Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 106, "An Act amending Chapter 20, Title 122A, Taxation-General, of the Revises Civil Statutes of Texas, 1925, as last amended by Chapter 24, Acts, Fifty-seventh Legislature, First Called Session, 1961; imposing a limited sales, excise and use tax on the sale or use of certain tangible personal property in this State and providing for the administration and enforcement of such tax and the allocation of revenues therefrom; amending Chapter 6 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas (Motor Vehicle Retail Sales and Use Tax); amending Article 12.21, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1926, as last amended by Chapter 24, Acts of the Fifty-seventh Legislature, First Called Session, 1961, so as to impose an additional franchise tax for the period from May 1, 1964, to and including April 30, 1965; providing a saving clause; providing a severability clause; providing for an effective date; repealing laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR
May 9, 1963

H. B. No. 106.

SIXTY-EIGHTH DAY
(Monday, May 13, 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...
May 13, 1963

HOUSE JOURNAL 1829

Absent—Excused

Adams
Chapman
Koliba

A quorum of the House was announced present.

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

"Our Heavenly Father, be Thou our guide through trying times and difficult decisions. When we must do, what we must do, let it be in clear conscience with malice toward none, and in accordance with our own personal convictions.

"Thou hast taught us what is right and Thy Spirit convict us when we are wrong. Let our strength be the strength of ten, when we must stand, and having stood all that oppose us, still to stand in Thy faith.

"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. Adams for today on motion of Mr. Parsley.

Mr. Chapman for today on motion of Mr. Hinson.

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

Mr. Koliba for today and the remainder of the week, on motion of Mr. Edwards.

Mr. Houston for today on motion of Mr. Stollenwerck.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 490, By Caldwell: In memory of Mrs. Bessie Dupont Motenbeard.


H. S. R. No. 495, By Koliba: In memory of William Matthew Rain.

H. S. R. No. 499, By Guflly: In memory of Percy Charles Owen.

H. S. R. No. 502, By Green and Richards: In memory of Gillis Johnson.

H. S. R. No. 503, By Green: In memory of Warren Scarborough.

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. 490 to the Committee on Counties.

S. B. No. 330 to the Committee on Game and Fisheries.

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 Barnes:
H. B. No. 1072, A bill to be entitled "An Act repealing Article 1348, Texas Revised Civil Statutes, 1925; amending Article 1302-2.06 of the Texas Miscellaneous Corporation Laws Act by including in Section A thereof the words 'subject to the provisions of Section B below' and correcting the spelling of the word 'reasonably' therein, and adding additional Section B governing the circumstances under which parent, subsidiary and affiliated corporations may make themselves or their properties liable for the indebtedness of a parent, subsidiary or affiliated company, as defined in this Act and defining parent, subsidiary and affiliated corporations for the purpose
of this Act; providing for a cause of action for recovery of amounts paid on indebtedness of parent, subsidiary or affiliated corporations under certain circumstances and declaring an emergency.”

Referred to the Committee on Judiciary.

By Segrest:
H. B. No. 1073, A bill to be entitled “An Act regulating the business or debt management; requiring licenses and to fix fees therefor; prescribing the power and duties of the Finance Commission of Texas and State Banking Commissioner; prescribing conditions for debt management contracts; providing for penalties for violations of the provisions of this Act; providing a severability clause; and declaring an emergency.”

Referred to the Committee on Banks and Banking.

By Clayton:
H. B. No. 1074, A bill to be entitled “An Act making it unlawful to operate, within three hundred (300) yards of a residence or dwelling house, any irrigation well pump powered by an internal combustion engine which is not equipped with an operable muffler; providing a penalty; and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Hinson:
H. B. No. 1075, A bill to be entitled “An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; describing the manner of sale and disposition of proceeds; reserving to the state of Texas certain portions of the oil, gas, and other minerals in and under said lands or that may be produced therefrom, together with all bonuses, rents or royalties derived therefrom; providing for the leasing of said minerals; and declaring an emergency.”

Referred to the Committee on Military and Veteran’s Affairs.

By Townsend:
H. B. No. 1076, A bill to be entitled “An Act relating to deer in San Saba County; and declaring an emergency.”

Referred to the Committee on Game and Fisheries.
May 13, 1963  
HOUSE JOURNAL  1831

Peeler
Pendleton
Petty
Pipkin
Price
Quilliam
Rapp
Richards
Richardson
Ritter
Roberts
Rosson
Satterwhite
Scoggins
Segrest
Shannon
Shipley
Shutt
Slack
Slider
Smith of Bexar
Smith of Jefferson
Stewart
Stotlenweck
Thompson
Thurmond
Walker
Weldon
Wells
Whatley
Wheeler
Whitfield
Wieting
Wilson
Woods

Nays—15

Birkner
Bridges
Butler
Caldwell
Cannon
Carroll
Davis
Dungan

Fairchild
Haines of Brazos
McGregor
Niemesyer
Schiller
Townsend
Ward

Present—Not Voting

Beckham
Brown
Butler
Caldwell
Cannon
Carroll
Davis
Dungan

Simpson
Jamison
of Galveston
Murray
Rodriguez
Gibbens

Absent—Excused

Adams
Chapman

Houston
Koliba

Mr. Cory moved to suspend the necessary rules in order to introduce H. B. No. 1078 at this time.

The motion prevailed without objection.

Mr. Birkner moved to suspend the necessary rules in order to introduce H. B. No. 1079 at this time.

The motion prevailed without objection.

Mr. Cannon moved to suspend the necessary rules in order to introduce H. B. No. 1080 at this time.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 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. C. R. No. 53, By Alkins: Granting permission to Eldridge Jarrell to sue the State.

S. C. R. No. 56, By Cole: Granting permission to Mr. and Mrs. Bert Van Natter to bring suit against John Sealy General Hospital of Galveston County, Texas, and the State of Texas.

S. C. R. No. 35, By Owen: Granting permission to W. J. Holladay of Fort Stockton, Texas, to sue the State.

S. C. R. No. 51, By Parkhouse: Granting permission to Producing Properties, Inc., to sue the State.

S. C. R. No. 35, By Owen: Granting permission to Elgean Shield to sue the State.

S. C. R. No. 66, By Herring: Granting Austin Bridge Company permission to sue the State of Texas.

S. B. No. 192, By Parkhouse: Creating Probate Court No. 2 in Dallas County; and declaring an emergency.

S. B. No. 192, By Parkhouse: Creating Probate Court No. 2 in Dallas County; and declaring an emergency.

S. B. No. 266, By Owen: Establishing depositories for Texas State documents; and declaring an emergency.

S. B. No. 288, By Owen: Providing for appointment of County Child Welfare Boards; and declaring an emergency.

S. B. No. 214, By Blanchard: Relating to salaries of 72nd, 99th and 140th District Judges of Lubbock; and declaring an emergency.

S. B. No. 160, By Herring: Amending Section 36, of the Trust Act, relating to commissions and compensations of trustees; and declaring an emergency.

S. B. No. 313, By Owen: Relating to specification in election proceedings of the amount of School District...
Bonds maturing each year; and declaring an emergency.

S. B. No. 370, By Blanchard: Relating to land leased by Texas Tech College to the U. S. for an armory; and declaring an emergency.

S. B. No. 429, By Spears: Authorizing the Texas National Guard Armory Board to issue refunding bonds; and declaring an emergency.

S. B. No. 461, By Cole: Authorizing the National Guard Armory Board to convey certain land in Harris County; and declaring an emergency.

S. B. No. 466, By BatS: Providing that teachers with a law degree shall have their salary calculated on the basis of a Master's degree; and declaring an emergency.

S. B. No. 470, By Schwartz: Establishing commissioners of pilots for certain ports; and declaring an emergency.

S. B. No. 476, By Ratliff: Amending the Insurance Code defining credit guaranty insurance; and declaring an emergency.

S. B. No. 479, By Patman: Relating to the validity of fishing licenses; and declaring an emergency.

S. B. No. 482, By Hardeman: Authorizing issuance of a corrected patent to certain lands in Reeves County; and declaring an emergency.

S. B. No. 486, By Watson: Authorizing appointment of assistants, investigators, etc., by the 27th Judicial District Attorney; and declaring an emergency.

S. B. No. 491, By Creighton: Providing for issuance of a patent on certain land in Montague County; and declaring an emergency.

S. B. No. 492, By Schwartz: Creating conservation and reclamation district on Galveston Island; and declaring an emergency.

S. B. No. 495, By Cole: Increasing compensation of court reporters in certain counties; and declaring an emergency.

S. B. No. 496, By Cole: Authorizing full and complete consolidated or master indexes of real property records in certain counties; and declaring an emergency.
S. B. No. 486, By Rogers: Authorizing appointment and setting the salary of the shorthand reporter of the 100th Judicial District; and declaring an emergency.

S. B. No. 488, By Cole: Creating the Sagemont Municipal Utility District in Harris County; and declaring an emergency.

H. B. No. 106, By Caldwell: Abolishing the Rule in Shelley's Case; and declaring an emergency.

H. B. No. 254, By Caldwell: Making it unlawful for a commercial fisherman employed on a salary to sell, or to offer for sale, fish, shrimp, oysters, or other seafood; and declaring an emergency.

H. B. No. 459, By Rapp: Permitting reliance upon information on the label of a recording in payment of performing fee; and declaring an emergency.

H. B. No. 482, By Cole: Placing Hunt County under the regulatory authority of the Game and Fish Commission; and declaring an emergency, (As amended).

H. B. No. 488, By Slack: Relating to the Board of Directors of Water Power Control Districts; and declaring an emergency.

H. B. No. 734, By Hallmark: Valuating certain levies for ad valorem taxes made by the governing bodies of certain cities; and declaring an emergency.

H. B. No. 737, By Ritter: Relating to the status under the chain store tax law of a warehouse operated by a common carrier; and declaring an emergency.

H. B. No. 797, By Glenn: Authorizing trustees of certain school districts to appoint an assessor-collector of taxes and a board of equalization; and declaring an emergency. (As amended).

H. B. No. 855, By Heatly: Relating to the payment of policyholder dividends; and declaring an emergency. (As amended).

H. B. No. 527, By Peeler: Raising the pay of Judge of Court of Domestic Relations of Nueces County; and declaring an emergency.

H. B. No. 587, By Towne: Relating to inspection of reportedly diseased animals; and declaring an emergency.
H. B. No. 606, By Fondren: Fixing a year-round open season on pheasants and chukars in Lee County; and declaring an emergency.

H. B. No. 631, By Butler: Creating conservation and reclamation districts in McMullen County; and declaring an emergency.

H. B. No. 947, By Stewart: Authorizing the Highway Commission to negotiate for sale of certain State land to the City of Wichita Falls; and declaring an emergency.

H. B. No. 971, By Haynes: Creating "Orange County Drainage District of Orange County," and declaring an emergency.

H. B. No. 972, By Caldwell: Authorizing certain independent school districts to levy combined bond and maintenance tax; and declaring an emergency.

H. B. No. 981, By Matechek: Providing that Commissioners Courts may contract with private libraries to furnish county free library service; and declaring an emergency.

H. B. No. 936, By Edwards: Removing Red River County from regulatory authority of Game and Fish Commission; and declaring an emergency.

H. B. No. 636, By Mutscher: Providing that Commissioners Courts may contract with private libraries to furnish county free library service; and declaring an emergency.

H. B. No. 637, By Edwards: Providing for rendition assessment and collection of taxes, either on benefit or ad valorem basis; and declaring an emergency.

H. B. No. 512, By Slider: Making it unlawful to catch certain fish with set nets or seines; and declaring an emergency.

H. B. No. 562, By Slider: Providing for enforcement Water Safety Act by game wardens on Lake Texoma and other lakes; and declaring an emergency.
H. B. No. 579, By Isaacks: Permitting the sale in Texas of black bass imported from without the United States; and declaring an emergency.

H. B. No. 636, By Sliger: Permitting taking of nutria in Matagorda and Morris Counties; and declaring an emergency.

H. B. No. 656, By Price: Authorizing Board for State Hospitals and Special Schools to sell certain land in Cherokee County; and declaring an emergency.

H. B. No. 726, By Jamison: Validating certain independent school districts; and declaring an emergency.

H. B. No. 759, By de la Garza: Relating to open season on wild pheasant in Hidalgo County; and declaring an emergency.

H. B. No. 777, By Duggan: Providing for the execution of a bond for the Probate Judge of Harris County; and declaring an emergency.

H. B. No. 778, By Duggan: Providing for the Probate Judge to act as presiding Judge for the County Judge acting in Probate matters; and declaring an emergency.

H. B. No. 783, By Smith of Jefferson: Creating a Public Hospital District in a portion of Jefferson County; and declaring an emergency. (As amended)

H. B. No. 937, By Crews: Creating a conservation and reclamation district to be known as "River Plantation Municipal Utility District of Montgomery County, Texas"; and declaring an emergency.

H. B. No. 984, By Bass of Harris: Validating county park bond elections in certain counties; and declaring an emergency.

H. B. No. 1008, By Jamison: Authorizing use of certain county equipment to construct and maintain public airstrips; and declaring an emergency.

H. B. No. 1010, By Hinson: Prohibiting the use of certain methods for taking fish in certain lakes in Wood County; and declaring an emergency.

H. B. No. 1018, By Carpenter: Creating the West Coke County Hospital District; and declaring an emergency.

H. B. No. 145, By de la Garza: Amending Penal Code concerning employment of children; and declaring an emergency.

H. B. No. 191, By Haring: Making it unlawful to kill deer or wild turkey in Goliad County and placing wildlife resources of said county under Parks and Wildlife Commission; and declaring an emergency. (As amended)

H. B. No. 274, By McGregor: Creating the Butterfield Water Control and Improvement District in El Paso; and declaring an emergency. (As amended)

H. B. No. 330, By McIlhany: Creating a Hospital District for Commissioners Court Precincts 1 and 2 of Wheeler County; and declaring an emergency. (As amended)

H. B. No. 336, By McIlhany: Creating a Hospital District for Commissioners Court Precincts 3 and 4 of Wheeler County; and declaring an emergency.

H. B. No. 343, By Ritter: Relating to jurisdiction of the Small Claims Court; and declaring an emergency.

H. B. No. 344, By Pipkin: Providing for election of school trustees in certain independent school districts; and declaring an emergency.

H. B. No. 367, By Atwell: Creating two additional County Courts of Dallas County at Law; and declaring an emergency.

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

HOUSE BILL NO. 20 ON PASSAGE TO ENGROSSMENT

Mr. Cook moved to suspend the necessary rules in order that he
might then make a motion to reconsider the vote by which H. B. No. 20 was, on May 7, tabled.

The motion to suspend the rules prevailed.

Mr. Cook then moved to reconsider the vote by which H. B. No. 20 was tabled, and the motion to reconsider the vote prevailed.

The Speaker then laid before the House for consideration at this time, on its passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act creating Permian State College of Technology at Odessa, Texas, providing that the organization, management and control of said College shall be vested in a Board of Regents and nine members to be appointed by the Governor of the State of Texas; empowering the Board of Regents to appoint and to remove the President; any faculty member or other officer or employee of the College, upon the advice and recommendation of the President of said College, when it deems such appointment or removal necessary to the best interest of the College, and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences, in fine arts, in business administration and in teacher training; providing for offering courses in engineering; establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for two years programs in technical education in such fields as recommended by the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for special, short, terminal, and vocational courses; providing for the transfer, gift, and donations of all the assets, corporeal properties and facilities of the Odessa Junior College District, to the Board of Regents or its successors, of the Permian State College of Technology, herein created on September 1, 1946, or as soon thereafter as possible, free and clear of any indebtedness or indebtednesses, encumbrances of any kind and authorizing the Board of Regents hereinafter created to accept such assets, corporeal properties and facilities; providing for the Board of Regents to accept donations, gifts and endowments; vesting the management and control of the lands and minerals of the College in the Board of Regents; authorizing and directing the Board of Regents to prescribe fees, rentals and charges for use of the facilities of Permian State College of Technology and for reporting thereof; authorizing the Board of Regents to enter into contracts with the Department of Defense of the United States to establish and maintain courses in military training, for credit thereof, under certain conditions; providing authority for the Board of Regents to issue revenue bonds or obtain loans for the construction of dormitories, dining halls and student union buildings, such bonds and loans to be secured by income from rentals and services; providing for the construction of classrooms, laboratories, other facilities and equipment for the use of Permian State College of Technology through the issuance of revenue bonds or loans, such bonds or loans to be secured by the dedication of all or part of the income from tuition to be paid by students of the College; providing for the continuation and observation of all existing contracts having been entered into between the Board of Regents of Odessa Junior College District and individuals, organizations, corporations and foundations; providing a severability clause; and an emergency clause."

Mr. Traeger moved that H. B. No. 20 be tabled.

A record vote was requested on the motion to table.

The motion to table H. B. No. 20 was lost by the following vote:

Yeas—64

Allen Cannon
Arledge Carpenter
Ball Caveness
Banfield Cherry
Base of Harris Collins
Beckham Cotten
Birkner Crain
Boysem Davis
Cain Doke
A record vote was requested on the passage of H. B. No. 20 to engrossment. The vote of the House was taken on the passage of H. B. No. 20 to engrossment and the vote was announced Yeas 69, Nays 68 and 1 present-not voting. A verification of the vote was requested and was granted. The roll of those voting Yeas and Nays was again called and the verified vote resulted: Yeas 68, Nays 68. Whereupon the Speaker voted Yeas and the vote resulted as follows:

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<th>Yeas-69</th>
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<th>Absent</th>
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<td>Brown of Galveston</td>
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<td>Ferguson</td>
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<td>Adams</td>
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<td>Chapman</td>
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<td>(The above record vote was requested by Mr. Traeger, Mr. Hollowell and Mr. Jamison.)</td>
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### HOUSE JOURNAL

<table>
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<tr>
<th>Schiller</th>
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**Nays—68**

- Allen
- Arledge
- Ball
- Bankhead
- Bass of Harris
- Beckham
- Birks
- Blaine
- Boyesen
- Brown of Taylor
- Cain
- Cannon
- Carpenter
- Carnes
- Cherry
- Clayton
- Cole
- Collins
- Cotten
- Cowies
- Crain
- Davis
- Dole
- Duncan
- Fairchild
- Floyd
- Foreman
- Gibbons
- Glenn
- Groover
- Gaines of Brazos
- Hallmark
- Haring
- Harris of Dallas
- Hendry

- Present—Not Voting

- Slider
- Absent

- Present—Not Voting

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<tr>
<th>Brown of Galveston</th>
<th>McDonald of Rusk</th>
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<td>Fletcher</td>
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<td>Hinson</td>
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<td>Johnson of Dallas</td>
<td>Smith of Jefferson</td>
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- Absent—Excused

- Absent

The Speaker stated that H. R. No. 20 was passed to engrossment by the above vote.

(The above record vote was requested by Mr. Traeger, Mr. Markgraf and Mr. Cannon.)

### REASON FOR VOTE

May 13, 1963

Reason for vote opposing Odessa College bill:

**Odessa Four-Year College Bill**

The Odessa College bill was passed on second reading in the House of Representatives this morning; the Speaker of the House had to break a tie vote.

The passage of this bill is a follow-through of the trend of creating state-supported four-year colleges throughout the state at a time when it is obvious that it is not feasible. For instance—the Odessa College bill, if passed on third reading, will put another four-year college in the general area of the newly created San Antonio four-year college which presently only has 800 students.

These bills are without a doubt a symbol of the political demagogy which exists in the House of Representatives. It is a perfect example of "you scratch my back and I'll scratch yours"; the vote swapping for bills to gain or retain votes in the representative's district at the cost of educational excellence and higher taxes. I will continue to oppose this type of legislation until I am convinced that we have done our best to update our present state-supported educational institutions, the need is more apparent, and the people of Texas can afford it.

Charles R. Scoggins.

### MESSAGE FROM THE SENATE

Austin, Texas, May 13, 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. C. R. No. 72, By Calhoun: Directing the Engrossing and Enrolling Clerk of the Senate to correct Senate Bill No. 422.

