
Berry  Crews
Birnkr  Davis
Blaine  de la Garza
Bower  Dobe
Browns of Taylor  Duncan
Butler  Eckhardt
Caldwell  Edwards
Caldwell  Required
Canales  Fairchild
Cannon  Finney
Carricker  Fletcher
Cavness  Floyd
### HOUSE JOURNAL

**April 23, 1963**

<table>
<thead>
<tr>
<th>Absent</th>
<th>Absent—Excused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridges</td>
<td>Bridgette of Galveston</td>
</tr>
<tr>
<td>Brown</td>
<td>Brown of Weldon</td>
</tr>
<tr>
<td>Cook</td>
<td>Carpenter of Galveston</td>
</tr>
<tr>
<td></td>
<td>Koliba</td>
</tr>
</tbody>
</table>

**TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 502**

- Senate Floor Amendment No. 1
- Amend House Bill 502, Section 2.

**MOOTION TO INSTRUCT COMMITTEE ON CRIMINAL JURISPRUDENCE TO REPORT H. B. NO. 183**

- Mr. Eckhardt moved to instruct the Committee on Criminal Jurisprudence to report H. B. No. 183 immediately.
- Mr. Hughes moved to table the motion by Mr. Eckhardt.
- A record vote was requested on the motion to table.
- The motion to table the motion to instruct the Committee on Criminal Jurisprudence prevailed by the following vote:
  - Yeas—83
  - Nays—0

<table>
<thead>
<tr>
<th>Yeas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Arliege</td>
</tr>
<tr>
<td>Ball</td>
</tr>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>Barnes</td>
</tr>
<tr>
<td>Bass of Bowie</td>
</tr>
<tr>
<td>Berry</td>
</tr>
<tr>
<td>Blaise</td>
</tr>
<tr>
<td>Bixen</td>
</tr>
<tr>
<td>Brown of Taylor</td>
</tr>
<tr>
<td>Butler</td>
</tr>
<tr>
<td>Cain</td>
</tr>
<tr>
<td>Cawley</td>
</tr>
<tr>
<td>Chapman</td>
</tr>
<tr>
<td>Clayton</td>
</tr>
<tr>
<td>Cole</td>
</tr>
<tr>
<td>Cook</td>
</tr>
<tr>
<td>Cory</td>
</tr>
<tr>
<td>Cottle</td>
</tr>
<tr>
<td>Cowden</td>
</tr>
<tr>
<td>Crews</td>
</tr>
<tr>
<td>Davis</td>
</tr>
<tr>
<td>Dade</td>
</tr>
<tr>
<td>Duggan</td>
</tr>
<tr>
<td>Dunn</td>
</tr>
<tr>
<td>Foyd</td>
</tr>
<tr>
<td>Fondren</td>
</tr>
<tr>
<td>Foreman</td>
</tr>
<tr>
<td>Foreman</td>
</tr>
<tr>
<td>Foterson</td>
</tr>
<tr>
<td>Gibbens</td>
</tr>
</tbody>
</table>

**Amend caption to conform to body of bill.**

- Senate Floor Amendment No. 2
- Amend caption to conform to body of bill.

- Senate Floor Amendment No. 3
- Amend caption to conform to body of bill.

**TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 502**

- Amend House Bill 502, Section 2.
CONFERENCE COMMITTEE APPOINTED ON H. B. NO. 42

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 42:

Messrs. Fendron, Butler, Cain, Whatley and Satterwhite.

CORRECTIONS AUTHORIZED IN H. B. NO. 511

Mr. Slider offered the following resolution:

H. C. R. No. 65

Whereas, House Bill No. 511 has passed both the House and Senate and is now in the House Enrolling Room; and

Whereas, it is necessary that certain corrections be made in said bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Enrolling and Engrossing Clerk be authorized and directed to insert the words "or slugs" after the word "buckshot" in Section 3 of said bill.

The resolution was adopted without objection.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 414, By Guffey: Congratulating Troop 531 and Fred Baca for his leadership.