S. C. R. No. 73, By Parkhouse:
May 13, 1963

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Congratulating KRLD TV for its outstanding service.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

BILL AND A RESOLUTION
SIGNED BY THE SPEAKER

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

S. B. No. 337, "An Act to amend Chapter 4 of the Insurance Code (Acts, 1951, 52nd Legislature, Chapter 491, as amended) by adding thereto a new Article to be designated Article 4.08, relating to escheat and unclaimed funds, providing that said Article shall be known as the 'Unclaimed Fund Statute for Life Insurance Companies'; defining the scope of the Article; defining terms; providing for reports by life insurance companies; requiring notice to be published; requiring payment of certain unclaimed funds to the State Treasurer of Texas and allowing extension of time for reports by said official; providing for custody of unclaimed funds by State Treasurer and indemnity for said companies by the state; providing for reimbursement of said companies for claims paid; creating a special trust fund and providing for administration thereof; providing for determination, review and payment of claims; requiring records by said companies; providing that other escheat measures shall be inapplicable; fixing an effective date; providing for severability; providing a savings clause; and declaring an emergency."

S. B. No. 392, "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas; providing the method of payment; provisions relating to the existing power of eminent domain of the Board of Regents to acquire land for the use of The University of Texas Medical Branch; exempting the Regents from depositing bond and interest thereof; and declaring an emergency."

S. B. No. 356, "An Act amending Acts of the 53rd Legislature, 1953, Regular Session, Chapter 326, page 738, as amended, codified as Article 4494-b, Vernon's Civil Statutes of Texas, as amended, by adding another Section, Section 5b more specifically expressing certain existing powers of hospital districts created under said Article 4494-b and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 301, "An Act providing for transfer of moneys now on deposit in the State Treasury to a credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utility Fund, and the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission

BILLS AND A RESOLUTION
SIGNED BY THE SPEAKER

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

S. B. No. 337, "An Act to amend Chapter 4 of the Insurance Code (Acts, 1951, 52nd Legislature, Chapter 491, as amended) by adding thereto a new Article to be designated Article 4.08, relating to escheat and unclaimed funds, providing that said Article shall be known as the 'Unclaimed Fund Statute for Life Insurance Companies'; defining the scope of the Article; defining terms; providing for reports by life insurance companies; requiring notice to be published; requiring payment of certain unclaimed funds to the State Treasurer of Texas and allowing extension of time for reports by said official; providing for custody of unclaimed funds by State Treasurer and indemnity for said companies by the state; providing for reimbursement of said companies for claims paid; creating a special trust fund and providing for administration thereof; providing for determination, review and payment of claims; requiring records by said companies; providing that other escheat measures shall be inapplicable; fixing an effective date; providing for severability; providing a savings clause; and declaring an emergency."

S. B. No. 392, "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas; providing the method of payment; provisions relating to the existing power of eminent domain of the Board of Regents to acquire land for the use of The University of Texas Medical Branch; exempting the Regents from depositing bond and interest thereof; and declaring an emergency."

S. B. No. 356, "An Act amending Acts of the 53rd Legislature, 1953, Regular Session, Chapter 326, page 738, as amended, codified as Article 4494-b, Vernon's Civil Statutes of Texas, as amended, by adding another Section, Section 5b more specifically expressing certain existing powers of hospital districts created under said Article 4494-b and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 301, "An Act providing for transfer of moneys now on deposit in the State Treasury to a credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utility Fund, and the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission
Operating Fund; providing that moneys collected for the purposes for which said Funds were created be deposited in the State Treasury to the credit of the Railroad Commission Operating Fund; designating purposes for which such moneys may be used; providing for disposition of moneys collected for sale of property purchased out of said Funds; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present Fund expenditures; providing for an effective date of this Act.

S. B. No. 170, "An Act amending Section 1 of Chapter 101, Acts of the 57th Legislature, Regular Session, 1961, so as to provide that said law will become effective upon the adoption of Article IX, Section 11, as a part of the Constitution of the State of Texas; validating proceedings heretofore had in connection with the creation and establishment of such districts; and declaring an emergency."

S. B. No. 265, "An Act amending subdivision (a) of Section 13 of Senate Bill No. 6, Acts of the 44th Legislature, Second Called Session, 1935, as amended, codified in Vernon's as subdivision (b) of Section 13 of Article 3812e, Vernon's Civil Statutes; repealing subdivision (a) of Section 15 of Senate Bill No. 6, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (a) of Section 15 of Article 3812e, Vernon's Civil Statutes; providing for apportionments from the state to counties in which there is a criminal district attorney or a county attorney performing the duties of a district attorney and making other provisions relating thereto, providing the provisions of this Act shall also apply to Harris County; providing a severability clause; and declaring an emergency."

S. B. No. 456, "An Act transferring the sum of Five Thousand Dollars from Item Five set out in the appropriation to the Texas Liquor Control Board for the year ending August 31, 1963, to be used for the purchase of licenses, permits and tax stamps during the year 1963 and declaring an emergency."

S. B. No. 247, "An Act amending Section 7 of Chapter 253, Acts of the 55th Legislature, Regular Session, 1957, relating to Workman's Compensation Law applicable to employees of Texas Technological College, so as to adopt certain amendments and Sections of the General Law contained in Articles 5304, 5307 and 5309, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 346, Acts of the 43rd Legislature, Regular Session, 1931 (codified as Article 5306a of Vernon's Texas Civil Statutes), as amended; providing for incorporation of future amendments; providing for severability; and declaring an emergency."

S. B. No. 394, "An Act amending Subsection 9 of Section 8-A of Acts, 1923, 42nd Legislature, Chapter 371; as amended by Acts, 1921, 42nd Legislature, 2nd Called Session, Chapter 60; and as last amended by Acts, 1937, 54th Legislature, Chapter 395 (codified as Article 5431c of Vernon's Texas Civil Statutes); by repealing the existing Subsection 9 of Section 8-A of Acts, 1923, 42nd Legislature, 2nd Called Session, Chapter 371, as amended, (codified as Article 5431c, V.T.C.S.) and substituting an amendment therefor: prohibiting the School Board from leasing any river beds or channels with one permissible exception; providing that any invalid provisions shall not affect any other provisions; and declaring an emergency."

S. B. No. 233, "An Act amending the Texas Workman's Compensation Insurance Laws of this State by amending Section 5 of Article 5306, Revised Civil Statutes of 1925, as amended; providing a saving clause; and declaring an emergency."

S. B. No. 239, "An Act to amend Section 3 of Senate Bill No. 561, Acts of the 57th Legislature, Regular Session, 1951, as amended, so as to modify the requirements for abolishing such districts and declaring an emergency."

S. B. No. 511, "An Act authorizing the Board for Texas State Hospitals and Special Schools to convey
the age eligibility for exceptional children program benefits; providing for the
abolishment of the offices of the Ex-Officio County School Superintendents and
the County Board of Education in all counties of this State who now have or may hereafter have no Common School District and only one Independent School District; providing that all of the duties of Ex-Officio School Superintendent and the County Board of Education he vested in the President of the Board of Regents of such Independent School District and in the Superintendent of such district, except as for transfers of students in other counties, which shall remain the duty of the County Judge; providing that the Commissioners Court shall receive, pass upon all petitions for the calling of elections to create new school districts; providing the mechanics for the transfer of any records of funds remaining on hand after the effective date of this Act; and providing certain terms and conditions.

S. B. No. 2. "An Act creating and establishing Angelo State College at San Angelo, Texas, as a coeducational institution of higher learning; providing that the organization, management and control of said College shall be vested in the Board of Regents of the State Teachers College; empowering the Board of Regents to appoint and to remove the President, any faculty member or other officer or employee of the College when it deems such appointment or removal necessary to the best interests of the College and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences, in business administration and in teacher training, establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for special short and terminal courses; providing for the transfer, gift and donation of all the assets, corporal properties of said College, and any and all facilities of the Junior College District of Tom Green County, Texas, to the Board of Regents or its successors, of the Angelo State College, herein created on September 1, 1966, free and clear of any indebtedness or indebtednesses, encumbrances or encumbrances of any kind and authorizing the Board of Regents of the
College herein created to accept such assets, corporeal properties and facilities; providing for the Board of Regents to accept donations, gifts and endowments; vesting the management and control of the lands and minerals of the College in the Board of Regents; authorizing and directing the Board of Regents to prescribe fees, rentals and charges for use of the facilities of Angelo State College and for reporting thereof; authorizing the Board of Regents to enter into contracts with the Department of Defense of the United States of America to establish and maintain courses in military training, for credit therefor, under certain conditions; providing a severability clause; and declaring an emergency."

S. B. No. 389, "An Act setting standard fees for Directors of river authorities created by the Legislature; providing for their expenses; providing for authorization and method of payment; repealing laws in conflict; and declaring an emergency."

S. B. No. 127, "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 121st Judicial District of Texas; and declaring an emergency."

S. B. No. 238, "An Act making it unlawful for anyone, not being the owner thereof, and without lawful authority, to willfully injure, disfigure, remove or destroy any historical structure, monument, marker, medallion, or artifact; providing penalties; providing a severability clause; and declaring an emergency."

S. B. No. 239, "An Act to amend Section 15 of Chapter 514, Acts of the 84th Legislature, Regular Session, 1965, (compiled as Article 673m, Vernon's Texas Civil Statutes) and to amend Chapter 514, Acts of the 84th Legislature, Regular Session, 1965, by adding thereto a new Section to be known as Section 16A; providing for the acquisition of lands upon which are located historic and prehistoric sites and other historic or features by the State Building Commission, allowing certification or authentication by the Texas State Historical Survey Committee, authorizing the erection and maintenance of historic monuments or memorials, the locating and marking of graves of former Texas heroes, the maintenance of monuments and memorials erected by the State of Texas to commemorate the Centennial of Texas Independence, requiring certain approval of the Texas State Historical Survey Committee before erection of new monuments or memorials; repealing all laws in conflict; and declaring an emergency."

S. B. No. 7, "An Act creating Pan American College as a state-supported institution of higher education; providing for its management and administration; providing that General Laws affecting other state institutions of higher learning and not in conflict with this Act shall apply to Pan American College; repealing laws in conflict; providing for severability; and declaring an emergency."

S. C. R. No. 67, Commending Mr. Angus Wynne, Jr., an official representative of Texas at the New York World's Fair in 1964.

H. B. NO. 342 SET AS A SPECIAL ORDER

Mr. Guffey moved that H. B. No. 342 be set as a special order for 3:00 o'clock p.m. today.

The motion prevailed, and it was so ordered.

LEAVE OF ABSENCE GRANTED

Mr. Smith of Bexar was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Segrest.

COMMITTEE TO SELECT POET LAUREATE APPOINTED

Pursuant to S. C. R. No. 16 by Cole, providing for a committee to select a Poet Laureate, the Speaker appointed the following committee, on the part of the House:

Messrs. Miller and Mann.

MOTION TO INSTRUCT THE COMMITTEE ON LABOR

Mr. Eckhardt moved to instruct the Committee on Labor to report H. B. No. 33 immediately.

Mr. Butler moved to table the motion.

A record vote was requested on the motion to table.
The motion to table the motion to instruct the Committee on Labor was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>70</th>
</tr>
</thead>
</table>
| Arledge | Jarvis 
| Atwell | Johnson of Dallas |
| Bail | Klager |
| Barnes | Knapp |
| Birksy | McClintock |
| Brown of Taylor | McNutt |
| Butler | Macatee |
| Cain | Miller |
| Caudle | Morgan |
| Cory | Muller |
| Cowden | Parsley |
| Crain | Schiller |
| Duggen | Scoggins |
| Fairchild | Sexett |
| Floyd | Shively |
| Forden | Shutt |
| Foreman | Simpson |
| Harrison | Slack |
| Hibbs | Siller |
| Hughes | Stollenwerck |
| Harris of Dallas | Thurmond |
| Heady | Townsend |
| Hendrix | Walker |
| Hughes | Whatley |
| Absent | 82 |
| Alaniz | Gladden |
| Allen | Glenn |
| Bass of Bowie | Green |
| Bass of Harris | Gaffey |
| Beckham | Hallmark |
| Berry | Harding |
| Blaine | Harling |
| Boyden | Harris |
| Bridges | of Galveston |
| Brooks | Haynes of Orange |
| Caldwell | Heffon |
| Cannon | Hines |
| Carpenter | Hollowell |
| Carricker | Isaacs |
| Cavness | Jamison |
| Cherry | Johnson of Bexar |
| Cole | Kilpatrick |
| Collins | Kohlmann |
| Cotten | Lack |
| Coughran | Ligeard |
| Cowies | McDonald |
| de la Garza | McDonald of Rusk |
| Daggs | McGregor |
| Edwards | McLemore |
| Esquivel | McLaurin |
| Finkley | Mann |
| Fletcher | Markgraf |
| Murray | Roberts |
| Niemeyer | Rodriguez |
| Nugent | Shannon |
| Parker | Smith of Jefferson |
| Farmer | Thompson |
| Peaden | Trigge |
| Pearson | Ward |
| Pendleton | Weldon |
| Petty | Weil |
| Price | Wheeler |
| Rapp | Whitefield |
| Richards | Wieting |
| Richardson | Wilson |
| Ritter | Woods |

A record vote was requested on the motion to instruct the Committee to Labor.

The vote of the House was taken on the motion to instruct the Committee on Labor to report H. B. No. 23 immediately, and the vote was announced Yeas 70, Nays 70.

A verification of the vote was requested, and was granted.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaniz</td>
<td>Gladden</td>
</tr>
<tr>
<td>Bass of Bowie</td>
<td>Fletcher</td>
</tr>
<tr>
<td>Bass of Harris</td>
<td>Giddens</td>
</tr>
<tr>
<td>Beckham</td>
<td>Glenn</td>
</tr>
<tr>
<td>Berry</td>
<td>Gentry</td>
</tr>
<tr>
<td>Bridges</td>
<td>Gaffey</td>
</tr>
<tr>
<td>Brooks</td>
<td>Hallmark</td>
</tr>
<tr>
<td>Caldwell</td>
<td>Harling</td>
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<tr>
<td>Cannon</td>
<td>Harris</td>
</tr>
<tr>
<td>Carpenter</td>
<td>of Galveston</td>
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<tr>
<td>Carricker</td>
<td>Haynes of Orange</td>
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<tr>
<td>Cavness</td>
<td>Heffon</td>
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<tr>
<td>Cherry</td>
<td>Hines</td>
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<tr>
<td>Cole</td>
<td>Kohlmann</td>
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<td>Collins</td>
<td>Lack</td>
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<tr>
<td>Cowies</td>
<td>Ligeard</td>
</tr>
<tr>
<td>de la Garza</td>
<td>McDonald</td>
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<tr>
<td>Daggs</td>
<td>McDonald of Rusk</td>
</tr>
<tr>
<td>Edwards</td>
<td>McLemore</td>
</tr>
<tr>
<td>Esquivel</td>
<td>McLaurin</td>
</tr>
<tr>
<td>Finkley</td>
<td>Mann</td>
</tr>
<tr>
<td>Fletcher</td>
<td>Markgraf</td>
</tr>
<tr>
<td>Murray</td>
<td>Roberts</td>
</tr>
<tr>
<td>Niemeyer</td>
<td>Rodriguez</td>
</tr>
<tr>
<td>Nugent</td>
<td>Shannon</td>
</tr>
<tr>
<td>Parker</td>
<td>Smith of Jefferson</td>
</tr>
<tr>
<td>Farmer</td>
<td>Thompson</td>
</tr>
<tr>
<td>Peaden</td>
<td>Trigge</td>
</tr>
<tr>
<td>Pearson</td>
<td>Ward</td>
</tr>
<tr>
<td>Pendleton</td>
<td>Weldon</td>
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<tr>
<td>Petty</td>
<td>Weil</td>
</tr>
<tr>
<td>Price</td>
<td>Wheeler</td>
</tr>
<tr>
<td>Rapp</td>
<td>Whitefield</td>
</tr>
<tr>
<td>Richards</td>
<td>Wieting</td>
</tr>
<tr>
<td>Richardson</td>
<td>Wilson</td>
</tr>
<tr>
<td>Ritter</td>
<td>Woods</td>
</tr>
</tbody>
</table>

A record vote was requested on the motion to instruct the Committee to Labor.
The Speaker stated that the motion to instruct the Committee on Labor to report H. B. No. 28 immediately was lost by the above vote.

(The above record vote was requested by Mr. Eckhardt, Mr. Carriker and Mr. Parker.)

**RECESS**

Mr. Mann moved that the House recess until 2:15 o'clock p.m. today. The motion prevailed.

In accordance with the motion to recess, the House, at 12:45 o'clock p.m., took recess until 2:15 o'clock p.m. today.

**AFTERNOON SESSION**

The House met at 2:15 o'clock p.m., and was called to order by the Speaker.

**HOUSE BILL NO. 371 WITH SENATE AMENDMENTS**

Mr. Floyd called up with Senate Amendments to H. B. No. 371, A bill to be entitled “An Act changing the name of San Jacinto State Park to San Jacinto Battleground, and the name of the San Jacinto State Park Commission to San Jacinto Battleground Commission; and declaring an emergency.”

Mr. Floyd moved that all the necessary rules be suspended in order to concur in the Senate Amendments to House Bill No. 371.

The motion to suspend the rules and concur in the Senate Amendments to H. B. No. 371 prevailed.

**TEXT OF SENATE AMENDMENTS TO H. B. NO. 371**

Amend the caption of H. B. 371 by striking the words “and declaring an emergency” and substituting the following:

“and changing the name of San Jacinto State Park to San Jacinto Battleground and the name of San Jacinto State Park Commission to the San Jacinto Battleground Commission; and declaring an emergency.”
Amend House Bill No. 371 by striking out Section 3 and by substituting therefor three (3) new Sections, which shall read as follows:

Sec. 3. The name of Fannin State Park, located in Gonzales County, Texas, is hereby changed to Fannin State Battleground, and the names of the Fannin State Park Commission now operating the battlefield is hereby changed to Fannin State Battleground Commission.

Sec. 4. Wherever the name Fannin State Park and the name Fannin State Park Commission appear in statutes of this state, such names and such references shall hereafter mean and apply to Fannin State Battleground and Fannin State Battleground Commission, respectively. All appropriations and benefits to Fannin State Park and Fannin State Park Commission shall be available and apply to Fannin State Battleground and Fannin State Battleground Commission, and all deeds and contracts effected under the old names shall likewise be applicable under the new names.

Sec. 5. The importance of this legislation and the crowded condition of the calendars 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.

HOUSE BILL NO. 639 WITH SENATE AMENDMENTS

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

H. B. No. 639, A bill to be entitled "An Act amending Section 14 of such Act, by substituting therefor three (3) new Sections, which shall read as follows:

Sec. 3. The name of Fannin State Park, located in Gonzales County, Texas, is hereby changed to Fannin State Battleground, and the names of the Fannin State Park Commission now operating the battlefield is hereby changed to Fannin State Battleground Commission.

Sec. 4. Wherever the name Fannin State Park and the name Fannin State Park Commission appear in statutes of this state, such names and such references shall hereafter mean and apply to Fannin State Battleground and Fannin State Battleground Commission, respectively. All appropriations and benefits to Fannin State Park and Fannin State Park Commission shall be available and apply to Fannin State Battleground and Fannin State Battleground Commission, and all deeds and contracts effected under the old names shall likewise be applicable under the new names.

Sec. 5. The importance of this legislation and the crowded condition of the calendars 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.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 639

Amend caption to conform to body of bill.

H. B. No. 639, A bill to be entitled "An Act amending Section 14 of such Act, by substituting therefor three (3) new Sections, which shall read as follows:

Sec. 3. The name of Fannin State Park, located in Gonzales County, Texas, is hereby changed to Fannin State Battleground, and the names of the Fannin State Park Commission now operating the battlefield is hereby changed to Fannin State Battleground Commission.

Sec. 4. Wherever the name Fannin State Park and the name Fannin State Park Commission appear in statutes of this state, such names and such references shall hereafter mean and apply to Fannin State Battleground and Fannin State Battleground Commission, respectively. All appropriations and benefits to Fannin State Park and Fannin State Park Commission shall be available and apply to Fannin State Battleground and Fannin State Battleground Commission, and all deeds and contracts effected under the old names shall likewise be applicable under the new names.

Sec. 5. The importance of this legislation and the crowded condition of the calendars 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.

HOUSE BILL NO. 206 WITH SENATE AMENDMENTS

Mr. Johnson of Dallas called up with Senate Amendments for consideration at this time,

H. B. No. 206, A bill to be entitled "An Act amending Section 14 of such Act, by substituting therefor three (3) new Sections, which shall read as follows:

Sec. 3. The name of Fannin State Park, located in Gonzales County, Texas, is hereby changed to Fannin State Battleground, and the names of the Fannin State Park Commission now operating the battlefield is hereby changed to Fannin State Battleground Commission.