H. S. R. No. 416, By Guffey: Congratulating Miss Elsie Swendsen.

H. S. R. No. 417, By Roberts: Commending Junior High School Students of Hillsboro.

PROVIDING FOR CERTIFICATES OF MEMBERSHIP FOR MEMBERS OF THE HOUSE

Mr. Niemeyer offered the following resolution:

H. S. R. No. 419

Whereas, Many Members of the Fifty-eighth and previous sessions of the Legislature have served their State with honor and distinction; and

Whereas, Many House Members and former Members are extremely anxious to have a certificate of membership denoting such service, which would be suitable for framing or other display; now, therefore, be it

Resolved, That the Clerk of the Contingent Expenses Committee be authorized and directed to prepare in suitable form and to furnish each Member of this Session, a certificate, certifying in effect, the names of the various individuals who have served and the particular sessions of their service.

Resolved, That Members serving in former sessions may receive a copy of such certificate on application and payment of the cost thereof to the Clerk of the Contingent Expenses Committee.

Resolved, That such form should further provide for the signature of the Governor, the Speaker of the House, and the Chief Clerk of the House.

The resolution was referred to the Committee on Contingent Expenses.

TO AUTHORIZE SURVEY RELATIVE TO PREVAILING WAGE RATES IN LOCALITIES WHERE PUBLIC WORKS ARE TO BE CONSTRUCTED

The Speaker laid before the House, for consideration at this time, H. C. R. No. 8, To authorize survey relative to prevailing wage rates in localities where public works are to be constructed.

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

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

Committee Amendment No. 1

Amend House Concurrent Resolution No. 8 by striking out all Whereas and Resolving clauses and substituting in lieu thereof the following:

"Whereas, Article 5159a, provides that the determination of prevailing wages shall be within the jurisdiction of the particular governing body or board of the department, agency, institution or political subdivision awarding a contract for the construction of a public works project; and

Whereas, Article 5159a, provides no criteria or standards to assist governing bodies or boards in the determination of prevailing wages in a given locality; and

Whereas, This omission has brought about in a number of instances varying prevailing rates of wages in the same locality as a result of differentiation in determinations by various governing bodies and boards; and

Whereas, Such situations tend to indicate that Article 5159a is failing to accomplish its basic purpose of providing a standard wage for work of a similar nature in a given locality; now, therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring that a Study Committee On Prevailing Wages be established, such study committee to be composed of nine (9) members to be appointed by the Governor, three (3) such members to represent employers usually engaged in public works construction projects, three (3) such members to represent employees usually employed on public works construction projects, and three (3) such members to represent the general public; and be it further

Resolved, That such Study Committee on Prevailing Wages shall study the application of Article 5159a, Vernon's Annotated Civil Statutes to public works construction projects of the State and political subdivisions of the State to ascertain the need for such legislation as may be deemed necessary to provide an effective means of establishing standard wages for work of a similar nature in a given locality and report their findings and recommendations to the Governor and to the 59th Legislature.""
TO GRANT GEORGE RICH PERMISSION TO SUIT THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 38, To grant George Rich permission to sue the State.

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

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

Committee Amendment No. 1

Amend H. C. R. No. 38 by adding two resolving clauses, immediately following the last resolving clause, which shall read as follows:

"Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suits, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases, and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved."

The amendment was adopted without objection.

H. C. R. No. 38 was then adopted.

HOUSE BILL NO. 394 ON PASSAGE TO ENGROSSMENT

Mr. Butler moved to suspend all necessary rules in order to make a motion to reconsider the vote by which the motion to table the motion to reconsider prevailed on the vote by which H. B. No. 394 was passed to engrossment on yesterday.

The motion prevailed, having received the necessary two-thirds vote.

Mr. Butler then moved to reconsider the vote by which the motion to table the motion to reconsider prevailed on the vote by which H. B. No. 394 was passed to engrossment.

The motion to reconsider the vote prevailed.

Mr. Butler then moved to reconsider the vote by which H. B. No. 394 was passed to engrossment, and the motion to reconsider prevailed.

Mr. Butler then moved to reconsider the vote by which the substitute amendment offered by himself on yesterday for the amendment offered by Mr. Cavness to the Committee Amendment No. 1 to H. B. No. 394 was adopted, and the motion to reconsider prevailed.

Mr. Butler then moved to reconsider the vote by which the substitute amendment offered by himself on yesterday for the amendment offered by Mr. Cavness to the Committee Amendment No. 1 to H. B. No. 394 was adopted, and the motion to reconsider prevailed.

Mr. Butler then moved to reconsider the vote by which the substitute amendment offered by himself on yesterday for the amendment offered by Mr. Cavness to the Committee Amendment No. 1 was adopted.

The motion to reconsider the vote prevailed.

Mr. Butler then withdrew the substitute amendment offered by himself.

HOUSE BILL NO. 394 ON ENGROSSMENT

The motion to reconsider the vote prevailed.

Mr. Butler then moved to reconsider the vote by which H. B. No. 394 was passed to engrossment, and the motion to reconsider prevailed.

Mr. Butler then moved to reconsider the vote by which the substitute amendment offered by himself on yesterday for the amendment offered by Mr. Cavness to the Committee Amendment No. 1 was adopted.

The motion to reconsider the vote prevailed.

Mr. Butler then withdrew the substitute amendment offered by himself.

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

At 11:10 o'clock a.m., the Speaker called the House to order.

COMMITTEE MEETING

Mr. Pipkin asked unanimous consent of the House that the Committee on Privileges, Suffrage and Elections be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF HOUSE BILL NO. 394

Mr. Butler offered the following substitute amendment for the amendment offered by Mr. Cavness to the Committee Amendment No. 1:

Substitute for Cavness Amendment to Committee Amendment No. 1 to HB 394 by striking all following
the word “insurance” on line 42 and all of lines 43 and 44 on page 1 of the printed bill and substituting in lieu thereof the following:

or require a fee of over five dollars ($5.00) 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.

The substitute amendment by Mr. Butler was adopted.

Committee Amendment No. 1 to H. B. No. 394 as amended was then adopted without objection.

A record vote was requested on the passage of H. B. No. 394 to engrossment.

H. B. No. 394 was then passed to engrossment by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Present-Not Voting</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>30</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

MESSAGE FROM THE SENATE

April 23, 1963

MESSAGE FROM THE SENATE

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

S. B. No. 122, By Cole: Conferring power of Eminent Domain on the
Board of Regents of the University of Houston; and declaring an emergency.

S. C. R. No. 55, By Parkhouse: Commending the Dallas Morning News and staff.

S. C. R. No. 54, By Parkhouse: Commending Blackie Sherrod of the Dallas Times Herald on his winning the National Headliners Club Award.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

HOUSE BILL NO. 694 WITH SENATE AMENDMENT

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

H. B. No. 694, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid District Judges from the county funds by counties having a population of not less than six hundred thousand (600,000) nor more than eight hundred thousand (800,000), according to the last preceding Federal Census, and having eight (8) or more District Courts; providing the time and method of payment; authorizing the amendment of the county budget; providing this Act is cumulative of existing laws; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency."

On motion of Mr. Smith of Bexar, the House concurred in the Senate Amendment by the following vote.

Yeas—141


Nays—2

Alaniz Johnson of Bexar

Absent

Brown de la Garza Brown de la Garza of Galveston of Galveston

Absent—Excused

Carpenter Koliba
I have asked the Clerk of the House to record my vote as NO on House Bill 694, because this is a mandatory pay raise for the District Judges and the Commissioners Court, will be powerless to protest it.

I agreed to a pay raise for the District Judges on a permissive basis, that is, giving the power to the Commissioners Court to grant said raise should they in their wisdom deem to do so. I do not believe that this Legislature should remove local control from the Commissioners Court.

April 23, 1963

JOSEPH Y. JOHNSON

HOUSE JOINT RESOLUTION NO. 12 ON PASSAGE

The Speaker laid before the House, as postponed business, on its passage, H. J. R. No. 12, A Joint Resolution "Proposing an amendment to Sections 1 and 2 of Article VI of the Constitution of the State of Texas so as to lower the minimum age required for voting to eighteen (18) years and to exempt persons under twenty (20) years of age from the operation of any provision imposing a poll tax or any type of registration fee as a prerequisite to voting."