Sec. 4. Wherever the name Fannin State Park and the name Fannin State Park Commission appear in statutes of this state, such names and such references shall hereafter mean and apply to Fannin State Battleground and Fannin State Battleground Commission, respectively. All appropriations and benefits to Fannin State Park and Fannin State Park Commission shall be available and apply to Fannin State Battleground and Fannin State Battleground Commission, and all deeds and contracts effected under the old names shall likewise be applicable under the new names.

Sec. 5. The importance of this legislation and the crowded condition of the calendars 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.

Amend House Bill No. 371 by striking out Section 3 and by substituting therefor three (3) new Sections, which shall read as follows:

Sec. 3. The name of Fannin State Park, located in Gonzales County, Texas, is hereby changed to Fannin State Battleground, and the names of the Fannin State Park Commission now operating the battlefield is hereby changed to Fannin State Battleground Commission.

Sec. 4. Wherever the name Fannin State Park and the name Fannin State Park Commission appear in statutes of this state, such names and such references shall hereafter mean and apply to Fannin State Battleground and Fannin State Battleground Commission, respectively. All appropriations and benefits to Fannin State Park and Fannin State Park Commission shall be available and apply to Fannin State Battleground and Fannin State Battleground Commission, and all deeds and contracts effected under the old names shall likewise be applicable under the new names.

Sec. 5. The importance of this legislation and the crowded condition of the calendars 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.

HOUSE BILL NO. 639 WITH SENATE AMENDMENTS

Mr. Pipkin called up with Senate Amendments for consideration at this time,
On motion of Mr. Johnson of Dallas, the House concurred in the Senate Amendments to H. B. No. 206.

Mr. Johnson of Dallas moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 206 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 206

Senate Amendment No. 1
Amend House Bill No. 206, Section 1, as follows:

In line 26 of the printed bill, change "five (5) times" to "two (2) times" and insert after the word "allowable" the following: "or upon application to the Commission where there is shown to exist, or there is threatened and unforeseen, an emergency requiring an increase in the demand for such gas from such reservoir which cannot otherwise be satisfied from such reservoir, then such wells, under such application, may be produced as herein authorized but not in excess of four (4) times each of said well's monthly allowable;"

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

RECORD OF VOTE

Mr. Hinson and Mr. Cherry requested to be recorded as voting Nay on the motion to concur in the Senate Amendments to H. B. No. 206.

INSTRUCTIONS TO COMMITTEE ON MUNICIPAL AND PRIVATE CORPORATIONS

Mr. Kothmann moved to instruct the Committee on Municipal and Private Corporations to report immediately on H. B. No. 4.

Mr. Slack moved to table the motion.

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately, and the vote was announced Yeas 65, Nays 63.

A verification of the vote was requested and was granted.

Mr. Slack moved to dispense with the verification of the vote, and the motion was lost.

The motion to table prevailed.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>63</td>
</tr>
</tbody>
</table>

The following voted Yeas:

Allen Knapp
Arledge McCllnton
Atwell McDonald
Ball of Hidalgo
Barnes McDonald of Hunk
Brown of Taylor
Butler Masate
Cain Moyer
Cavness Mutscher
Clayton Parsley
Collins Pendleton
Cotten Petty
Cowden Pipkin
Crews Price
Davis Quilliam
de la Garza Richards
Doke Roberts
Edwards Rosson
Fondren Satterwhite
Foreman Schiller
Halbes of Brasso Schoggins
Hallmark Simpca
Harris of Dallas Black
Healy Stoltenwerp
Hefton Thompson
Hendryx Traeger
Hollowell Walker
Hughes Wheeler
Jarvis Wieting
Johnson of Dallas

The following voted Nays:

Alaniz
Bass of Harris
Banz of Hfoon
Beckham Cannon
Berry Cherry
Birkner Cory
Boyman Coughran
Brooks Duggan
Brown of Galveston
Buchardt
The Speaker stated that the motion to table the motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately was lost by the above vote.

A record vote was requested on the motion to instruct the Committee.

The motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately prevailed by the following vote:

<table>
<thead>
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The Speaker stated that the motion to table the motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately was lost by the above vote.

A record vote was requested on the motion to instruct the Committee.

The motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately prevailed by the following vote:

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Mr. Wieting (present), who would vote Nay with Mr. Smith of Bexar (absent) who would vote Yea. (The above record vote was requested by Mr. Alaniz, Mr. Esquivel and Mr. Kothmann.)

Mr. Kothmann moved to reconsider the vote by which the motion to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately prevailed and to table the motion to reconsider.

A record vote was requested on the motion to table the motion to reconsider the vote by which the motion prevailed to instruct the Committee on Municipal and Private Corporations to report H. B. No. 4 immediately on H. B. No. 4 prevailed by the following vote:

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Mr. Quilliam submitted the following Conference Committee Report on Senate Bill No. 234:

Austin, Texas, May 8, 1963

Hon. Preston Smith, President of the Senate.

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

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 234 have met and had due consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLANCHARD, REAGAN, BATES, HAZLEWOOD, STRONG, On the part of the Senate.

ADAMS, PARSLEY, BILL CLAYTON RALPH BROWN, REED QUILLIAM, On the part of the House.

S. B. No. 234, A bill to be entitled "An Act providing for the conveyance by the Chairman of the Board of Directors of Texas Technological College, on behalf of the State of Texas, to the City of Lubbock, of a permanent easement for street and road purposes in order to construct and perpetually maintain additional traffic lanes and flare corners at College Avenue and Broadway Street at the main entrance to Texas Technological College out of Section 1, Block E, being a part of the land of Texas Technological College and authorizing the Chairman of the Board of Directors of Texas Technological College to execute and to deliver on behalf of the said Board of Directors and the State of Texas a proper conveyance granting such easement to the City of Lubbock; and declaring an emergency."

Whereas, The City of Lubbock a municipal corporation in Lubbock County, Texas, has agreed to widen College Avenue immediately to the North and South of Broadway Street at its intersection with College Avenue, along the Eastern side of Texas Technological College campus, in order to facilitate the passage of traffic in and out of said campus at the intersection of College Avenue and Broadway Street by providing an additional traffic lane both to the North and South of Broadway and by constructing flare corners on the West side of College Avenue where Broadway Street enters the said campus; and

Whereas, The construction of said additional traffic lanes and flare corners requires additional right-of-way for College Avenue out of the Texas Technological College campus as it abuts College Avenue; and

Whereas, The Board of Directors of Texas Technological College has found and determined that the said improvement of College Avenue by adding traffic lanes and flares at the entrance of Broadway Street to the campus of Texas Technological College will be of material benefit to the State of Texas and Texas Technological College and will constitute adequate consideration for the conveyance of an easement unto the City of Lubbock out of Texas Technological College campus land for additional right-of-way for College Avenue for the construction of said traffic lanes and flares; now, therefore,

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

Section 1. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the construction of additional traffic lanes on College Avenue both immediately to the North and South of the entrance of Broadway Street into the campus of Texas Technological College and the
construction of flare corners on the West side of College Avenue where Broadway Street enters said College campus by the City of Lubbock, Lubbock County, Texas, a home rule municipal corporation, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver on behalf of the State of Texas and Texas Technological College to the City of Lubbock a proper instrument conveying to said City of Lubbock a permanent easement for street and road purposes, together with the right of ingress and egress to construct and perpetually maintain additional traffic lanes and state corners at College Avenue and Broadway Street at the main entrance to Texas Technological College, said easement to be located upon and across that certain parcel of land out of Section 1, Block E2, Lubbock County, Texas, described by metes and bounds as follows, to wit:

A tract of land out of Section 1, Block E2, Lubbock County, Texas, more fully described as follows:

BEGINNING at a point 86.86 feet West and 61.0 feet North of the Southwest corner of Block 100, Overton Addition to the City of Lubbock, Texas;

THENCE West 9.0 feet to a point;

THENCE North 523.0 feet to a point;

THENCE East 9.0 feet to a point;

THENCE South 523.0 feet to the POINT OF BEGINNING.

And the said Chairman of the Board of Directors of Texas Technological College is hereby authorized to and on behalf of the said Board of Directors to execute and deliver such conveyance to carry out the purposes of this Act to the City of Lubbock, Lubbock County, Texas.

Section 2. The fact that the main entrance to Texas Technological College at the intersection of Broadway Street and College Avenue in the City of Lubbock, Lubbock County, Texas, requires additional traffic lanes for turns from College Avenue into the College campus and for turning out of said College campus onto College Avenue in order to alleviate the congestion of traffic at said main entrance and to make possible left turns from the College campus onto College Avenue, and the further fact that such additional traffic lanes will require flare corners at the main entrance to the College for the facilitating of traffic movement in and out of said College campus, 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 that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Quilliam the House adopted the Conference Committee Report on S. B. No. 236.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 235

Mr. Quilliam submitted the following Conference Committee Report on Senate Bill No. 235:

Austin, Texas, May 8, 1963

Hon. Preston Smith, President of the Senate.
Hon. Byron Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 235 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLANCHARD, REAGAN, HAYES, HAZLEWOOD, STRONG,
On the part of the Senate.

ADAMS, BILL CLAYTON, PARSLEY, RALEIGH BROWN, REED QUILLIAM,
On the part of the House.

S. B. No. 235, A bill to be entitled “An Act providing for the conveyance by the Chairman of the Board
of Directors of Texas Technological College, on behalf of the State of Texas, the City of Lubbock, of a permanent easement for street, road and sewer line purposes in order to reconstruct, widen and improve and perpetually maintain, and construct a sanitary sewer line force main under Indiana Avenue between Fourth Street and Erskine Road in the City of Lubbock, Lubbock County, Texas, out of Section 21, Block A, being a part of the lands of Texas Technological College, authorizing the Chairman of the Board of Directors of Texas Technological College to execute and to deliver on behalf of the said Board of Directors and the State of Texas a proper conveyance granting such easement to the City of Lubbock, and declaring an emergency.

Whereas, The City of Lubbock, a municipal corporation in Lubbock County, Texas, plans to reconstruct, widen and improve Indiana Avenue between Fourth Street and Erskine Road within the corporate limits of said City, and the said Indiana Avenue abuts Section 21, Block A, Lubbock County, which land is owned by the State of Texas and devoted to the use and benefit of Texas Technological College and constitutes a portion of the land of said City; and

Whereas, Said City has agreed to install a sanitary sewer line force main underneath Indiana Avenue for the sole purpose of providing sewer service to Texas Technological College and the plans of said City provide for the said force main to tie onto the Texas Technological College pump station and carry sewerage to the City's treatment plant; and

Whereas, The Board of Directors of Texas Technological College has found and determined that the development of Indiana Avenue into a first-class street abutting said College land and the construction of a sanitary sewer line force main for the sole purpose of providing sewer service for Texas Technological College by connecting said force main to the Texas Technological College pump station, will materially enhance the land and benefit the College; and

Whereas, The reconstruction, widening and improving of Indiana Avenue and said sanitary sewer line will require additional land for right-of-way purposes between Fourth Street and Erskine Road, off the East side of said Section 21, Block A, and the said Board of Directors has found and determined that it will be advantageous to Texas Technological College and the State of Texas to donate an easement across the east side of said Section 21, Block A, to the City of Lubbock, as it abuts Indiana Avenue, for the purpose of reconstructing, widening and improving Indiana Avenue and constructing said sewer line in return for the enhancements and benefits to be derived thereby; now, therefore,

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

Section 1. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the reconstruction, widening and improving of Indiana Avenue, a public street abutting Section 21, Block A, of lands of Texas Technological College in the corporate limits of the City of Lubbock, Lubbock County, Texas, a home rule municipal corporation, and from the construction of a sanitary sewer line force main for the sole purpose of providing sewer service for Texas Technological College by connecting said force main to the Texas Technological College pump station, by said City, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver, on behalf of the State of Texas and Texas Technological College, to the City of Lubbock a proper instrument conveying to said City of Lubbock a permanent easement for street, road and sanitary sewer line purposes together with the right of ingress and egress to reconstruct, widen, improve and perpetually maintain Indiana Avenue and said sanitary sewer line between Fourth Street and Erskine Road in the City of Lubbock, Lubbock County, Texas, said easement to be located upon and across that certain parcel of land out of Section 21, Block A, Lubbock County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of Section 21, Block A, Lubbock County, Texas;
THENCE North 0° 05' 15" East along the East line of said Section 21, a distance of 1852.00 feet to the POINT OF BEGINNING:

THENCE North 0° 05' 15" East along the East line of said Section 21, Block A, a distance of 1852.00 feet to a point; said point being the Northwest corner of Lot 1, Block A; or the Northwest corner of Lot 16, Block 2 of the Original Westhaven Addition to the City of Lubbock, Lubbock County, Texas;

THENCE South 0° 05' 15" West along a line parallel to the East line of said Section 21, Block A, a distance of 1940.94 feet, Internal angle of 89° 00', an arc length of 23.56 feet; and the said portion of the lands of Lubbock, Lubbock County, Texas; and the said portion of the lands of Lubbock, Lubbock County, Texas, which described land is owned by the State of Texas and constitutes a portion of the lands of Texas Technological College, in order to prevent the accumulation of water on land of said college lying to the West of Quaker Avenue, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver on behalf of the State of Texas and Texas Technological College to the City of Lubbock a proper instrument conveying to said City of Lubbock a

And the said Chairman of the Board of Directors of Texas Technological College is hereby authorized for and on behalf of the said Board of Directors to execute and deliver such conveyance to carry out the purposes of this Act to the City of Lubbock, Lubbock County, Texas.

Sec. 2. In consideration of the benefits which will accrue to the State of Texas and Texas Technological College from the construction, operation, and maintenance by the City of Lubbock, a municipal corporation of Lubbock County, Texas, of a drainage channel beginning at a point on the East line of Quaker Avenue located a distance of 1840.94 feet North of the Southwest corner of Section 21, Block A, Lubbock County, Texas, and extending in a Northeastern direction to and across said Section 21, Block A, for an approximate distance of 1200.00 feet, which described land is owned by the State of Texas and constitutes a portion of the lands of Texas Technological College, in order to prevent the accumulation of water on land of said college lying to the West of Quaker Avenue, the Chairman of the Board of Directors of Texas Technological College is hereby authorized to execute and deliver on behalf of the State of Texas and Texas Technological College to the City of Lubbock a proper instrument conveying to said City of Lubbock a
drainage easement with the right of ingress and egress to construct, reconstruct, operate and maintain a drainage channel, to be located as more particularly determined by the Board of Directors of Texas Technological College, upon approval by said Board of Directors of the plans and specifications for the drainage channel facility to be constructed and the said Chairman of the Board of Directors of Texas Technological College is hereby authorized for and on behalf of said Board of Directors to execute and deliver such conveyance to carry out the purposes of this Act to the city of Lubbock, Lubbock County, Texas.

Sec. 2. The fact that Indiana Avenue between Fourth Street and Frinkne Road in the City of Lubbock, Lubbock County, Texas, as it abuts Texas Technological College lands, is in a deteriorated condition, is narrow and requires reconstruction, widening and improving in order to provide adequate accessibility to said College lands, and the further fact that Texas Technological College is in urgent need of additional sewage disposal facilities creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Quilliam the House adopted the Conference Committee Report on S. B. No. 235.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives:

Bir: I am directed by the Senate to inform the House that the Senate has adopted the following Conference Committee Reports:

The Senate has adopted the Conference Committee Report on Senate Bill No. 124 by viva voce vote.

The Senate has adopted the Conference Committee Report on Senate Bill No. 235 by viva voce vote.

The Senate has adopted the Conference Committee Report on Senate Bill No. 15 by viva voce vote.

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

S. C. R. No. 71, By Moore: Granting permission to Disc Jockey, Inc., to sue the State.

Senate concurred in House amendments to S. B. 293 by the following vote: 39 years, 0 nays.

Senate concurred in House amendments to S. B. 303 by viva voce vote.

Senate concurred in House amendments to S. B. 458 by viva voce vote.

Senate concurred in House amendments to S. C. R. 32 by viva voce vote.

Senate concurred in House amendments to S. B. 364 by viva voce vote.

Senate concurred in House amendments to S. B. 421 by viva voce vote.

Senate concurred in House amendments to S. B. 458 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 279 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Hardeman, Chairman; Bates, Blanchard, Crump and Herbig.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 132 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Creighton, Chairman; Kasen, Krueger, Moore and Word.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a new Conference Committee to adjust the differences between the two Houses on Senate Bill No. 231.

The following have been appointed on the part of the Senate:

Senators: Hardeman, Chairman; Bates, Blanchard, Crump and Herbig.
Senators: Moore, Chairman; Krueger, Creighton, Herring and Crump.
Respectfully submitted,
CHARLES A. SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 493 WITH
SENATE AMENDMENTS

Mr. Traeger called up with Senate Amendments for consideration at this time,
H. B. No. 493, a bill to be entitled "An Act making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any furbearing animal in Guadalupe and Nacogdoches Counties at any time; to take, kill or trap or attempt to take, kill or trap any furbearing animal in said counties or to take or attempt to take any fish or other aquatic life or marine animals from said counties by any means or method; providing the powers, duties and authority of the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said counties; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said counties; defining depletion and waste; providing for the issuance of the antlerless deer permit, etc., providing a severability clause; and declaring an emergency."

Mr. Traeger moved that all the necessary rules be suspended for the purpose of taking up and concurring in the Senate Amendments to House Bill No. 493.
The motion prevailed.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 264

Mr. Segrest submitted the following Conference Committee Report on House Bill No. 264:

A BILL
To Be Entitled
An Act amending Acts of 1941, Forty-seventh Legislature, Chapter 165, page 134, as amended (Vernon's Texas Civil Statutes, Article 6243F); amending Section 4 thereof, as amended, providing for additional contributions of the city to the Fund; amending Section 1 thereof, as amended, providing for the creation of a Firemen's and Policemen's Pension Fund (or the continuation thereof where previously created) and a permanent pension system in incorporated cities having a fully paid Fire and Police Department when such cities have a population of more than five hundred fifty thousand (550,000) and less than six hundred fifty thousand (650,000) inhabitants, according to the last preceding Federal Census or any future Federal Census; by amend-
Whereas, said Fund cannot be refunded until it is first stabilized and the continuing increase in such deficit halted, but such stabilization should not be at the expense of benefits promised present members at the time of their employment on the one hand or at prohibitive future cost to city taxpayers on the other hand; and

Whereas, the actuarial study shows that by continuing present benefits for present members without any reduction thereof, (assuming the continuation of the national economy as more or less present levels) that the actuarial deficit can be eliminated in approximately fifty years if (1) a new fund is established for future members on an actuarially sound basis, and (2) if approximately Forty-Five Thousand Dollars ($45,000) per month is paid into the present Fund for such period of years with no decrease (or increase) in either present payroll deductions, matching amounts out of the City Treasury, or parking meter money, taking into account the actuarially sound basis; and declar-
Whereas, such committees worked diligently on said problem, acquiring information on various firemen and policemen’s pension funds across the entire nation, and have studied the actuarial report, and have conferred with the Board of Trustees of this Fund, with representatives of the City Council, and with the legal advisor of the Board; and

Whereas, said committees formulated a basic plan calling for the creation of a new Group II Fund for future members which is the principal subject matter of this Act, in consideration of the payment of extra money into the present Fund by the City at the Forty-five Thousand Dollars ($45,000) per month level with all other present factors (benefits, deductions, matching funds, etc.) to be kept at present levels for present members; and

Whereas, the Board of Trustees of the Fund officially called this problem and such proposed solution to the attention of the City Council by letter signed by the Chairman thereof dated July 31, 1962; and

Whereas, the City Council by a Resolution passed and approved on November 14, 1962, accepted this basic solution and, depending upon the necessity of the creation by this legislation of a Group II Fund for future members on an actuarially sound basis, committed the City to an additional contribution to the present Fund of at least Thirty Thousand Dollars ($30,000) per month beginning the next fiscal year, with an increase of at least Five Thousand Dollars ($5,000) per month therein in the monthly amount for the next fiscal year thereafter and increasing at the same rate until a level of Forty-five Thousand Dollars ($45,000) per month in added funds is reached, and to be maintained at that rate, for as long as necessary to completely refund the present Fund; and

Whereas, this plan, after full discussion, was submitted to the entire Fund membership of the Fire Department for referendum vote by secret ballot by voting machine on December 11, 1962, and was approved by them by a vote of 315 to 91; and

Whereas, the benefits for Group II members included in this Act are substantial, and compare favorably with most fire and police pension plans in this country, and the members thereof will have accepted employment voluntarily knowing the amount and scope of such benefits, and will enjoy a pension fund that is sound and secure from its beginning, and established on a basis which will insure the continuation of such fully liquid condition; and