The resolution was read third time on April 2, considered on April 9, and further consideration of the resolution was postponed until 11:00 o'clock a.m. today.

Mr. Crews offered the following amendment to the resolution:

Amendment No. 1

Amend House Joint Resolution No. 12 by striking out the word and number "eighteen (18)" wherever it appears and in lieu thereof substituting the following: "nineteen (19)."

The amendment was adopted without objection.

H. J. R. No. 12 then failed to pass by the following vote, not receiving the necessary one hundred Yeas votes:

YEAS-92

Hollowell
Jamison
Johnson of Dallas
Johnson of Bexar
Kilpatrick
Knapp
Kochman
Lack
Ligarde
McClinton
McDonald
McDonald of Hidalgo
McGregor
McNutt
Markgraf
Miller
Mutchler
Niehues
Nirschl
Parker
Perry
Rapp
Richardson
Ritter
Roberts
Rodriguez
Schiller
Segret
Shannon
Shipley
Slack
Smith
Smith of Bexar
Smith of Jefferson
Stewart
Townsend
Traeger
Weldon
Whaley
Whitfield
Wilson
Woods

NAYS-51

Arlinge
Ball
Banfield
Blalock
Boyson
Brown of Taylor
Cain
Champion
Clayton
Cotten
Cowles
Crow
Davis
Dugan
Faircliff
Finnis
Ford
Grover
Hallmark
Hart
Harrel of Dallas
Harles
Hendryx
Houston
Hughes
Isaacks
Jarvie
McIlhany
McLaughlin
Macleod
Mann
Morgan
Moyer
Moyer
Peele
Pendleton
Petty
Pipkin
Quilliam
Brown of Galveston
Richards
Rosson
Satterwhite
Simpson
Sabinet
Thompson
Thurmond
Walker
Ward
Wells
Pipkin
Wheeler

Absent
Brown of Galveston
Price
Carpenter
Koliba

Mr. McIlhany moved to reconsider and spread on the Journal the vote by which H. J. R. No. 12 failed to pass.

CONGRATULATORY RESOLUTIONS ADOPTED

S. C. R. No. 54, Commending Blackie Sherrod of the Dallas Times Herald on his winning the National Headliners Club Award.

S. C. R. No. 55, Commending the Dallas Morning News and Staff.

HOUSE JOINT RESOLUTION NO. 4 ON SECOND READING

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

H. J. R. No. 4, A Joint Resolution "Proposing an amendment to Sections 4 and 9 of Article III of the Constitution of the State of Texas to provide for the date of commencement and date of expiration of the term of office of Members of the House of Representatives, and to provide for a special assembly of members-elect of the House of Representatives for the purposes of taking the oath of office and electing the Speaker."

The resolution was read second time.

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

Committee Amendment No. 1
Amend H. J. R. No. 4 by adding at the end of Section 9b after the word "State," the following:

"as provided for under Article 1, Section 24 of the Constitution."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend H. J. R. No. 4 in Section 9b by deleting the words "secret written ballot" and substituting in lieu thereof the following: "majority vote of the members present under procedures adopted by the House."

Mr. Haring moved to table the amendment, and the motion to table was lost.

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

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

Yeas—119
Adams Cowles
Akulis Crain
Allen Crews
Aridge de la Garza
Arwell Duke
Ball Duggan
Banfield Duggan
Barnes Edwards
Beavins Esquivel
Beckham Finkle
Berry Frazier
Blaine Fletcher
Boykin Floyd
Brown of Taylor Fongren
Butler Foreman
Cahill Garrison
Canales Gibbens
Cavness Grover
Chapman Hughes
Clayton Haines of Brazos
Cole Hallmark
Collins Harding
Cook Harris of Dallas
Cory Hayes of Orange
Coughran Healy
Cowden Hefton
Committee Amendment No. 3

Amend H.J.R. No. 4 by adding
a new section to be numbered 9(d):

"No special session of the legislature shall be convened by the governor during the period of time after the general election until the following December 1st."

Committee Amendment No. 3 was adopted.

H. J. R. No. 4 was passed by the following vote:

Yeas—112

Alaniz Harris
Allen of Galveston
Arledge Harris of Dallas
Ball Harris of Orange
Banfield Hendryx
Bass of Bowie Hendryx
Bass of Orange Hendryx
Bass of Howie Hinson
Bass of Harris Hollowell
Beckham Houston
Birkner Isaacks
Blaine Jamin
Boyens Johnson of Dallas
Bridges Johnson of Bexar
Brooks Kilpatrick
Cain Klager
Caldwell Knapp
Canales Keithmann
Cannon Lark
Carrier Ligarde
Chambliss McDonald
Cherry McDonald
Chairman of Hidalgo
Coles of Galveston
Collins McDonald of Rusk
Cory McGregor
Coughran McLaughlin
Cowles McNutt
CRAIN
Davis of Galveston
Daugan Mann
Dunagan Murray
Edwards Mann
Evelyn Nunie
Fairchild Parker
Finney Parmer
Fletcher Peery
Fondren Peeler
Foreman Pendergraph
Garrison Petty
Gibbons Phipps
Gladden Price
Gladney Quilliam
Glaudian Rapp
Green Richards
Guffey Richardson
Hanes of Brazos Roberts
Hallmark Ritter

Nays—25

Bass of Harris Haring
Birken Birkner
Bridges de la Garza
Brooks Haines of Bexar
Caldwell Parker
Cannon Parmer
Carriker Roberts
Cherry Rodriguez
Cotten Smith of Bexar
Davis Smith of Jefferson
Eckhardt Wells
Glenfield of Galveston
Green Wilson

Absent

Brown

of Galveston

Absent—Excused

Carpenter Koliba

(The above record vote was requested by Mr. Rodriguez, Mr. Brooks and Mr. Whitfield.)

Mr. Traeger offered the following committee amendment to the resolution:
as postponed business, on its passage to engrossment.

H. B. No. 79, A bill to be entitled "An Act fixing fees of the Sheriff, Constable and other peace officers in civil matters, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended; providing that such fees be paid into the County Treasury in accordance with the provisions of Section 61 of Article XVI of the Constitution of Texas; providing a repealing clause; providing a severability clause; and declaring an emergency."

The bill was read second time on April 16, and further consideration of the bill was postponed until 10:00 o'clock a.m., April 20, 1963, with Committee Amendment No. 1 pending.

H. B. No. 79 was passed to engrossment.

Mr. Hughes moved to reconsider the vote by which H. B. No. 79 was passed to engrossment, and the motion to reconsider prevailed.

Committee Amendment No. 1 was then adopted.

A record vote was requested on the passage of H. B. No. 79 to engrossment.

H. B. No. 79 then failed to pass to engrossment by the following vote:

Yeas—43

Adams
Atwell
Barnes
Berry
Brown of Taylor
Butler
Canales
Chapman
Cory
Esquivel
Fairchild
Floyd
Garrison
Glover
Guffey
Harris of Dallas

Nays—30

Adams
Atwell
Barnes
Berry
Brown of Taylor
Butler
Canales
Chapman
Cory
Esquivel
Fairchild
Floyd
Garrison
Glover
Guffey
Harris of Dallas

On SECOND READING vote:

Yeas—43

Adams
Atwell
Barnes
Berry
Brown of Taylor
Butler
Canales
Chapman
Cory
Esquivel
Fairchild
Floyd
Garrison
Glover
Guffey
Harris of Dallas

Nays—30

Adams
Atwell
Barnes
Berry
Brown of Taylor
Butler
Canales
Chapman
Cory
Esquivel
Fairchild
Floyd
Garrison
Glover
Guffey
Harris of Dallas