Whereas, future actuarial surveys and experience may eventually reveal the feasibility of an equalization of benefits and provisions between the two groups, dependent first upon the refunding of Group I Fund; and

Whereas, the actuarial deficit threatening the present fund has accumulated over a period of many years and has reached such proportions that it must be refunded on an installment basis over an extended period of time because the refunding of same on any other basis would place an impossible tax burden on the entire population of the City, which would imperil the indefinite continuation of the Fund on any basis, or at least require curtailment of benefits; and

Whereas, delay in halting the increase in this deficit and in postponing the beginning of its refunding will make it harder to achieve such objectives at all; and

Whereas, such legislation is subject to biennial review by the Legislature as circumstances and experience should require; and

Whereas, population changes in the 1960 Federal Census make it advisable to recastify the application of Article 6243f to insure uninterrupted continuation of pension rights thereunder; and

Whereas, technical changes in Section 17 of Article 6243f have been recommended by the financial advisors to the Board of Trustees of the Fund for greater flexibility in the making of investments of monies in the Reserve Retirement Fund; now, therefore,

Be It Enacted by the Legislature of the State of Texas:
Section 1. Acts of 1941, 47th Legislature, Chapter 106, page 134, Section 4, as amended by Acts of 1959, 66th Legislature, Chapter 263, page 795, Section 4, is amended to read as follows:

"Section 4. There shall be deducted for such Fund from the wages of each fireman and policeman in the employment of such city a sum equal to five per cent (5%) of the base pay of a private. Such city shall pay into said Fund, and at the same time, a matching amount equal to the sum total of all such deductions. Provided, however, the board of trustees can raise the amount of deductions not to exceed seven and one-half per cent (7 1/2%) of the base pay of a private member of either of said departments, the additional contribution of the city to be likewise increased at the same time to the same amount. Any donations made to said fund and all funds received from such source for such fund shall be deposited in like manner in such fund. The city's matching amount referred to above shall be in addition to the net revenues from the parking meter monies referred to in Section 16 of this Act to the extent such revenue shall equal in amount the amount of the net revenues therefrom for the calendar year 1958, but such city shall receive credit on such matching amount for each calendar year to the extent such net proceeds shall exceed in amount the amount of the net proceeds from such meters for the calendar year 1958. If it should exceed such amount in any such calendar year. In the event such parking meter revenues for any calendar year is less than the 1958 amount of such revenues, it is expressly understood that such sum of revenues shall accrue to the Fund in addition to the matching amount contributed by the city mentioned in this Act, to the full extent necessary, such matching amount shall be paid out of the General Fund, and such city shall make provisions therefor. Beginning August 1, 1963, such city shall, over and above all of the foregoing contributions, contribute an additional sum of thirty thousand dollars ($30,000.00) each month per year to the Fund, and increase said monthly sum by five thousand dollars ($5,000.00) per month per year for the fiscal year beginning August 1, 1964, and increasing said sum at the rate of five thousand dollars per month per year for each fiscal year thereafter until such additional contribution by the city shall reach a level of forty-five thousand dollars ($45,000.00) per month, whereupon said City shall continue to contribute the said sum of forty-five thousand dollars ($45,000.00) per month each and every month thereafter until such time as the Board notifies the City that the Fund is actuarially sound. It shall be the duty of the Board to notify the city immediately, when, by continuous periodic actuarial surveys of the actuarial soundness of the Fund, the Fund becomes actuarially sound.

Section 2. Acts of 1941, 47th Legislature, Chapter 165, page 134, Section 1, as amended by Acts of 1951, 52nd Legislature, Chapter 86, page 86, Section 1, and as further amended by Acts of the 54th Legislature, Chapter 269, page 795, Section 1, is amended so as to read as follows:

"BOARD OF TRUSTEES

"Section 1. In all incorporated cities containing more than Five Hundred Fifty Thousand ($500,000) inhabitants and less than Six Hundred Fifty Thousand ($650,000) inhabitants according to the last preceding Federal Census or any future Federal Census and having a fully paid Fire and Police Department, there is created hereby (and continued if heretofore created) a Firemen and Policemen's Pension Fund; provided, however that once such pension system becomes operative in any city, any right or privilege accruing to any such member thereunder shall be a vested right and the same shall not be denied or abridged thereafter through any change in population of any such city taking out of the population (as herein prescribed) and said pension system shall continue to operate and function regardless of whether or not any future population exceeds or falls below said population. To govern said Firemen and Policemen's Pension Fund, there is hereby created a Board of Trustees to consist of seven (7) members, as follows: the mayor, two (2) aldermen, councilmen or commissioners, each to serve on this Board for the
shall be invested at regular intervals
by Acts of the 56th Legislature,
and at such times as the accumula­
tion of the funds justifies. The funds may be
invested in the following manner:
1. A sum not to exceed ten per
cent (10%) may be deposited with
a Federal Credit Union restricted to
employees of the City.
2. A sum not to exceed fifteen per
cent (15%) may be invested in sav­
ges and loan associations which are
insured by the Federal Savings and
Loan Insurance Corporation, but the
amount invested in any one associa­
tion shall not exceed Ten Thousand
Dollars ($10,000.00), insured by
such corporation under the law.
3. A sum not to exceed fifty per
cent (50%) of the principal value of
the fund may be invested in shares
of open end investment companies,
closed end investment companies,
Common or Preferred stocks in any
solvent dividend-paying corporation
at the time of purchase, incorporated
under the laws of the state, or any
other state in the United States,
which has not defaulted in the pay­
ment of any of its obligations for a
period of five years immediately pre­
ceding the date of investment, pro­
vided such funds may not be invest­
ed in the stock of any oil, manufac­
turing or mercantile corporation, or
organised under the laws of this state,
or any other state of the United
States, unless said corporation has
at the time of investment a net worth
of not less than Two Million Five
Hundred Thousand Dollars ($2,500,-
000.00).
Of this percentage a sum not to
exceed 50% thereof may be invested
in shares of capital stock of national
banks having been established at
least ten (10) years and having a
capitalisation of at least Five Million
Dollars ($5,000,000.00), and/or
shares of capital stock of life insur­
ance companies, and/or fire and casu­
ality insurance companies having been
established at least twenty-five (25)
years and having a capitalisation of
at least Five Million Dollars ($5,000,-
000.00).
4. A sum not to exceed fifty per
cent (50%) may be invested in first
mortgage bonds or debentures of
any solvent dividend-paying corpo­
ration which at the time of purchase
was incorporated under the laws of
this state or any other state in the
United States and which has not de­
faulted in the payment of any debt
within five (5) years next preced­
ing such investment.
5. The entire fund or any portion
thereof, may be invested in United
States Treasury Notes, United States Treasury Bonds, Bonds of the State of Texas, or bonds or debentures, payment of which is guaranteed by an agency of the United States Government, such as Federal Intermediate Credit Bank debentures; Federal Land Bank Bonds; Federal Home Loan Bank Notes; Banks for cooperative Debentures; Federal National Mortgage Association Notes and any additional bonds which may be in the future issued, secured by an agency of the United States Government.

The Board shall have the power to make these investments for the sole benefit of this Reserve Retirement Fund. The investment shall remain in the custody of the Treasurer in the same manner as provided for the custody of the funds. The Board shall have the power and authority, by a majority vote of its members, to disburse the monies accumulated as the retirement needs arise.

Section 4. Acts of 1941, 47th Legislature, Chapter 105, page 134, is amended to add as a new section thereto, to be known as Section 25, and to read as follows:

"Group II Fund, Members, Benefits, Etc.

"Section 25. All members of the Fund, or probationers subsequently becoming members of the Fund, as of the effective date of this act shall be known as and constitute Group I Fund members to which all existing provisions of this statute shall apply, except as set forth herein to be applicable only to Group II members and the Group II Fund. On and after the effective date of this Act there shall be established in any city coming under the provisions of this statute a separate Group II Fund for all duly appointed and enrolled members of the Fire and Police Departments whose probationary period of service began after such effective date (and who successfully complete such probationary period) and such members of said Departments will be Group II members of said Group II Fund under the provisions hereinafter set out:

(1) All existing provisions of this statute, codified as Article 6243f V.A.T.S., shall fully apply to such Group II Fund and to said Group II members except as herein specifically changed as to such Fund and Members, or as changed by necessary implication.

(2) Payroll deductions from Group II Members shall in each case be an amount equal to seven and one-half per cent (7 1/2%) of a base figure of $380.00 per month per Group II Member and City shall exactly match the sum of all such deductions as made.

(3) No provision of this statute respecting parking meter money applies to Group II Fund or its Members. Donations must be made specifically to Group II Fund or otherwise shall be placed in Group I Fund.

(4) Retirement benefit for Group II Members shall be as follows, stated in percentages of the base figure of $380.00 per month as of the time of any such application and payable monthly:

(a) Twenty (20) years service and less than twenty-five (25) years service: twenty-nine per cent (29%).

(b) Twenty-five (25) years service and less than thirty (30) years service: thirty-six per cent (36%).

(c) Thirty (30) years service, or more: forty-four per cent (44%).

(d) Disability retirement (without regard to length of service): thirty-six per cent (36%).

(5) Benefits for beneficiaries of Group II Members shall be as follows, in the case of widows, widows and children, as follows:

(a) Where retired Member served more than twenty (20) and less than twenty-five (25) years: twenty-nine per cent (29%).

(b) Where retired Member served more than twenty-five (25) years: thirty-six per cent (36%).

(c) Where Member dies on active duty or is retired for disability, without regard to length of service: thirty-six per cent (36%).

In the case of child or children alone such pension shall be eighteen per cent (18%) except that in the event the Member retired with less than twenty-
five (56) years service it shall be fourteen per cent (14%). Dependent parents shall receive and divide twenty-four per cent (24%) and a dependent parent shall receive eighteen per cent (18%).

(6) All monies paid into the Group II Fund through payroll deductions, contributions, donations, and any other source, shall be deposited into a Fund to be designated as the 'Firemen and Police Officers' Pension Fund — Group II, and to be administered by the Board in the same manner and under the same provisions of this Statute as the Group I Fund, except as specifically changed by this Act. The treasurer shall establish and strictly maintain an entirely separate system of accounts for the Group II Fund and the monies of the two Funds shall be strictly segregated at all times for all purposes, including investments.

(7) Disability pensions of Group II Members may be changed in the manner set out under the provisions of Section 16 (a) of this Act, except that the maximum award shall be thirty-six per cent (36%) of the base pay of a private as of the time of the original granting of the pension to be changed."

Partial Invalidity
Section 6. If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act and the Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such parts or parts thereof would be declared unconstitutional.

Section 6. The fact that the Firemen and Police Officers' Pension Fund is inadequately financed, and has an actuarial deficit or unfunded liability, and the further fact that continuation of present benefits for future firemen and policemen would either increase this unfunded liability, and eventually bankrupt the Fund, or impose a heavy tax burden on the entire populace of each community embraced in this Act, or require the eventual curtailment of present benefits to present members of the Fund in violation of the moral obligation to continue same; and the fact that a sound, substantial pension Fund is a prime necessity for the recruitment, retention and good morale of firemen and policemen of the cities covered hereby, who are engaged in hazardous duties, 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, and the same is here­by suspended; and this Act shall take effect and be in force from and after its passage and it is so enacted.

On motion of Mr. Segrest, the House adopted the Conference Committee Report on H. B. No. 264 by the following vote.

Year—141
Alana  Dungan
Allen  Eckhardt
Arledge  Edwards
Atwell  Equevel
Bail  Finney
Banks  Fletcher
Barnes  Floyd
Base of Harris  Fowlkes
Base of Harris  Fonollosa
Beckham  Garrison
Berry  Gibson
Birken  Gladden
Blaine  Glenn
Boyem  Green
Bridges  Grover
Brooks  Guiffey
Brown  Haines of Brasso
Brown of Galveston  Harding
Brown of Taylor  Harris
Butler  Harris
Cain  of Galveston
Caldwell  Harris of Dallas
Canales  Haynes of Orange
Cammen  Headly
Carpenter  Heflin
Carrier  Hendryx
Carvass  Hison
Cherry  Hollowell
Clark  Hughes
Cole  Issacia
Collins  Jamison
Cory  Jarvis
Cotten  Johnson of Dallas
Conghan  Johnson of Bexar
Cowden  Kilpatrick
Crow  Klager
Craw  Knapp
Davis  Kohlmann
Daves  Leach
de la Garza  Legarda
Doke  McCluskey
Duggan  McCollin

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

H. B. No. 191. A bill to be entitled "An Act limiting the provisions of this Act to the County of Goliad; defining depletion and waste; providing for the issuance of the antlerless deer permits, etc.; providing a saving clause; and declaring an emergency."

Mr. Haring moved that all the necessary rules be suspended for the purpose of taking up and concuring in the Senate Amendments to House Bill No. 191.

The motion prevailed.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 191

Amend caption to conform to body of bill.

Amend House Bill No. 191 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The provisions of this Act, other than Section 15, shall apply only to Goliad and Live Oak Counties. It shall be unlawful, except as provided in this Act, for any person to hunt, take, kill, or possess, any deer, wild turkey, quail or alligator of said Counties at any time. In order to better conserve an ample supply of deer, wild turkey, quail and alligator resources, to the end that the most reasonable and equitable privileges may be enjoyed by the people of this State and their posterity in their ownership and in the taking of such resources, it is deemed for the public welfare that this Legislature should provide a law adaptable to changing conditions and emergencies which threaten depletion or waste of such wildlife resources of said Counties.

The Game and Fish Commission is therefore granted the authority, power and duty to provide, by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources of said county; defining depletion and waste; providing for the issuance of the antlerless deer permits, etc.; providing a saving clause; and declaring an emergency."

Mr. Haring moved that all the necessary rules be suspended for the purpose of taking up and concuring in the Senate Amendments to House Bill No. 191.

The motion prevailed.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 191

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The Game and Fish Commission is therefore granted the authority, power and duty to provide, by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources of said county; defining depletion and waste; providing for the issuance of the antlerless deer permits, etc.; providing a saving clause; and declaring an emergency."

Mr. Haring moved that all the necessary rules be suspended for the purpose of taking up and concuring in the Senate Amendments to House Bill No. 191.

The motion prevailed.
the place and the manner in which such wildlife resources may be lawfully taken; provided, however, that it shall be unlawful for any person to take, kill or possess, or attempt to hunt, take, or kill any game bird or game animal in said counties at any time, or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said Counties at any time; or to take or attempt to take any fish by any means or method in said Counties at any time, unless the owner of the land or the water, or his duly authorized agent, shall give consent thereto.

Sec. 2. It shall be the duty of the Game and Fish Commission to conduct, from time to time, or continuously, scientific research investigations and studies of the supply, economic value, environment, breeding habits, and wherever practicable the sex ratio of the different species of wildlife resources as well as the factors affecting their increase or decrease, particularly with reference to hunting, disease, infestation, predation, agricultural pressure, overpopulation, and any and all other factors that enter into a reduction or an increase in the supply of such wildlife resources as well as the factors affecting their increase or decrease, particularly with reference to hunting, disease, infestation, predation, agricultural pressure, overpopulation, and any and all other factors that enter into a reduction or an increase in the supply of such wildlife resources of said counties. Pursuant to and based upon such studies, said Commission shall enter its findings of fact with respect thereto, and if, in the opinion of the Commission, an open season or period of time may be safely provided for taking any of the wildlife resources, said Commission is authorized and directed from time to time to provide an open season or period of time when such wildlife resources may be taken. The proclamation, rule or regulation issued by the Commission shall be specific as to the quantity, species, sex, insofar as practicable, age or size that may be taken. Such proclamation, rule or regulation shall provide the method or means that may be resorted to as well as the area, county or portion of the county where such wildlife resources may be taken. In order to prevent depletion or waste of the deer, wild turkey, quail and alligator resources of said Counties, the Game and Fish Commission shall have authority from time to time by proclamation, rule or regulation to conserve such resources of said Counties by an open season or period of time when it shall be lawful to take a portion of such wildlife resources.

Sec. 3. When said Commission finds from its investigations herein provided for, that danger of depletion, as defined in this Act, of any species of deer, wild turkey, quail or alligator exists in any portion of said Counties, it shall be the duty of said Commission to revoke or modify or otherwise amend its order or orders so as to deter or prevent contribution to depletion of such species by the taking thereof. When said Commission finds that danger of waste, as defined in this Act, of any such species of deer, wild turkey, quail or alligator, or sex thereof, exists in any portion of said Counties, it shall be the duty of said Commission to issue or amend or revoke or modify such of its rules and regulations as will afford to all of the people of this State the most equitable and reasonable privileges in the pursuit, taking or killing of such species or sex thereof in said area. When the Commission finds that danger of depletion exists in any area by virtue of an Act of God, the Commission shall declare a state of emergency as to such species in said area, and its orders, rules and regulations issued under such state of emergency shall take effect and be in full force immediately upon the issuance thereof.

Sec. 4. 'Depletion' as used in this Act shall be construed to mean reduction of a species below immediate recuperative potentials by any deleterious cause or causes.

Sec. 5. 'Waste' as used in this Act shall be construed to mean supply of a species or sex thereof sufficient that a seasonal harvest thereof will not prevent or, in the case of overpopulation that will aid in the re-establishment of normal numbers of such species.

Sec. 6. The Game and Fish Commission's proclamation, rule or reg-
Sec. 7. There shall be a public hearing held in each county to be held in the Commission's office (or his assistant in his absence), and such meetings interested shall be entitled to introduce evidence as to imminence of waste or depletion, as defined in this Act. Six (6) members, or the Chairman and five (5) members of said Commission shall constitute a quorum. No order, rule or regulation, general or local, shall be adopted at any regular or special meeting of the Commission unless a quorum is present.

Sec. 9. Orders, rules, and regulations adopted by the Commission shall become effective at a time fixed by the Commission but not earlier than fifteen (15) days after their adoption, except in case of emergency as provided in this Act, and shall continue in full force and effect until they shall expire by their own terms, or are revoked or amended by said Commission.

Sec. 10. Immediately after its adoption a copy of each order, rule or regulation adopted by said Commission shall be numbered and filed in its office in Austin, Texas, and a copy thereof shall be filed in the office of the Secretary of State, and the office of the county clerk and county attorney of the county affected, and a mimeographed copy shall be furnished to each employee of said Commission.

Sec. 11. The particular regulatory powers herein granted to said Commission shall not be construed to limit other and general powers conferred upon it by law.

Sec. 12. The Game and Fish Commission is hereby expressly given the power and authority to review its own orders and to modify or revise the same as it shall find the facts to warrant. Any suit that may be filed to test the validity of any proclamation, order, rule or regulation of the Commission, passed pursuant to this Act must be brought in the county where such order is to be effective, and not elsewhere. Such suit shall be advanced by trial and determined as quickly as possible. In all such suits the burden of proof shall be upon the party complaining of such order, proclamation, rule or regulation to show that it is invalid.

Sec. 13. (a) Any person who shall violate any provision of this Act, or any person who shall violate any proclamation, order, rule or regulation issued by the Game and Fish Commission under the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not
less than Five Dollars ($5) nor more than Two Hundred Dollars ($200). Each deer, wild turkey, quail or alligator taken or possessed in violation of this Act or of any proclamation, order, rule or regulation issued by the said Game and Fish Commission shall constitute a separate offense.

(b) Any person convicted of violating this Act or any proclamation, order, rule or regulation of the Game and Fish Commission under the provisions of this Act relating to hunting or taking in any manner, shall, within the discretion of the court or jury trying the offense, forfeit such hunting license, for such period of time as the court or jury might determine, but such period of forfeiture shall not extend beyond the remainder of the license year.

(c) No person who has had his license forfeited under this Act shall be entitled to purchase or receive from said Commission, or any of its authorized agents, a similar license for such period of forfeiture; and it shall be unlawful for such person to purchase or possess another such license for such period.

As an exception to Subsection (a) of this Section 13, any person violating any of the provisions of this Subsection (e) shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200).

Sec. 14. For the purpose of this Act, the wildlife resources of said Counties are defined to be all deer, wild turkeys, quail and alligators.

Sec. 15. (a) No person shall take or kill or attempt to take or kill any alligator in Refugio County at any time.

(b) Any person who violates any provision of Subsection (a) of this section shall be fined not more than One Hundred Dollars ($100). Punishments prescribed in Section 13 of this Act are not applicable to offenses under this section.
H. C. R. No. 37, relative to executing a lease to the City of Austin of certain tract of land.

The motion to suspend the rules prevailed.