Yeas—43

Yeas—43

Nays—30

Nays—30
April 23, 1963  HOUSE JOURNAL  1293

Nays—101

Alaniz  Kilpatrick
Allen    Klager
Arledge  Knapp
Banfield Kothmann
Bass of Bowie Lack
Bass of Harris Ligarde
Becallham McClintock
Birkner  McDonald
Boyesen  of Hidalgo
Bridges  McDonald of Rusk
Brooks   McLain
Caldwell McLaughlin
Cannon   McClure
Carriker  Markgraf
Cavness  Moye
Cheery   Murray
Clayton  Matycher
Cole     Nugent
Collins  Parker
Cotten   Farmer
Coughran  Fearcy
Cowdren  Peeler
Cowles   Pendleton
Crain    Petty
Crews    Pipkin
Davis    Price
Doke     Rapp
Duigan  Richards
Ekhardt  Richardson
Edwards  Ritter
Finney   Roberts
Fletcher  Rodrigues
Fondren  Rosson
Foreman  Satterwhite
Gibbens  Schiller
Gladden  Segrest
Green    Shannon
Hailey of Brazos Shatt
Hallmark Simpson
Harding  Silder
Haring   Stewart
Harris of Galveston Thompson
Haymes of Orange Townsend
Healy    Treager
Hendryx  Walker
Hinson   Ward
Hollowell Weldon
Inaanks  Wheeler
Jamison  Whitting
Jarvis   Woods
Johnson of Bexar

Absent—Excused

Ball of Galveston

(The above record vote was requested by Mr. Parmer, Mr. Gladden and Mr. Richardson.)

Mr. Cotten moved to reconsider the vote by which H. B. No. 79 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

H. B. NO. 694 WITH SENATE AMENDMENT

Mr. Alaniz moved to reconsider the vote by which the House concurred in the Senate Amendment to H. B. No. 694.

The motion to reconsider the vote prevailed.

Mr. Alaniz then moved that the House do not concur in the Senate Amendment, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Smith of Bexar moved, as a substitute motion, that the House concur in the Senate Amendment to H. B. No. 694, and the substitute motion was lost.

The motion that the House do not concur in the Senate Amendment to H. B. No. 694 and that a Conference Committee be requested to adjust the differences between the two Houses on the bill then prevailed.

ADJOURNMENT

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

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

The motion to adjourn prevailed.

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

In accordance with the motion to adjourn, the House, at 12:44 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 and resolutions, as follows:

Banks and Banking: H. B. No. 624.


Privileges, Suffrage and Elections: H. B. No. 671.

Public Lands and Buildings: H. B. No. 1032.


REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 22, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 291, A bill to be entitled "An Act amending Chapter 370, Acts of the Fifty-seventh Legislature, Regular Session, 1961 (compiled as Article 2616g, Vernon's Texas Civil Statutes), amending Sections 7a, 10 and 11 thereof and adding a Section 1Oa conferring on the Board of Regents of the University of Houston the power of eminent domain; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 22, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 394, A bill to be entitled "An Act amending the provisions of Senate Bill No. 236, known as the Insurance Code, Acts, 1951, Fifty-second Legislature, page 868, Chapter 491, as amended, by adding thereto a new Article, designated as Article 21.48; defining and concerning Mortgage Lenders and Borrowers; prohibiting certain practices relating to insurance of real property and escrow accounts; permitting certain exceptions thereto; providing a penalty for violation thereof; declaring a violation thereof to be a misdemeanor and assessing a fine; providing that nothing contained herein shall apply to title insurance; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 22, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 487. A bill to be entitled "An Act providing that the salaries of all State officers and State employees, and the State's portion of the salaries of 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 any existing Statutes which govern the supplemental salaries or 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 or judicial services rendered; 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 with certain exceptions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
H. B. No. 628, A bill to be entitled "An Act relating to accounting and verification procedures in the office of the Treasurer and Comptroller of Public Accounts, transferring certain duties from the Treasurer to the Comptroller; repealing Articles 4382 and 4384, Revised Civil Statutes of Texas, 1925; providing for severability; providing an effective date; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 22, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred 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 or prohibit has failed; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 22, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred 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."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, April 22, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.