Mr. Foreman moved that the House concur in the Senate Amendment to H. C. R. No. 37.

Mr. Cotten raised a point of order on further consideration of H. C. R. No. 37, with Senate Amendment on the ground that the effect of the Senate Amendment has changed the original purpose of the resolution.

The Speaker overruled the point of order.

A record vote was requested on the motion to concur in the Senate Amendment to H. C. R. No. 37 prevailed by the following vote:

Year—106

Alfred Finney
Arledge Fletcher
Banfield Floyd
Barnes Fondren
Bass of Bowie Foreman
Bass of Harris Garrison
Beckham Gibbons
Berry Gladson
Birkner Glenn
Blaine Grover
Boyce Guffey
Bridges Guffey
Brooks Haines of Braso
Brown Hallmark
Brown of Galveston Harding
Brown of Taylor Harris
Cain of Galveston
Caldwell Harves of Orange
Cannons helton
Cannon Hendrys
Carpenter Holloway
Carriker Hughes
Carthens Johnson of Bexar
Collins Kilpatrick
Cook Klager
Coughran Kothmann
Cowden Lack
Cowman Ladd
Crews Ladd
de la Garza McDonald
Duggan of Hidalgo
Dugan McDonald of Rock
Eickhardt McGregor
Edwards McNally
Eggert McNutt
Fairchild Mackens

Markgraf of Smith of Jefferson
Miller Shannon
Murray Shipley
Niemeier Simpson
Nugent Thompson
Parker Townsend
Pearcy Trager
Peeler Walker
Pendleton Weidon
Pipkin Wells
Price Whaley
Quilliam Wheeler
Rapp Whitefield
Richardson Wieting
Ritter Wilson
Schiller Woods

Nays—32

Allen of Johnson of Dallas
Alwell Knapp
Ball Mclaughlin
Butler Moran
Cherry Moyer
Clayton Percy
Cole Roberts
Cory Rodrigues
Cotten Rossen
Crain Satterwhite
Davis Scoggins
Doke Shutt
Haring Smith
Harris of Dallas Stollenwerk
Isaacs Thermond
Jarvis Ward

Absent

Healy Mann
Hinson Muttoner
Jamilson Black

Absent—Excused

Adams Kolke
Adams Smith of Bexar
Chapman Houston

TEXT OF SENATE AMENDMENT

TO H. C. R. No. 37

Senate Amendment No. 1

Committee Substitute for H. C. R. No. 37

Whereas, by virtue of SCR 21, Regular Session, 54th Legislature, the State of Texas authorized the leasing of 159.11 acres of land to the City of Austin out of the Camp Mabry Militia Range tract; and

Whereas, at the suggestion of the Adjutant General of Texas, said City

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Cotton of Orange

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has voluntarily agreed to a realign­ment in, and a reduction of, the areas to be covered by such leases, without reducing the City’s obliga­tions thereunder; and
Whereas, heavy residential devel­opment on all sides of said tracts now makes use of said property as a rifle range extremely hazardous due to the danger of misdirected or ricocheting bullets falling into such residential districts; Now, Therefore, be it
Resolved, By The Senate, The House of Representatives Concur­ring:
That the Governor of the State of Texas be and is hereby au­thorized to execute a lease to the City of Austin of the 172.391 acres of land hereinafter described for use for public recreational purposes when Public Law 49, First Session, 84th Congress, shall have been amended so that by its terms the execution of such lease to the City of Austin will not permit reversion to the United States of title to any part of said tract.
Said lease shall be for a term of seventy-five years; be in considera­tion of and conditioned upon the City of Austin bearing the expense of developing such tract for public recre­ational purposes; shall contain pro­visions to perpetuate the existing respective interests of the State of Texas and the Federal Government in all mineral rights, easements, rights-of-way and utility facilities; and shall contain provisions to per­petuate in the State of Texas and in the Federal Government the right of reoccupancy and use of said prop­erty for military purposes during time of war or national emergency as provided for in Section 5 of said Public Law No. 49. Said leased premises shall be particularly de­scribed as follows:
Field notes for 172.391 acres of land, the tract of land hereinafter described as No. 1 being out of and a part of that certain 189.11 acre tract of land out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, which 189.11 acre tract of land was conveyed to the City of Austin of the 172.391 acres of land in the tract of land hereinafter described as No. 2 being out of and a part of that certain 89.00 acre tract of land and that certain 49.6 acre tract of land out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, which said 89.00 acre tract of land was conveyed to the State of Texas by Warranty Deed dated De­cember 14, 1965 of record in Volume 196 at page 466 of the Deed Records of Travis County, Texas, and being described as first tract in said deed, and which said 49.6 acre tract of land was conveyed to the State of Texas by Warranty Deed dated April 11, 1924 of record in Book No. 362 at page 186 of the Deed Records of Travis County, Texas.
The tract of land hereinafter de­scribed as No. 1 containing 113.713 acres of land, the tract of land here­inafter described as No. 2 contain­ing 58.678 acres of land, said tracts to be used as a recreation area; each of the said tracts of land being more particularly described by metes and bounds as follows:

Tract No. 1
Beginning at a concrete monu­ment, in, and a reduction of, the acreage to be covered by said leases, in the northwest corner of the herein described tract of land, same being the most westerly northwest corner of the said State of Texas 159.31 acre tract of land, and being described as Station 14 on said Adju­tant General’s Department plat, which concrete monument is also on the east line of Lot 16, Block K, Balcones Park Addition, Section Five, a subdivision of record in Book 7 at Page 43 of the Plat Records of Travis County, Texas, same being the east line of the C. J. Brocker Survey No. 616 and the west line of the Daniel J. Gilbert Survey No. 8, and from which point of beginning a concrete monument at the northeast corner of Lot 7, Block K, said Bal­cones Park Addition, Section Five bears N 30° 19' E 361.16 feet;
Thence, S 89° 18' W at 362.33 feet passing a concrete monument, at 716.37 feet passing another concrete monument, in a distance of 90.50 feet to a steel pin for the most northerly northeast corner of the herein described tract of land, same
being described as Station 17 on a map or plat prepared by the Adjutant General's Department of the State of Texas and indexed as drawing No. 1-63.

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

(1) S 30° 42' W 1340.00 feet to a steel pin, same being station 18 on the said plat No. 1-63 AGD;

(2) S 13° 18' E 210.00 feet to a steel pin, same being station 19 on the said plat No. 1-63 AGD;

(3) S 04° 42' W 210.00 feet to a steel pin, same being station 20 on the said plat No. 1-63 AGD;

(4) S 57° 18' E 720.00 feet to a steel pin, same being station 21 on the said plat No. 1-63 AGD;

(5) N 60° 42' W 467.00 feet to a steel pin, same being station 22 on the said plat No. 1-63 AGD;

(6) S 57° 18' E 720.00 feet to a steel pin, same being station 23 on the said plat No. 1-63 AGD;

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

(1) S 35° 55' W 184.28 feet to a steel pin;

(2) S 33° 21' W 142.70 feet to a steel pin, same being station 25 on the said plat No. 1-63 AGD;

(3) S 70° 53' W 36.44 feet to a steel pin;

(4) S 70° 50' W 186.95 feet to a point;

(5) S 48° 09' W 100.67 feet to a point;

(6) S 33° 55' W 196.33 feet to a point;

(7) S 71° 06' W 164.16 feet to a point;

(8) S 70° 06' W 103.70 feet to a point;

(9) S 57° 24' W 182.56 feet to a steel pin, same being station 26 on the said plat No. 1-63 AGD;

(10) S 54° 43' W 62.73 feet to a steel pin in the south line of the aforesaid State of Texas 189.11 acre tract of land said steel pin being station 27 on the said plat No. 1-63 AGD;

Thence, with the south line of said State of Texas 189.11 acre tract of land, N 59° 19' W 768.98 feet to a concrete monument at the northeast corner of Colorado Foothills, Section Two, a subdivision of record in Book 5 at Page 107 of the Plat Records of Travis County, Texas, said concrete monument being station 13 on the said Adjutant General's Department plat;

Thence, continuing with the south line of said State of Texas 189.11 acre tract of land, N 58° 19' W 768.98 feet to a concrete monument at the northeast corner of Colorado Foothills, Section Two, a subdivision of record in Book 6 at page 100 of the Plat Records of Travis County, Texas, and Block F, Balcones Park Addition, Section Two, a subdivision of record in Book 6 at page 100 of the Plat Records of Travis County, Texas, N 58° 52' W 1714.32 feet to a concrete monument.
on the north line of Lot 4, Block F, said Balcones Park Addition, Section Two, for the southwest corner of the herein described tract of land, same being the southwest corner of the aforementioned State of Texas 189.11 acre tract of land, said concrete monument being also at the southeast corner of Lot 14, Block B, Balcones Park Addition, Section Six, a subdivision of record in Book 7 at Page 177 of the Plat Records of Travis County, Texas, which concrete monument is also station 1 on the said Adjutant General’s Department plat;

Thence, with the east line of said Balcones Park Addition, Section Six, and the aforementioned Balcones Park Addition, Section Five, same being the west line of the said State of Texas 189.11 acre tract of land, same also being the east line of the C. J. Sutherly Survey No. 619 and the west line of the Daniel J. Gilbert Survey No. 8, N 35° 18' E 2765.93 feet to the point of beginning, containing a total of 112.715 acres, more or less.

Tract No. 2

Beginning at a concrete monument at the southeast corner of said Tract 1, and is the aforementioned Station 13 on the said Adjutant General’s Department plat;

Thence, with the north line of the said State of Texas 49.6 acre tract of land as fenced, same being the north line of said Tract 1, S 59° 19' E 768.98 feet to a steel pin at the most northerly northeast corner of the herein described tract of land, same being the southwest corner of said State of Texas 189.11 acre tract of land, said steel pin being Station 28 on the said plat No. 1-63 AGD;

Thence, along said line fifteen (15.00) feet westerly from and parallel to the westerly edge of said rock dam, S 39° 10' E 167.35 feet to a steel pin on a line ten (10.00) feet southerly from and parallel to an existing one-cable fence, said steel pin being Station 39 on the said plat No. 1-63 AGD;

Thence, along said line ten (10.00) feet southerly from and parallel to said one-cable fence, S 71° 19' W 6.24 feet passing a steel pin, in all a distance of 183.18 feet to a steel pin at the most easterly northwest corner of the herein described tract of land, same being Station 39 on the said plat No. 1-63 AGD;

Thence, S 24° 25' W 1147.96 feet to a steel pin, same being Station 31 on the said plat No. 1-63 AGD;

Thence, S 04° 20' E 1071.25 feet to a steel pin at the southeast corner of the herein described 49.6 acre tract of land, same being Station 33 on the said plat No. 1-63 AGD;

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

1) N 59° 15' W 584.65 feet to an iron post, same being Station 33 on the said plat No. 1-63 AGD

2) N 39° 25' W 93.57 feet to an iron post, same being Station 24 on the said plat No. 1-63 AGD

3) N 84° 14' E 658.81 feet to a steel pin under fence

4) N 53° 00' W 15.38 feet to an iron post for the southwest corner of the herein described tract of land, same being the southwest corner of said State of Texas 49.6 acre tract of land, same also being Station 35 on the said plat No. 1-63 AGD, and from which iron post a concrete monument at the southeast corner of Lot 1, Block 1, Colorado Pothills, Section One, a subdivision of record in Book 5 at Page 28 of the Plat Records of Travis County, Texas bears S 59° 09' W 44.46 feet;
Thence, with the west line of the said State of Texas 49.6 acre tract of land, same being the east line of said Colorado Foothills, Section One, and the aforementioned Colorado Foothills, Section Two, N 30° 09' E, at 718.92 feet passing a concrete monument at the northeast corner of said Colorado Foothills, Section One, same being the southeast corner of said Colorado Foothills, Section Two, same also being Station No. 36 on the said plat No. 1-43 AGD:

Thence, with the west line of the said State of Texas 80.00 acre tract of land, same being the east line of the aforementioned Colorado Foothills, Section Two, N 30° 09' E, 1327.80 feet, in all a distance of 2046.42 feet to the point of beginning.

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

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 15

Mr. Garrison submitted the following Conference Committee Report on Senate Bill No. 15:

Austin, Texas, May 8, 1963

Hon. Preston Smith, President of the Senate.

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

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 15 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Reagan, Moore, Parkhouse, Spears, Cole
On the part of the Senate.

Garrison, Headly, Cook, Jarvis, Woods
On the part of the House.

S. B. No. 15.

By Reagan

A Bill
To Be Entitled
An Act to classify loans and lenders and provide for their regulation; stating legislative intent; providing a short title; defining terms; creating the office of Regulatory Loan Commissioner and providing for his appointment, qualifications, compensation and staff, and prescribing his powers and duties; prohibiting any person from engaging in the business of making loans with cash advances of One Thousand, Five Hundred Dollars ($1,500) or less under certain conditions without first obtaining a license, and providing a penalty and loss of all principal and interest for violation thereof; providing for exemptions; prescribing fees and procedures for issuance of licenses, and grounds for denial thereof; prescribing minimum assets of licensees; requiring a license for each place of business and providing for changes of location; limiting licenses to resident citizens of the state and to corporations the majority of whose stock is owned by resident citizens, with certain exceptions; providing grounds and procedures for revocation and suspension of licenses and for surrender of licenses and for reinstatement; providing for examination of licensees’ and others’ records; granting the power of subpoena and other process on investigations and hearings by the commissioner and providing for cease and desist orders and injunctions; requiring licensees to keep books and records, available to the commissioner, and requiring annual reports; authorizing the commissioner to make regulations and prescribing the procedure therefor; prohibiting false or deceptive advertising; allowing other businesses to be conducted in the same office except under certain conditions, prohibiting the conduct of loan business under any name or at any place other than stated in the license; prescribing maximum rates of interest and other charges, according to the size of the loan, on loans of One Thousand, Five Hundred Dollars ($1,000) or less, and regulating loan practices and providing penalties for the making of unauthorized charges as well as loss of all prin-
Be it enacted by the Legislature of the State of Texas:

Section 1. Declaration of Legislative Intent.

The Legislature finds as facts and determines:

(a) The Legislature should, in obedience to Article XVI, Section 11, of the Constitution of Texas, as amended in 1960, classify loans and lenders, license and regulate lenders, define interest and fix a maximum rate of interest pertaining to licensees under this Act.

(b) Consumer loans make an essential and useful contribution to our society in that they provide the only means by which many individuals and families can secure credit to improve their standards of living and to meet unforeseen financial emergencies.

(c) There exists among citizens of this state a widespread demand for such loans, the scope and intensity of which has increased progressively by many social and economic forces.

(d) Due to the lack of adequate regulation, many unethical and unscrupulous lenders are engaged in the making of loans of this type and are subjecting borrowers to abuse.

(e) These facts characterize and distinguish loans with cash advances of One Thousand Five Hundred Dollars ($1500) or less, and legislation to control this class of loans is necessary to protect the public welfare.

(f) It is the intent of the Legislature in enacting this statute to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers; to establish a system of regulation for the purpose of insuring honest and efficient loan service and of stimulating competition in such lending; to provide for interest that is fair, just and equitable, and to provide the administrative machinery necessary for effective enforcement.

Sec. 2. Short Title.
This Act may be cited as the “Texas Regulatory Loan Act.”

Sec. 3. Definitions.

The following words and terms when used in this Act shall have the following meanings, unless the context clearly requires a different meaning. The meanings applied to the singular forms shall also apply to the plural.

(a) “Person” means an individual, copartnership, association, trust, corporation and any other legal entity.

(b) “License” means the authority to do business under this Act.

(c) “Licensee” means any person to whom one or more licenses have been issued.

(d) “Commissioner” means the Regulatory Loan Commissioner of the State of Texas.

(e) “Finance Commission” means the Finance Commission of Texas created by the Texas Banking Code of 1943.

(f) “Cash advance” means the amount of cash or its equivalent the borrower actually receives and shall also include that paid out at his direction or request, on his behalf or for his benefit.

(g) “Interest” shall be that compensation allowed by this Act, for the use or forbearance or detention of the cash advance. The maximum rate of interest permitted by this Act is that amount authorized in Section 17. Any gain or advantage arising from the sale or providing of insurance as authorized in Section 18 shall not be interest.

(h) “Amount of loan” means the cash advance plus the interest, authorized by Section 17.

(i) “Month” means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date then the last day of such following calendar month and when computations are made for a fraction of a month a day shall be one-thirtieth (1/30) of a month.

Sec. 4. Office of Regulatory Loan Commissioner Created.

(a) There is hereby created the office of Regulatory Loan Commissioner of the State of Texas. The commissioner shall be appointed by the Finance Commission and shall serve at the pleasure of the Finance Commission. The commissioner shall be an employee of the Finance Commission, subject to its orders and directions. The commissioner is authorized to appoint and remove examiners and employees, and to prescribe the duties of each.

(b) The commissioner shall, from time to time, as directed by the Finance Commission, submit to the Finance Commission a full complete report of the receipts and expenditures of this office, and the Finance Commission may, from time to time, examine the financial records of the Regulatory Loan Commissioner, or cause them to be examined. In addition, the office of Regulatory Loan Commissioner shall be audited from time to time by the state auditor in the same manner as state departments, and the actual costs of such audit shall be paid to the state auditor from the funds of the Regulatory Loan Commissioner. The Finance Commission shall, as of December 31, 1963, and annually thereafter report to the Governor of the State of Texas the receipts and disbursements of the office of the Regulatory Loan Commissioner for each calendar year.

(c) The commissioner shall appoint a deputy commissioner, such examiners and assistant examiners as may be required to examine all licensees under this Act annually and such employees as may be necessary to maintain and operate the office of the Regulatory Loan Commissioner and to enforce the laws of this state relative to the licensees under this Act.

(d) The commissioner, the deputy commissioner, the examiners and assistant examiners shall, before entering upon the duties of office, take an oath of office and make a fidelity bond in the sum of Ten Thousand Dollars ($10,000) payable to the Finance Commission and its successors in office, in individual, schedule or blanket form, executed by a surety appearing upon the list of approved sureties acceptable to the Finance Commission. The bond shall
be in form approved by the Finance Commission.

(e) The commissioner shall supervise and shall regulate as provided in this Act all licensees and shall enforce the provisions of this Act in person through the deputy commissioner or any examiner or assistant examiner. The commissioner, the deputy commissioner, each examiner and assistant examiner and each employee under this Act shall not be personally liable for damages occasioned by his official act or omission except when such acts or omissions are corrupt or malicious. The Attorney General shall defend the commissioner or any examiner or assistant examiner and each employee under this Act shall not be personally liable for damages occasioned by his official act or omission whether or not at the time of the institution of the act the defendant has terminated his services with the office of the Regulatory Loan Commissioner.

(f) The commissioner shall report his findings and recommendations relating to the administration and enforcement of the provisions of this Act to each Regular Session of the Legislature.

Sec. 5. Scope.

(a) On and after ninety (90) days from the effective date of this Act, no person shall, without first obtaining a license from the commissioner engage in the business of making loans with cash advances of One Thousand Five Hundred Dollars ($1,500) or less, and contract for, charge or receive, directly or indirectly, on or in connection with any such loan, any charges, whether for interest compensation, consideration or expense or other thing or otherwise, which in the aggregate are greater than such person would be permitted by law to charge if he were not a licensee under this Act. During such ninety (90) day period, any person who has applied for such license, or filed written notice of intention to apply for such license with the commissioner, and who has not been denied, shall be subject to all the provisions of this Act and may contract for, charge and receive interest as if he were a licensee.

(b) The provisions of Section 5 (a) shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatsoever.

(c) Any person and the several members, officers, directors, agents and employees thereof, who shall wilfully violate or participate in the violation of Section 5 (a) shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than Five Hundred Dollars ($500) and not more than One Thousand Dollars ($1,000) or by confinement in the county jail for not more than six (6) months or both. Any loan contract in the making or collection of which any act shall have been done which violates Section 5 (a) shall be void and the lender shall have no right to collect, receive or retain any principal, interest or charges.

Sec. 6. Exemptions.

(a) The provisions of this Act shall not apply to any of the following persons and the following transactions; nor shall any of such persons be eligible to receive a license under this Act.

(1) Any person doing business under the authority of and as permitted by the Texas Banking Code of 1943, as amended.

(2) Any person doing business under the authority of and as permitted by Articles 852 through 881, Revised Civil Statutes of Texas, 1915, and Chapter 61, Acts of the 41st Legislature, Second Called Session, 1939, as amended, relating to Building and Loan Associations.

(3) Any person doing business under the authority of and as permitted by Articles 2481 through 2484, Revised Civil Statutes of Texas, 1915, as amended, and Section 5 of House Bill No. 47, Acts of the 44th Legislature, Regular Session, 1935, and Chapter 175, Acts of the 41st Legislature, Regular Session, 1945, relating to Credit Unions.

(4) Any person doing business under the authority of and as permitted by Articles 1812 through 1819, Revised Civil Statutes of Texas, 1915, relating to Agricultural Finance Corporations.

(5) Any person doing business under the authority of and as per-
mited by Articles 2485 through 2499, Revised Civil Statutes of Texas, 1925, as amended, relating to Agricultural and Livestock Pools.

(6) Any person doing business under the authority of and as permitted by Articles 2500 through 2507, Revised Civil Statutes of Texas, 1925, as amended, relating to Mutual Loan Corporations.

(7) Any person doing business under the authority of and as permitted by Articles 2508 through 2512, Revised Civil Statutes of Texas, 1925, relating to Cooperative Credit Associations.

(8) Any person doing business under the authority of and as permitted by Articles 2514 through 2524, Revised Civil Statutes of Texas, 1925, relating to Farmers Cooperative Societies.

(9) Any person doing business under the authority of and as permitted by Articles 5578 through 5613, Revised Civil Statutes of Texas, 1925, relating to Markets and Warehouse Corporations.

(10) Any person doing business as an insurance company under the authority of and as permitted by the Insurance Code of Texas, as amended.

(11) Any person doing business under the authority of and as permitted by any law of the United States relating to National Banks, Federal Credit Unions or other Federal Lending Agencies or Institutions.

(12) Any person doing business as a pawnbroker under the authority of and as permitted by Articles 6146 through 6161, Revised Civil Statutes of Texas, 1925, when such person does not require the personal liability of the borrower in a loan transaction.

(13) Any person doing business under the authority of and as permitted by Article 1513, Revised Civil Statutes of Texas, 1925, and Chapter 388, Acts of the 55th Legislature, Regular Session, 1957, relating to Trust Companies.

(14) Any person doing business under the authority of and as permitted by Subdivision 49, Article 1502, Revised Civil Statutes of Texas, 1925, as amended, or Section 4, Chapter 275, Acts 40th Legislature, Regular Session, 1927, as amended, who is regulated by the Banking Commissioner of Texas under the provisions of Chapter 165, Acts 42nd Legislature, Regular Session, 1931, as amended, and whose loan business is confined solely and entirely to loans to employees of the State of Texas and those persons holding contracts with the State of Texas.

(15) Any person acting as Trustee of a Trust, if the Trust (1) is for an employees savings plan, and (2) provides that loans may be made to participants in the Trust.

(b) The provisions of this Act shall not apply to any bona fide cash or credit sale transaction or any contract or obligation arising from or acquired as a result thereof.

Sec. 7. Application for License: Fees; Appointment.

(a) Application for a license shall be under oath, shall give the approximate location from which the business is to be conducted, and shall contain such relevant information as the commissioner may require including identification of the principal parties in interest, to provide the basis for the findings necessary under Section 8. When making application, for one or more licenses, the applicant shall pay Two Thousand Dollars ($2,000) to the commissioner as an investigation fee and One Hundred Dollars ($100) for each license as the annual fee provided in Section 9(b) of this Act for the current calendar year, provided if a license is granted after June 30th in any year such fee shall be Fifty Dollars ($50) for that year.

(b) Every license shall maintain on file with the commissioner a written appointment of a resident of this state as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this state. In case of non-compliance with Section 7(b), such service may be made on the commissioner.

(c) Every applicant shall, also, at the time of filing any such application, file with the commissioner a bond satisfactory to him and in an
amount not less than Five Thousand Dollars ($5,000) for the first license and One Thousand Dollars ($1,000) for each additional license with a surety company qualified to do business in this state as surety, whose total liability in the aggregate shall not exceed the amount of such bond so fixed. The said bond shall run to the state for the use of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned that said obligor will faithfully conform to and abide by the provisions of this Act and all rules and regulations lawfully made by the commissioner hereunder, and will pay to the state and to any such person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from said obligor under and by virtue of the provisions of this Act during the calendar year for which said bond is given.

(d) No person who is not a citizen of the State of Texas shall be eligible to receive a license under this Act. No license shall be issued to a corporation unless the same be incorporated under the laws of this state, and at least fifty-one per cent (51%) of the stock of the corporation is owned at all times by citizens of the State of Texas and who possess the qualifications required of other applicants for license; provided, however, that the restrictions contained in the preceding clause shall not apply to domestic or foreign corporations which are doing business in this state under charter or license before January 1, 1963, but any such corporation which does not meet the requirements of such restrictions shall not be issued a license for any place of business other than those being operated by it on January 1, 1963. Partnerships, firms, and associations applying for licenses shall be composed wholly of citizens possessing the qualifications above enumerated. Any person holding a license under this Act who shall violate any provisions hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its license and if a corporation, its charter shall be subject to revocation of license, and it shall be the duty of the Attorney General when any such violation is called to his attention, to file suit for such forfeiture of charter and cancellation of the license in a District Court in Travis County, Texas.

Sec. 8. Issuance or Denial of License.

(a) On filing of such application, bond, and payment of the investigation fee, the commissioner shall investigate the facts and if he shall find the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief the business will be operated lawfully and fairly, within the purposes of this Act, and the applicant has available for the operation of such business net assets of at least Fifteen Thousand Dollars ($15,000), he shall grant such application and issue to the applicant a license which shall be his license and authority to make loans under the provisions of this Act.

(b) If the commissioner shall not so find, he shall notify the applicant, who shall, on request within thirty (30) days, be entitled to a hearing on such application within sixty (60) days after the date of said request. The investigation fee shall be retained by the commissioner, but the annual fee shall be returned to the applicant in the event of denial.

(c) The commissioner shall grant or deny such application for a license within thirty (30) days from its filing with the required fees, or, from the hearing thereof, if any, unless the period is extended by written agreement between the applicant and the commissioner.

Sec. 9. License; Annual Fee; Minimum Assets.

(a) Each license shall state the address of the office from which the business is to be conducted and the name of the licensee. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable except upon approval by the commissioner.

(b) Each license shall remain in full force and effect until relinquished, suspended, revoked, or has expired. Every licensee shall, on or be-
fore each December 1st, pay the commission One Hundred Dollars ($100) for each license held by him, as the annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the commissioner, the license shall thereupon expire but not before December 31st of any year for which an annual fee has been paid.

(c) Every licensee shall maintain net assets of at least Fifteen Thousand Dollars ($15,000), either used or readily available for use, in the conduct of the business of each licensed office.

Sec. 10. Offices; Removal.

(a) A separate license shall be required for each office operated under this Act. The commissioner may issue more than one license to any one person upon compliance with this Act as to each license. Nothing contained herein, however, shall be construed to require a license for any place of business devoted to accounting or other record keeping and where loans under this Act are not made.

(b) When a licensee wishes to move his office to another location he shall give thirty (30) days written notice to the commissioner who shall amend the license accordingly. In such event, the licensee shall also give fifteen (15) days written notice of his intention to remove his office to each of the borrowers having a loan outstanding at such office.

(c) The commissioner may issue more than one license but not more than sixty (60) licenses to any one (1) person on compliance with this Act as to each license. And it shall be unlawful for any person, after the effective date of this Act, directly or indirectly, or through subsidiaries or holding companies, to hold or have an interest in more than sixty (60) licenses, the business thereof, or any interest in such license. Any person holding a license under this Act which shall violate any provision hereof shall be subject to forfeiture of its license, and if a corporation, its charter shall be subject to forfeiture, and it shall be the duty of the Attorney General, when any such violation is called to his attention, to file suit for such forfeiture of charter and cancellation of the license in a District Court in Travis County, Texas.

Sec. 11. Revocation; Suspension; Surrender; Reinstatement of Licenses.

(a) The commissioner may, after notice and hearing, suspend or revoke any license if he finds that:

(1) The licensee has failed to pay the annual license fee imposed by this Act or an examination fee, investigation fee or other fees or charge imposed by the commissioner under the authority of this Act; or that

(2) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

(3) Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the commissioner in refusing to issue such license.

The hearing shall be held upon twenty (20) days notice in writing setting forth the time and place thereof and a concise statement of the facts alleged to sustain the suspension or revocation. The hearing shall be fair, full and public. Such suspension or revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee. Such order, findings and the evidence considered by the commissioner shall be filed with the public records of the commission.

(b) Any licensee may surrender any license by delivering it to the commissioner with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(c) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.
Sec. 12. Examination of Licensees; Access to Records; Investigations; Injunctions.

(a) At least once each year and at such other times as the commissioner shall deem necessary, the commissioner, or his duly authorized representative, shall make an examination of the place of business of each licensee and shall inquire into and examine the loans, transactions, books, accounts, papers, correspondence, and records of such licensees insofar as they pertain to the business regulated by this Act. In the course of such examination, the commissioner or his duly authorized representative shall have free access to the office, places of business, files, safe and vaults of such licensees, and shall have the right to make copies of such books, accounts, papers, correspondence and records. The commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the commissioner is authorized or required by this Act to consider, investigate, or secure information. Any licensee who shall fail or refuse to let the commissioner or his duly authorized representative examine or make copies of such books, or other relevant documents shall thereby be deemed in violation of this Act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of such examination shall be confidential. Each licensee shall pay to the commissioner the cost of the examination, but not to exceed Fifty Dollars ($50) per day per examiner and the total cost of examinations assessed against a licensee in any one calendar year shall not exceed Two Hundred Fifty Dollars ($250) for each licensed office.

(b) For the purpose of discovering violations of this Act or of securing information required hereunder, the commissioner or his duly authorized representative may investigate the books, accounts, papers, correspondence and records of any licensee or other person who the commissioner has reasonable cause to believe is violating any provision of this Act whether or not such person shall claim to be within the authority or scope of this Act. For the purposes of this subsection any person who advertises for, solicits or holds himself out as willing to make loans with cash advances in the amount or the value of One Thousand Five Hundred Dollars ($1500) or less, shall be presumed to be engaged in the business described in Section 5 of this Act.

(c) In the course of any examination or investigation or hearing looking to the enforcement or administration of any provision of this Act, the commissioner may require by subpoena or summons, issued by the commissioner addressed to any peace officer within this State, the attendance and testimony of witnesses, and the production of books, accounts, papers, correspondence, or records (excepting such as are absolutely necessary for the continued course of business) which such books, accounts, papers, correspondence, or records the commissioner shall have the right to examine, or cause to be examined, at the office, or place of business, and to require copies of such portions thereof as may be deemed necessary touching the matter in question, which copies shall be verified by affidavit of such concern or an officer of such concern, and shall, when certified by the commissioner, be admissible in evidence in any investigation or hearing under this Act, or in an appeal to the District Court as provided by this Act and for this purpose the commissioner may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. In case of disobedience of any subpoena, or of the contumacy of any witness appearing before the commissioner, the commissioner may invoke the aid of the district court within whose jurisdiction any witness may be found, and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence, or produce books, accounts, correspondence, records and other...
and such hearing officer shall be
directed. Such application shall take precedence over
such subpoena is directed.

Any failure to obey such order of the
court may be punished by such court
as contempt thereof.

In the course of any examination,
investigation or hearing described in subsection (c) of this section,
the commissioner may appoint
a hearing officer to conduct such ex-
amination, investigation or hearing,
and such hearing officer shall be
vested for the purpose of such exami-
nation, investigation or hearing with
the power and authority as the com-
mis sioner would have if he were
personally conducting such examination,
investigation or hearing, pro-
vised that such hearing officer shall
not be authorized to make any order
upon the subject matter of such ex-
amination, investigation or hearing;
and provided further, that the record
of any examination, investigation or hearing conducted before the
hearing officer may be considered by
the commissioner in the same man-
ner and to the same extent as evi-
dence that is adduced before him per-
sonally in any examination, investiga-
tion or hearing.

The fee for serving the subpo-
na shall be the same as that paid
a sheriff or constable for similar services. Each witness required to
attend before the commissioner shall
receive for each day's attendance
the sum of Two Dollars ($2) and
shall receive in addition the sum of
Ten Cents (10¢) for each mile trav-
ested by such witness by the usual
route going to or returning from
the place where his presence is re-
quired, provided that such fees shall
not become payable until the witness
has actually appeared at such hear-
ing. All disbursements made in the
payment of such fees shall be in-
cluded in and paid in the same man-
er as is provided for other expenses
incident to the administration and
enforcement of this Act.

The fees, expenses and costs incurred at or in connection with any
hearing may be imposed by the com-
mis sioner upon any party in interest
in the same manner as a
motion or any District Court of this state hav-
ing jurisdiction and venue, on the
relation of the Attorney General at
the request of the commissioner, to
enjoin such person from engaging
in or continuing such violation or
from doing any act or acts in fur-
therance thereof. In any such action,
an order or judgment may be en-
forced by law for the enforcement
of a restraining order or injunction,
the court in which such action is
brought shall have power and juris-
diction to impound, and to appoint
a receiver for the property and busi-
ness of the defendant, including
books, papers, documents and rec-
ords pertaining thereto or so much
thereof as the court may deem rea-
sonably necessary to prevent viola-
tions of this Act through or by
means of the use of said property
and business. Such receiver, when
appointed and qualified, shall have
such powers and duties as to cus-
tody, collection administration,
whirling up and liquidation of such
property and business as shall from
time to time be conferred upon him
by the court. This provision shall be
cumulative of Articles 3293 through
3219, inclusive, Revised Civil Stat-
utes of Texas, 1925, as amended.

Sec. 13. Records; Annual Reports.

(a) Each licensee shall keep in
this state such books and records
relating to loans made under this
Act as are necessary to enable the commissioner to determine whether the licensees is complying with this Act. Such books and records shall be consistent with accepted accounting practices.

Each licensee shall preserve such books and records in this state for at least four (4) years after making the final entry of any loan recorded therein. Each licensee’s system of records shall be accepted if it discloses such information as may be reasonably required under Section 13(a) of this Act. All obligations signed by borrowers shall be kept at an office in this state designated by the licensee, except when hypothecated under an agreement by which the creditor gives the commissioner access thereto.

(b) Each licensee shall annually on or before the first day of April file a report with the commissioner giving such relevant information as the commissioner may reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the commissioner, who shall make and publish annually a consolidated analysis and recapitulation of such reports but the individual reports shall be held confidential.

Sec. 14. Regulations; Copies; Public Record.

(a) The commissioner may make regulations necessary for the enforcement of this Act and consistent with all of its provisions. Each such regulation shall include reference only to the section or subsection to which it applies. Before making a regulation, the commissioner shall give every licensee at least twenty (20) days written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee may be heard and may introduce evidence, data or arguments or place the same on file. After consideration of all relevant matter presented, the commissioner shall promulgate every regulation in written form stating its effective date and the date of promulgation. Each regulation shall be entered in a permanent book which shall be a public record and be kept in the commissioner’s office. A copy of every regulation shall be mailed to each licensee and no regulation shall become effective until the expiration of at least twenty (20) days after such mailing.

(b) On application of any person and payment of the costs therefor, the commissioner shall furnish, under his seal and signed by him or his deputy, a certificate of good standing, a certified copy of any license, regulation or order.

(e) Any transcript of any hearing held by the commissioner or findings by the commissioner under this Act shall be a public record and open to inspection at all reasonable times.

Sec. 15. Advertising.

No licensee shall advertise or cause or permit to be advertised, in any manner whatsoever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans, if rates are stated in advertising, the commissioner may require them to be stated fully and clearly.

No licensee under this Act shall use any advertising stating that said licensee is licensed by, or regulated by, the State of Texas, or any agency thereof; nor shall such licensee use words of similar import for advertising purposes.

Sec. 16. More Than One Business in Single Office.

(a) A licensee may conduct the business of making loans under this Act, within any office, suite, room or place of business in which any other business is solicited or engaged in, or in association or connection with any other business, unless the commissioner shall find, after a hearing, that the conduct by the licensee of such other business in the particular licensed office has concealed evasions of this Act and shall order such licensee, in writing, to desist from such conduct in such office.

(b) No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license.
May 13, 1963

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(c) Nothing in this Act shall be construed to limit the loans of any licensee to residents of the community in which the licensed office is situated or to prohibit the licensee from making loans by mail.

Sec. 17. Maximum Rates of Interest.

(a) Every licensee may contract for and receive on any loan made under this Act repayable in consecutive monthly installments, substantially equal in amount, an add-on interest charge computed on the cash advance for the full term of the loan contract in accordance with the following schedule.

(1) Nineteen Dollars ($19) per One Hundred Dollars ($100) per annum on that part of the cash advance not in excess of One Hundred Dollars ($100), Sixteen Dollars ($16) per One Hundred Dollars ($100) per annum on that part of the cash advance in excess of One Hundred Dollars ($100) but not in excess of Two Hundred Dollars ($200), Thirteen dollars ($13) per One Hundred Dollars ($100) per annum on that part of the cash advance in excess of Two Hundred Dollars ($200) but not in excess of Three Hundred Dollars ($300), Eleven Dollars ($11) per One Hundred Dollars ($100) per annum on that part of the cash advance in excess of Three Hundred Dollars ($300) but not in excess of Five Hundred Dollars ($500), Nine Dollars ($9) per One Hundred Dollars ($100) on that part of the cash advance in excess of Five Hundred Dollars ($500) but not in excess of One Thousand Dollars ($1,000), and Seven Dollars ($7) per One Hundred Dollars ($100) on that part of the cash advance in excess of One Thousand Dollars ($1,000) but not in excess of Fifteen Hundred Dollars ($1,500).

(3) Notwithstanding the requirement of consecutive monthly installments, substantially equal in amount, loans may be made under loan contracts which require repayment in irregular or unequal installment payments and the interest thereon may be in an amount computed in advance on a basis which provides the same interest yield in relation to the balances of the cash advance schedules to be outstanding from time to time under the loan contract, as is permitted under Section 17(a)(1), having due regard for the schedule of payments.

(4) Notwithstanding the requirement of consecutive monthly installments, substantially equal in amount, a licensee and borrower may agree the first installment date may exceed one month by not more than fifteen (15) days and the amount of such installment may be increased by one-thirtieth (1/30) of the amount of interest which would be applicable to a first installment period of one month for each extra day, but such interest shall be excluded in computing the additional interest for deferment and shall not be subject to refund.

(5) Additional interest for default, if contracted for, may equal but shall not exceed the Three Cents ($0.03) for each One Dollar ($1) of any scheduled installment when any portion of said installment continues unpaid for five (5) days or more following the date such payment is due, including Sundays and holidays. Interest for such default shall not be collected more than once on the same installment. If the payment date of each wholly unpaid installment, on which no interest for default has been collected is deferred as of an installment date for one or more full months and the majority of the contract is extended for a corresponding period of time, the licensee may charge and collect additional interest for such deferment. The interest for such deferment may be equal to the difference between the refund which would be required for prepayment in full as of the date of deferment and the refund which would be required for prepayment in full as one month prior to such date multiplied by the number of months in the deferment defined below. The portion of the interest contracted for under Sec-
tion 17(a)(1) applicable to each deferred balance and installment per-
period following a deferment period shall remain the same as that ap-
pllicable to such balance and period under the original contract of loan.
If a loan is prepaid in full during the deferment period defined below,
the borrower shall receive, in addi-
tion to the refund required under Section 17(a)(6), a refund of that
portion of the interest for deferment applicable to any unexpired full
month or months of such period.
The deferment period is that period beginning with the day following the
due date of the scheduled install-
ment preceding the first installment being deferred, and during which
no payment is made or required by
reason of such deferment. The in-
terest or default or deferment may
be collected at the time of default
or deferment, or at any time there-
after.

(8) When any loan contract is
prepaid in full by cash, a new
loan, renewal, or otherwise, after
the first installment due date but
before the final installment due date,
the licensee shall refund or credit
the borrower with an amount which
shall be as great a proportion of
the total interest contracted for un-
der Section 17(a)(1) as the sum
of the periodic balances scheduled
to follow the installment date after
the date of prepayment in full bears
to the sum of all the periodic time
balances under the schedule of pay-
ments set out in the loan contract.
If such prepayment in full occurs
before the first installment due date
the licensee shall retain for each
eclapsed day from date the loan
was made, one thirty-sixth (1/36) of
the portion of the interest which could
be retained if the first installment
period were one (1) month and the
loan were prepaid in full on the
first installment period due date and
the interest contracted for under
Section 17(a)(1) in excess of such
amount shall be refunded or credited
to the borrower. No refund shall be
required if partial prepayments and
no refund of less than One Dollar
($1) shall be made.

(7) No licensee shall induce or
permit any person, or husband and
wife, to be obligated, directly or in-
directly, under more than one (1)
loan contract under this Act at the
same time for the purpose, or with
the effect of obtaining a higher au-
thorized charge than would other-
wise be permitted by this Act; but
such limitation shall not apply to
the acquisition by purchase of bona
fide obligations of the borrower in-
curred for goods or services, and
provided further, if a licensee pur-
chases all or substantially all the
loan contracts of another licensee
hereunder and has at the time of
purchase loan contracts with one (1)
or more of the borrowers whose
loans are purchase, the purchaser
shall be entitled to collect princi-
pal and authorized charges thereon ac-
cording to the terms of each loan
contract.

(8) In addition to the authorized
charges provided in this Act no fur-
ther or other charge or amount
whatever shall be directly, or in-
directly, charged, contracted for, or
received. This includes (but is not
limited by) all charges such as fees,
compensation, bouques, commissions,
brokerage, discounts, expenses and
every other charge of any nature
whatever, whether of the types
listed herein or not. Without limi-
tation of the foregoing, such charges
may be any form of costs or compen-
sation whether contracted for or not,
received by the licensee, or any other
person, in connection with (1) the
investigating, arranging, negotiating,
procuring, guaranteeing, making,
servicing, collecting or enforcing
of a loan; or (2) for the forbearance of
money, credit, goods or things in
action, or (3) for any other service
or services performed or offered.
However, the prohibition set out
herein shall not apply to amounts
actually incurred by a licensee as
court costs; attorney fees assessed
by a court; lawful fees for filing,
record, or releasing to any public
office any instrument securing a
loan; the reasonable cost actually
expended for repossession, storing, or
selling any security; or fees for not-
ing a lien on or transferring a certifi-
cate of title to any motor vehicle
offered as security for a loan made
under this Act; or premiums or identi-
fiable charge received in connection
with the sale of insurance authorized
under Section 18 of this Act.

(9) If any amount in excess of
the authorized charges permitted by
this Act is charged, contracted for,
or received, except as the result of
an accidental and bona fide error,
the contract of loan shall be void as against public policy, and the licen-
see shall have no right to col-
clect or receive any principal author-
ized charges or recompense whatso-
ever, and the licenses and the several
members, officers, directors, agents, and em-
ployees thereof who shall have
violated or participated in such
violation shall be guilty of a mis-
demeanor and upon conviction there-
of shall be punishable by a fine of
not more than One Thousand Dol-
ars ($1,000) and not less than One
Hundred Dollars ($100) or by con-
finement in the county jail for not
more than six (6) months, or by
both such fine and confinement.

(10) If any amount in excess of
the authorized charges permitted by
this Act is charged, contracted for,
or received by the licensee and the
several members, officers, directors,
agents, and employees thereof who
shall have violated or participated in
such violation shall be jointly
and severally liable for reasonable
attorneys fees incurred by the bor-
rower in enforcing any of the pro-
visions of this Act.

(b) On loans of One Hundred Dol-
ars ($100) or less, a licensee may
charge, in lieu of charges specified in
Section 17 (a) (1) of this Act, the
following amounts:

1) On any amount up to and in-
cluding Nineteen Dollars ($19) a
charge may be added at the rate of
One Dollar ($1) for each Five Dol-
ars ($5) of cash or credit advanced
to the borrower and such advance
of cash and credit shall be for a
period of one (1) month only.

2) On any cash advance in an
amount in excess of Nineteen Dollars
($19) up to and including the
amount of Thirty-five Dollars ($35)
there shall be allowed an acquisition
charge for making the advance not in
excess of one-tenth (1/10th) of the
amount of the cash advance. In addi-
tion thereto, an installment ac-
count handling charge shall be
allowed and shall not exceed Three
Dollars Fifty Cents ($3.50) per
month and such advance of cash or
credit shall be for a period of
not less than one (1) month nor
more than four (4) months.

3) On any cash advance of an
amount in excess of Thirty-five Dol-
ars ($35) but not more than Seven-

(House Journal of May 13, 1963, p. 1881)
defines credit life insurance and credit health and accident insurance and provides the State Board of Insurance shall make and file the schedule of reasonable and adequate maximum premium rates which may be charged by insurers on such insurance; nor in any event, shall the amount charged to the borrower by the licensee for such insurance exceed the amount of the premium paid to the insurer by the licensee for such insurance, as computed at the time the charge to the borrower is determined.

(2) The terms, provisions, coverage and form of any such insurance policies shall satisfy and be in accordance with the particular requirements of the respective applicable statutes;

(3) The maximum premium rates fixed by the State Board of Insurance and the other requirements of such article shall apply to insurance required in connection with loans exceeding One Thousand Dollars ($1,000) with the same force it applies to insurance required in connection with loans of One Thousand Dollars ($1,000) and less;

(4) If such article of the Insurance Code is amended or repealed or a similar statute is enacted under which the State Board of Insurance is required to or may fix or approve maximum premium rates for credit life insurance and credit health and accident insurance, the premium or identifiable charge collected from the borrower for such insurance shall not exceed the maximum premium rate so fixed or approved; not in any event, shall the amount charged to the borrower by the licensee for such insurance exceed the amount of premium paid to the insurer by the licensee for such insurance as computed at the time the charge to the borrower are determined;

(5) Such insurance shall be written and sold in accordance with the provisions of the Insurance Code of Texas which apply to group policies or the provisions of the Insurance Code of Texas which apply to individual policies; provided, however, the maximum premium rates charged a borrower by a licensee in connection with loans made under this Title for credit insurance on which such rates and/or compensation by commissions are not limited by law or fixed by the State Board of Insurance shall never exceed the maximum premium charges and/or commissions fixed by the State Board of Insurance for the sale of individual credit insurance policies with the same coverage;

(6) Any such insurance required under Section 18 shall be written for a time not in excess of one month beyond the term of the loan contract. The initial amount of credit life insurance whether written on a group or individual policy shall not exceed the total amount repayable under the contract of indebtedness and, where an indebtedness is repayable in substantially equal installments, the amount of insurance shall not at any time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater. The total amount of indemnity payable by credit accident and health insurance written on a group or individual policy in the event of disability, as defined in the policy, shall not exceed the total amount repayable under the contract of indebtedness; and the amount of each periodic indemnity payment shall not exceed the scheduled periodic installment payment on the indebtedness;

(7) Only one policy of life insurance and one policy of health and accident insurance may be in force with respect to any one loan contract at one time.

(b) A licensee may, in addition, require a borrower, on loans with cash advance in excess of Three Hundred Dollars ($300), to insure tangible personal property, when offered as security for a loan, against any substantial risk or loss, damage or destruction for an amount not to exceed the actual value of such property, and for a term and on conditions which are reasonable and appropriate considering the nature of the property and the maturity and other circumstances of the loan contract, in accordance with provisions of this subsection. Insurance on tangible personal property other than motor vehicle and trailers, which secures a loan as authorized by this Title for fire and extended...
coverage on such property, and the total aggregate premiums for such insurance shall not exceed the maximum premiums promulgated by the State Board of Insurance for such fire and extended coverage insurance on such property. Insurance on motor vehicles and trailers securing a loan, as authorized by this subsection, shall be written only for the standard coverages promulgated by the State Board of Insurance for such motor vehicles and trailers and at premiums which do not exceed the maximum premiums promulgated by the State Board of Insurance for such standard coverages on such motor vehicles and trailers; provided, however, that as to coverage and insurers specifically authorized in advance by the commissioner, such insurance may be written at filed rates in excess of such rates promulgated by the State Board of Insurance only where the licensee, its officers, agents or employees, receive no benefit or compensation whatsoever, either directly or indirectly, from such insurance, other than in payment of losses claimed to the property which was security for the loan.

(e) When insurance is written under this section, the licensee shall deliver, or cause to be delivered, to the borrower within thirty (30) days from the date of the loan contract, a certificate or other memorandum showing the coverages and the cost of such insurance, if any, to the borrower, the name of the insuring company and the policy number.

(d) In accepting insurance provided by this section as security for a loan, the licensee, its officers, agents, or employees may deduct the premiums or identifiable charges for such insurance from the proceeds of the loan, which premiums or identifiable charges shall not exceed those authorized by this section, and pay such premiums to the insurance company writing such insurance. Any gain, or advantage to the licensee, or any employee, officer, director, agent, general agent, affiliate or associate from such insurance or its provisions or sale shall not be considered as additional interest or further charge in connection with any loan made under this Act except as specifically provided herein. Arranging for, and collecting an identifiable charge shall not be deemed a sale of insurance.

(e) No insurance shall be written under this section by a company which is not authorized to conduct such business in this state. The licensee shall not by any method, directly or indirectly, require the purchase of insurance from an agent or broker designated by the licensee, nor shall the licensee decline existing coverages or substantially similar benefits that comply with the provisions of this section. In the event of any violation of this section by a licensee, or should any additional charge be made for insurance other than that authorized in this section, all charges made for insurance shall be deemed as interest, and this provision is supplemental to and not exclusive of all other remedies and penalties hereunder.

Sec. 19. Licensee's Duty to Borrower.

(a) When a loan is made, the licensee shall deliver to the borrower, or if more than one, to one of them, a copy of the note and all other documents signed by the borrower and a statement in writing in the English language showing the following information:

(1) The name and address of the borrower and the licensee;

(2) The date and the amount of the cash advance, the maturity date, and the agreed schedule of payments or a description of such payments;

(3) The nature of the security, if any;

(4) The charges contracted for as authorized by this Act;

(5) The charges for default and deferment authorized by this Act;

(6) The type of insurance, if any, provided in connection with the loan, and the premiums for such insurance;

(7) A statement showing the total amount, in dollars and cents, of charges contracted for at the time the loan is made, or the percentage that the total charges bear to the total amount of the loan, expressed as the nominal rate on the average
outstanding unpaid balance on the principal amount of the loan.

If the note or loan contract shows the information required above, a copy of such note or loan contract may be delivered rather than a separate statement.

(b) The licensee shall give a receipt to the person making a payment on any loan.

(c) At any time during regular business hours, the licensee shall permit any loan to be prepaid in full, or, if less than a prepayment is made, in an amount equal to one or more full installments.

(d) When a loan is repaid in full, the licensee shall cancel and return to the borrower, within a reasonable time, any note, assignment, mortgage, deed of trust, or other instrument securing such loan which no longer secures any indebtedness of the borrower to the licensee.

Sec. 20. Prohibited Practices.

(a) No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law upon the recording of an abstract judgment.

(b) No licensee shall take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for a borrower in a judicial proceeding.

(c) No licensee shall take any promise to pay or loan obligation that does not disclose the amount of the cash advance, the time for which it is made, the schedule of payments, the maturity date, the amount of authorized charges and the types of insurance, if any, provided in connection with the loan, and the premiums for such insurance.

(d) No licensee shall take any assignment in which blanks are left to be filled in after the loan is made.

(e) No licensee shall, in an attempt to collect an unpaid amount of loan, engage in practices which cause physical injury to any person who owed the licensee said amount of loan, and such person who owes when such attempts are made, shall have a cause of action against any such licensee individually and severally to recover for such physical injury and this cause of action shall be cumulative of all other causes of action for such physical injury for such practices.

(f) No licensee shall grant a loan in one office to any borrower or to the spouse of any such borrower when such borrower or spouse already has a loan in another office operated by the same entity or, by an affiliate, parent, subsidiary or under the same ownership, management, or control, whether partial or complete. If such loans are granted, in violation of this provision, the rates shall be adjusted to rates applicable under this Act to a single loan of equivalent amount.

Sec. 21. Limitation of Loan Period.

No licensee shall enter any contract of loan under this Act, under which the borrower agrees to make any scheduled payment of principal more than thirty-three (33) calendar months from the date of making such contract.

Sec. 22. Wage Assignments Prohibited.

Assignments of wages shall be prohibited for the purposes of securing loans made under this Act.

Sec. 23. Hearings and Review.

(a) At all hearings before the commissioner under the provisions of this Act, parties in interest shall have the right to appear in person and by counsel, and to present oral and written evidence. If requested by a party in interest, a record shall be made of all evidence offered by such party and all other evidence considered by the commissioner.

(b) Any party in interest aggrieved by any order, ruling or decision of the commissioner may, within thirty (30) days after the date of entry, file in the District Court of Travis County, Texas, a petition against the commissioner officially as defendant, alleging therein in brief detail the order, ruling or decision complained of and praying for a reversal or modification thereof. The commissioner shall within twenty (20) days after the service upon him.
of such petition, certify to said District Court the record of the proceedings to which the petition refers, or each portion thereof as may be required by the petitioner. The cost of preparing and certifying such record shall be paid to the commissioner by the petitioner and taxed as a part of the costs of the case. Upon the filing of an answer by the commissioner, the case before the District Clerk shall be at issue, without further pleadings, and upon application of either party shall be advanced and heard without further delay. The order of the commissioner shall be sustained unless the hearing was conducted in a manner contrary to the rudiments of a fair hearing; or the order was based upon an error of law which affected petitioner's substantial rights; or was arbitrary, capricious or unreasonable; or the findings of fact were not reasonably supported by substantial evidence in the record, considered as a whole, adduced before the commissioner. Provided, however, that any appeal to the District Court of Travis County, Texas, of an order, ruling or decision of the commissioner, refusing to grant a license or licenses to an applicant or revoking the license or licenses of a licensee, such appeal shall be upon trial de novo as that term is used in appealing from justice of the peace court to county courts.

(c) Upon a showing of good cause therefore by a party in interest, the commissioner or the court may enter an order staying, pending appeal, the effect of an order of the commissioner from which the party in interest desires to appeal.

Sec. 24. Pre-existing Contracts.

No modification, amendment, or repeal of this Act or any part thereof shall impair or affect the obligation or any pre-existing lawful contract.


Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, commonly known as Article 4646b, Vernon's Annotated Civil Statutes of Texas, is hereby amended to read as follows:

"Article 4646b.

Section 1. The State of Texas through its Attorney General, or any district or county attorney, may institute a suit in the district court to enjoin any person, firm or corporation or any officer, agent, servant or employee of such person, firm or corporation who is engaged in the business of habitually loaning money for the use and detention of which usurious interest has been charged against or contracted to be paid by the borrower, from demanding, receiving or by the use of any means attempting to collect from the borrower usurious interest, on accounts of any loan, or from thereafter charging any borrower usurious interest, or contracting for any usurious interest. All persons, firms or corporations, and their agents, officers, servants and employees similarly engaged in making loans of money as herein defined who reside in the same county, may be joined in a single suit and no plea of non-jointure of parties defendant shall ever be available to any defendant in such suit.

Section 2. By the term 'habitually' as used in this Act is meant the making of as many as three (3) loans on which or in connection with which usurious interest is charged or contracted for within a period of six (6) months next preceding the filing of any such suit.

By the term 'usurious interest' as used in this Act is meant interest at a rate in excess of ten per centum (10%) per annum, unless as to any class of credit transaction a higher rate of interest is fixed, as in the Texas Regulatory Loan Act, Acts of the 58th Legislature, Regular Session, 1963, or other Acts fixing maximum interest rates, then as to such transactions, the term 'usurious interest' means interest at a rate in excess of that allowed by law.

Section 2a. Nothing in this Act shall in any way modify, alter or change any valid provision of Article 8 of Chapter 5 of House Bill No. 79, Acts of the Regular Session, 48th Legislature, nor shall anything in this Act prevent charging of any actual and necessary expense now or hereafter permitted and authorized by law, and such shall not be considered interest.

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In the trial of any application for injunction under this Act there shall exist a prima facie presumption that the actual and necessary expenses of making any such loan was One Dollar ($1) for each Fifty Dollars ($50), or fractional part thereof loaned; but this prima facie presumption shall extend only to the first note or debt owing at the same time by an individual to any firm, corporation, partnership or association, and shall not apply to any renewal or extension thereof unless the original note or debt and all extensions thereof were for a period of not less than sixty (60) days.

Section 3. In any such suit venue shall lie in the county of the residence of a defendant, or in a county where such business of loaning money is being conducted by such defendant or in the county where such contract was entered into by the borrower.

Section 4. If any section, sentence, phrase or part of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions thereof.

Sec. 26. Amending Article 5069, Revised Civil Statutes of Texas, 1925.

Article 5069, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5069. Definitions.

'Interest' is the compensation allowed by law or fixed by the parties to a contract for the use or forbearance or detention of money; 'legal interest' is that interest which is allowed by law when the parties to a contract have not agreed upon any particular rate of interest; and 'conventional interest' is that interest which is agreed upon and fixed by the parties to a written contract. The maximum rate of interest shall not exceed that specified by law as in the Texas Regulatory Loan Act, Acts of the Fifty-eighth Legislature, Regular Session, 1925, or by some other Act of the Legislature, but, if no other rate is so fixed, than ten per centum (10%) per annum, shall have been received or collected upon any contract, the person paying the same or his legal representative may by action of debt recover double the amount of such interest from the person, firm, corporation, receiving the same, and reasonable attorney's fees to be set by the court. Such action shall be instituted in any court of this State having jurisdiction thereof, in the county of the defendant's residence, or in the county where such

Sec. 37. Amending Article 5071, Revised Civil Statutes of Texas, 1925.

Article 5071, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5071. Limit on Rate.

Except where otherwise specifically provided by the Legislature, as in the Texas Regulatory Loan Act, Acts of the Fifty-eighth Legislature, Regular Session, 1925, the parties to any written contract may agree to and stipulate for any rate of interest not exceeding ten per centum (10%) per annum on the amount of the contract; and except as above provided in this Article all other written contracts whatsoever, which may in any way, directly or indirectly, provide for a greater rate of interest shall be void and of no effect for the amount or value of the interest only; but the principal sum of money or value of the contract may be received and recovered.

Sec. 28. Amending Article 5073, Revised Civil Statutes of Texas, 1925.

Article 5073, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 5073. Action on Usurious Rate.

Within four (4) years after the time that a greater rate of interest than that fixed in the Texas Regulatory Loan Act, Acts of the Fifty-eighth Legislature, Regular Session, 1925, or by some other Act of the Legislature, but, if no other rate is so fixed, than ten per centum (10%) per annum, shall have been received or collected upon any contract, the person paying the same or his legal representative may by action of debt recover double the amount of such interest from the person, firm, corporation, receiving the same, and reasonable attorney's fees to be set by the court. Such action shall be instituted in any court of this State having jurisdiction thereof, in the county of the defendant's residence, or in the county where such
usurious interest shall have been entered into, or where the parties who paid the usurious interest resided when such contract was made."

Sec. 29. Certain Statutes Inapplicable.

Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes of Texas, and Articles 5069, 5071 and 5073 Revised Civil Statutes of Texas, 1925, where inconsistent with this Act shall not apply to licensees under this Act, nor shall the provisions of Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended, compiled as Article 3524a, Vernon's Annotated Civil Statutes of Texas, apply to such licensee.

Sec. 30. Statutes Repealed.

Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, compiled as Article 1524a-1, Vernon's Annotated Civil Statutes of Texas, Chapter 17, Acts of the 40th Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the 49th Legislature, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes of Texas and Article 1129a, Vernon's Annotated Penal Code of Texas; and Subsections (5) and (6) of Article 19.01, Title 12, Taxation - General, Revised Civil Statutes of Texas, 1925, are hereby repealed. All other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency, except as otherwise provided in this Act, and except that nothing herein contained in this Act shall affect those laws specified and excepted in Section 6 herein. Provided further, that the amendment or repeal of any law of this State by this Act shall not affect any right accrued or established, or any liability or penalty incurred under the provisions of any of such other laws prior to the amendment or repeal thereof.

Sec. 31. Severability.

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

Sec. 32. Emergency Clause.

The fact that the voters of Texas adopted by an overwhelming majority a Constitutional Amendment on November 8, 1960, directing the Legislature to classify loans and lenders, license lenders, define interest and regulate lenders to prevent other abuses, creates an emergency and a public necessity that the Legislature carry out this mandate of the people and creates a public necessity and emergency 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 that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Garrison moved that the House adopt the Conference Committee Report on S. B. No. 15.

A record vote was requested on the adoption of the Conference Committee Report on S. B. No. 15.

The Conference Committee Report on S. B. No. 15 was adopted by the following vote:

Yea--115
Ariedge  de la Garza
Atwell   Dike
Bandfield Duggan
Barnes   Dungan
Bass of Bowie Edwards
Bass of Harris Esquivel
Beckham  Finney
Blaine   Fletcher
Boykin   Floyd
Bridges  Foreman
Brown of Galveston Gibbens
Brown of Taylor Green
Cain     Grover
Canales  Haines of Branco
Carpenter Hallmark
Cavness  Harding
Clayton  Harris
Cole    of Galveston Harris of Dallas
Collins  Haynes of Orange
Cook    Hendrix
Cory    Heflin
Connerhan Hendrix
Cowden  Hughes
Cowles  Jamison
Crews   Jarvis
Davis   Jarvis
The above record vote was requested by Mr. McGregor, Mr. Shannon, Mr. Weldon and Mr. Carriker.

Mr. Garrison moved to reconsider the vote by which the House adopted the Conference Committee Report on S. B. No. 15 and to take the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE**

I requested to be recorded as voting “no” on concurring with Conference Report on S. B. 15, because it appears it would now be legal to do the very thing that was trying to be prevented — excessive charges on small, small loans.

**Crain**

**REASON FOR VOTE**

I voted “no” on adoption of the Conference Committee Report on S.B. 16 for the following reasons:

1. The fees were completely excessive for the lender with small capital.
2. Capital requirements for anyone entering business under provisions of this Act are excessive.
3. The Insurance Section is not clear and it is feared too much discretion in insurance requirements can be used by the lender.
4. Certain areas of interest and service charges are so excessive as to actually permit “Usury.”
5. The banks of Texas were discriminated against in that they were not allowed to set up small loan divisions under provisions of this Act, and thus eliminate from the field of competition on loans especially from $100.00 to $1,600.00.

**George T. Hinson**

**REASON FOR VOTE**

May 18, 1963

I voted to adopt the Conference Committee Report on S. B. 15, because it was obvious this was the best chance yet to establish some badly needed controls over the “Loan Sharks” in Texas. There are several parts of the bill I would like to have changed, but such changes can be made in subsequent Sessions based on experience.

**Jim Markgraf**

**REASON FOR VOTE**

I voted No on S. B. 15 because it provides an interest rate of Three
May 13, 1963

HUNDRED AND FIFTY PER CENT PER YEAR ON SMALL LOANS.

James Cotten.

REASON FOR VOTE

The same reason stated on our vote against the final passage of S. B. No. 15 in the April 29, 1963, House Journal still applies as the total charge allowed in the Conference Committee Report is even higher. Repeated, our statement was: "We voted against S. B. No. 15 on final passage because we could not vote for a bill which legalizes the loan sharks, as opposed to regulating them, by authorizing interest rates in excess of 480%.

Terry Townsend, Jim Nugent, Bill Hollowell, Maurice B. Ball.

REASON FOR VOTE

We desire that the record reflect that Section 20(e) is not intended by the House or the conferees, as reflected by the debates on S. B. 15, to obviate, negate, repeal, exclude or impair any and all common law actions established by the courts of this State to recover for harassment as those actions presently exist under the presently declared law.

Garrison, Woods, Jarvis, Heatly, Cook.

REASON FOR VOTE

I very reluctantly voted to adopt the conference committee report on S. B. 15, the "small loan bill."

I personally favored a much tighter bill. But it appeared that if we did not adopt this bill today, we would get no regulatory bill at all during this session.

Under our present laws, regulation of the small loan industry is virtually non-existent. The bill we passed here today will at least make regulation possible.

I voted against S. B. 15 when it left the House because the section on loans under $100 permitted the charging of what I consider to be excessive interest. The conference committee improved this section slightly, but also changed the tight House section on insurance.

The temptation was great to vote against the bill again, but I believe that this bill is better than the present situation. Consequently, I voted for it, and hereby pledge myself to work for the tightening of the law in future sessions, whether I am in the Legislature at that time or not.

Reed Quilliam.

REASON FOR VOTE

Reason for vote on Senate Bill 15—adopting the Conference Report.

While I voted Aye to adopt the Conference Report, I did so with the greatest reluctance and regret. The rates are in my judgment exorbitantly high, but unfortunately the Conference Report is the last chance this session to get any kind of bill at all.

I am most disappointed that the sponsors and conferees brought out a bill with such outrageous rates, and the report, I think, was only adopted because House Members could only accept or reject without time left in the session or the opportunity to lower the rates before voting on the measure.

I favor regulation of loan sharks at a much lower rate of interest than contained in Senate Bill 15. And I voted "Aye" only to show that I want regulation, but I am sorely disappointed in the high rates. A "No" vote, I feel, might have indicated opposition to any kind of regulatory bill. Had I been a member of this conference committee or one of the sponsors, I certainly could not have signed, then submitted such a bill to the House for adoption. I think it is a very poor bill, but apparently the only bill that the conferees and sponsors would submit to us for a final vote.

Ronald W. Bridges.

BILL SIGNED BY THE SPEAKER

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

Congratulating Miss Vivian Stamman.

H. Averyt and Danny L. Pendleton Congratulating as.

Cavness & Cavness, Jr., for winning the Pulitzer Prize.

H. B. No. 60, "An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 441, Acts of the Forty-seventh Legislature, Regular Session, 1941, and Article 2117 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 424, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to create the Twelfth Supreme Judicial District and the Thirteenth Supreme Judicial District and to locate the Courts of Civil Appeals thereof; providing for jurisdiction of cases; and declaring an emergency."

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 482, By Slider: Congratulating Miss Mary Grace Farnham and Mrs. Venda Cecil of Daingerfield, Texas.

H. S. R. No. 483, By Slider: Congratulating the Daingerfield Inter-scholastic One Act Play Contestants and their Director.

H. S. R. No. 486, By Brooks: Congratulating Oscar O'Neal Griffin, Jr. for winning the Pulitzer Prize.

H. S. R. No. 491, By Ritter, Cain, Cavness and Foreman: Commending the Senior Civics Class of William H. Travis High School, Austin, Texas.

H. S. R. No. 492, By Ritter, Cain, Cavness and Foreman: Commending the Seventh Grade Texas Government Class of T. N. Porter Junior High School, Austin, Texas.

H. S. R. No. 492, By Pendleton: To commend and congratulate George H. Averitt and Danny L. Pendleton of the Andrews High School.

H. S. R. No. 497, By Healy: Congratulating Ted J. Barnes of Southern University.

H. S. R. No. 498, By Healy: Congratulating Miss Sara Holland of Southeast, Texas.

H. S. R. No. 500, By Guffey: Congratulating Miss Evelyn Stancliff and Michael Wootton.

H. S. R. No. 501, By Guffey: Congratulating Ira E. McKeever and Miss Vivian Stammman.

H. S. R. No. 506, By Kollba: Commending Lee R. Kern, M. D., T. G. Price, M.D., and Walter Donald Roberts, M.D.

H. S. R. No. 507, By Kollba: Commending St. David's Altar Guild of St. David's Episcopal Church.

H. S. R. No. 508, By Kollba: Commending the Travis County Medical Society's Blood Bank.

H. S. R. No. 509, By Kollba: Commending the Columbus Hospital Foundation Medical and Surgical Clinic.

S. C. R. No. 69, Congratulating the City of Carrolton on its 50th anniversary of its incorporation.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Miller offered the following resolution:

H. C. R. No. 82

WHEREAS, LeBlanc, Inc., a Texas corporation, with its principal office located at 9215 Hidden Street, Houston, Texas, is asserting a claim against the State of Texas and the Board of Directors of Texas Southern University, arising out of a contract with the Board of Directors of Texas Southern University dated February 22, 1962, covering construction of a Pharmacy Building Addition under specifications prepared by Wilson, Morris, Crain & Anderson, architects, Houston, Texas, dated January 16, 1943 and identified as commission No. 6140, in Houston, Harris County, Texas; and

WHEREAS, LeBlanc, Inc., is asserting its claim on the ground that the Board of Directors of Texas Southern University has wrongfully withheld and deducted money from the contract price in the final settlement thereof, following completion of the contract by LeBlanc, Inc., on the asserted ground that such sum represented the cost of certain repairs resulting from a fire which took place in November, 1943, prior to completion of the project, on the ground that said LeBlanc, Inc., was responsible, both under the terms of the contract and on the theory of negligence on the part of LeBlanc, Inc., for such repairs; and
Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That LeBlanc, Inc., be and is hereby granted permission to bring suit against the State of Texas and the Board of Directors of Texas Southern University according to the rules of law and the Rules of Civil Procedure; now, therefore, be it
Whereas, Providing adequate and effective services and assistance to the citizens of Texas handicapped by blindness, with the objective of enabling them to achieve lives as normal, useful and happy as their capabilities and aptitudes permit, continues to be a major concern of the Legislature and of those charged with administering the State's programs in this area; and

Whereas, Based on the 1960 population of Texas and the widely accepted estimate that there are 2,290 blind persons per 1,000 population, it is probable that there are now more than 21,000 such persons in the state; and

Whereas, It is to the best interest of these persons, as well as of the State, the community and society as a whole, that they be rehabilitated and assisted to achieve the greatest possible degree of economic and social independence, rather than remaining dependent because of their visual handicap; and

Whereas, The blind client seeking assistance and rehabilitation is often confused because of the multiplicity of agencies, both public and private, working in this area, many of them offering the same or similar services; and

Whereas, Among the State agencies with programs in this area are the State Commission for the Blind, the Texas Department of Public Welfare, the Texas Employment Commission, the Texas Education Agency and the Texas State Library, and

Whereas, In addition, private hospitals, voluntary private agencies, denominational groups, braille publishers, guide dog schools, and national organizations such as the National Council to Combat Blindness, Inc., offer various forms of service and assistance to the blind; now therefore be it

Resolved, By the Senate of the 58th Legislature of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of programs designed to assist, provide services for and rehabilitate the blind in Texas, including consideration of the number of blind persons in the State; principal problems of the blind; the work of the State Commission for the Blind and its efficiency and effectiveness; current efforts in the area of prevention of blindness; and rehabilitation, placement and employment programs for the blind; and be it further

Resolved, That the Council receive assistance in this study from a ten-member Citizens Advisory Commission to be appointed by the chairman of the Council and composed of the following: (a) two (2) persons from industry, one representing a business employing twenty (20) or fewer persons and one from a business employing five hundred (500) or more persons, (b) a representative of organized labor, (c) a representative of elementary and secondary education, (d) a representative of higher education, (e) an executive director of a Texas Lighthouse for the Blind, (f) a blind person who has had experience in vending stand operation, (g) a blind person who has had successful business experience other than in a vending stand operation, (h) an ophthalmologist, and (i) a person who has had long experience and training in rehabilitation work; and be it further

Resolved, That the Texas Commission for the Blind, the Texas Department of Public Welfare, the Texas Employment Commission, the Texas Education Agency, the Texas State Library and all other state agencies providing services or assistance to the blind may be instructed to provide such information as may be requested and to cooperate with the Council and the Citizens Advisory Commission in the conduct of this study; and be it further

Resolved, That the Council report its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 58th Legislature

The resolution was referred to the Committee on State Affairs.

RELATIVE TO RATES OF HUNTING AND FISHING LICENSES

Mr. Jamison offered the following resolution:
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H. S. R. No. 478

Whereas, Texas hunting and fishing licenses currently issued by the Game and Fish Commission are of inconvenient and unwieldy size and format, being too large to be inserted into a wallet or billfold without folding and consequently being subject to wear and defacement, which may make portions of the license illegible; and

Whereas, The design and issuance of hunting and fishing licenses of a size and type similar to credit cards would reduce the likelihood that wear would deface them, would make such licenses more readily accessible, and would be a great convenience to licensees, game wardens and others; now therefore be it

Resolved, By the House of Representatives of the 58th Legislature of Texas, That the Game, Fish and Parks Commission be urged to design and issue hunting and fishing licenses of a size and format suitable for insertion into billfolds or wallets without folding.

The resolution was referred to the Committee on Game and Fisheries.

Providing for committee to make certain study relative to the testing of children in the public schools of Texas

Representative Banfield offered the following resolution:

H. S. R. No. 488

Whereas, The rapidly increasing emphasis on counseling and guidance in the public schools of our nation has resulted in part from the enactment of the National Defense Education Act of 1958, which provides financial assistance to the states for the purpose of establishing and maintaining testing and guidance and counseling programs; and

Whereas, Tests of all kinds, including many of the nonacademic psychological type, are being administered in many schools; and

Whereas, Such tests bear little relation to the child's intellectual development or to the task of assisting him to select his vocational pursuit, but are based on the premise of so-called "life adjustment" by which the student is studied and fitted into the group; and

Whereas, Many of these nonacademic psychological tests contain questions relating to the child's personality, environment, home life, parental and family relationships, economic status, religious beliefs, sexual behavior and attitudes, patriotism, and sociological and psychological problems; and

Whereas, There is indication that the use of tests containing such questions may constitute an unwarranted invasion of individual privacy and of parent-child relations, in addition to being disturbing to children to whom they are administered; now therefore be it

Resolved, By the House of Representatives of the 58th Legislature of Texas, That the Speaker of the House be requested to appoint a committee of five (5) members of the House, one of whom shall be designated as chairman, to study the testing of children in the public schools of Texas, with special attention to the nonacademic psychological type of testing which probes the personal and family lives of students, how these tests are interpreted and how the results are used; and be it further

Resolved, That the committee so appointed be directed to report its findings and recommendations to the House of Representatives at the Regular Session of the 59th Legislature.

Signed: Banfield, Slack, Allen, Thompson, Scoggins, Shutt, Clayton and Traeger.

The resolution was referred to the Committee on State Affairs.

To grant permission to sue the state

Mr. Simpson offered the following resolution:

H. C. R. No. 83

Whereas, The State of Texas, acting by and through the State Highway Department of Texas, commenced or caused to be commenced during the year 1962, and completed in the year 1963, an overpass in the City of Amarillo, extending, with its ap-
proaches, from South Second Street in the City of Amarillo in a northerly direction along and over Pierce Street and across the tracks and rights-of-way of the Fort Worth & Denver City Railroad and the Chicago, Rock Island & Gulf Railroad and terminating at North Third Street at its intersection with North Pierce Street, in the City of Amarillo, all in Potter County, Texas; and

Whereas, It is claimed and asserted by Jessie Herring Johnson and her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., that a portion of the property of Jessie Herring Johnson was taken by the construction of such overpass and the approaches to such overpass on South Pierce Street opposite such Lot No. 1 and the North thirty feet of such Lot No. 2, and on a part of South Pierce Street owned by Jessie Herring Johnson by virtue of her ownership of such Lot No. 1 and the North thirty feet of Lot No. 2, but that regardless of whether any part of the property of Jessie Herring Johnson was taken, that the property, property rights and interests in property of Jessie Herring Johnson and her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., in the property owned by the said Jessie Herring Johnson was damaged or destroyed for or applied to public use without adequate compensation being made and without the consent of the said Jessie Herring Johnson, Les K. Johnson and Armstrong Transfer and Storage Company, Inc., by reason of such construction; and

Whereas, No condemnation proceedings have been commenced or prosecuted to acquire the property, property rights or property interests of Jessie Herring Johnson, Les K. Johnson or Armstrong Transfer and Storage Company, Inc., in and to said Lot No. 1 and the North 30 feet of Lot No. 2, nor has any compensation been paid to either Jessie Herring Johnson, Les K. Johnson or Armstrong Transfer and Storage Company, Inc., for any property, property rights or property interests taken, damaged or destroyed as a result of the construction of such overpass and approach thereto on South Pierce Street and the removal of such industrial trackage; and

Whereas, Jessie Herring Johnson, joined by her husband, Les K. Johnson, and Armstrong Transfer and Storage Company, Inc., are desirous of determining the liability, if any, under the Constitution and law of
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Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas or the State Highway Department of Texas, or the alleged and claimed taking and alleged damages, regardless of whether there was or was not a taking of any property, and to have same adjudicated as other civil cases; and no admission of liability of the State of Texas or the State Highway Department of Texas of any facts and no admission whatever against the interest of the State of Texas or the State Highway Department of Texas is or shall be made by this Resolution; and all of which shall be ascertained and proved in Court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

TO REQUEST CERTAIN STUDY
RELATIVE TO THE HAZARDS
AND DANGERS OF NIGHT DRIVING

Mr. Bass of Harris offered the following resolution:

H. S. R. No. 496

Whereas, National Safety Council statistics show that the death rate from traffic accidents after dark is twice that during the daylight hours; and

Whereas, During 1961, some 20,500 persons were killed and more than 500,000 were badly injured in nighttime accidents involving motor vehicles; and

Whereas, In addition to this human suffering and loss of life, such accidents cost a total of $605,000,000 in property damage and another $255,000,000 in loss of wages, medical expenses and insurance; and

Whereas, Many states have taken legislative action aimed at cutting down the nighttime accident rate, including adoption of reflective license plates and other safety devices; and

Whereas, These reflective plates, already in use in 12 states and the District of Columbia, have resulted in an impressive reduction in the incidence of automobile accidents after dark and have been proved particularly effective in the prevention of rear-end collisions; and

Whereas, Other measures, such as striping the right-hand edge of the pavement, use of polarization in car headlights and improved signing and marking on roads and highways, have also proved their value in re-
Resolved, By the House of Representatives of the 58th Legislature of Texas, That the Texas Legislative Council be requested to conduct a study of the various safety devices which are being employed in other states or which are advocated by traffic safety specialists to diminish the hazards and dangers of night driving, giving particular attention to the feasibility of requiring reflective license plates in Texas and of striping the right-hand edge of pavement on state highways; and be it further

Resolved, That the Council be requested to report its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 59th Legislature.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO A DESIGN AND/OR SLOGAN FOR TEXAS PASSENGER CAR LICENSE PLATES

Mr. Walker offered the following resolution:

H. C. R. No. 84

Whereas, Texas has embarked upon an historic voyage in the establishment of the Texas Tourist Development Agency; and

Whereas, The State of Texas is keenly and deeply interested in promoting tourism with the ensuing benefits; and

Whereas, The Legislature of the State of Texas is keenly aware of the many keen minds, natural abilities, dedication, interest and many talents of its young people; and

Whereas, A design and/or slogan on Texas passenger car license plates will function as a unique device to call attention to Texas; and

Whereas, The Legislature believes that a contest for the purpose of adopting a slogan and/or design on the license plates to advertise Texas will further stimulate the young people of Texas to learn more about our great state; and

Whereas, This contest also will create a realization and a sense of importance and awareness of what Texas has to offer, so that those outside our great State will be attracted to Texas and our young people will learn more about the many scenic, historical, recreational, and educational attractions that the "Lone Star State" has to offer; now therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Texas Tourist Council (a non-profit organization which is not an agency of the Texas government) is empowered to implement a contest and shall authorize the procedure of said contest within the following guidelines:

Texas Tourist Council shall select judges from the field of history, advertising, business, education, law and law enforcement who shall administer this contest by way of appropriate rules and regulations;

The Texas Tourist Council is authorized to award prizes to the 1st, 2nd, and 3rd place winners;

Prizes shall be awarded at no cost to the State;

Any student may enter if he is attending a Junior or senior high school in Texas and said student must be taking or have taken a course in Texas history;

No slogan and/or design may be considered unless:

1) there is no interference with the visibility of the letters and numbers,

2) the size and number of the letters is not diminished,

3) the size of the present license plate is unaltered,

4) such slogan and/or design is accompanied by an essay not to exceed 300 words explaining why such slogan and/or design should be adopted;

The public schools of Texas, their administrators and teachers shall cooperate in the fullest possible manner in publicizing and making research material available to the interested students;
Resolved, By the House of Representatives of the 59th Legislature, the Senate concurring, that the following be accomplished:

Section 1. The Committee on State and Local Tax Policy is hereby created, consisting of nine (9) members; three of whom shall be Members of the House of Representatives appointed by the Speaker of the House; three (3) shall be Members of the Senate appointed by the Lieutenant Governor; and three (3) shall be public members appointed by the Governor. The terms of all members shall commence with their appointment and shall terminate on the convening of the next Regular Session of the Legislature following adoption of this Resolution. Vacancies occurring after appointment from any cause may be filled by the respective appointing officers.

When the membership of the Committee is complete the Senate member having the greatest seniority of service in the Senate shall call a meeting at which the members shall by majority vote elect a Chairman, a Vice-Chairman and a Secretary. A vacancy in the chairmanship shall be filled by the advancement of the Vice-Chairman, and a new Vice-Chairman shall be elected by the Committee. A majority of the Committee's membership is a quorum for the transaction of official business.

Sec. 2. Members of the Committee shall receive no pay for their services on the Committee, but Legislative members shall be reimbursed from the Contingent Fund of the Legislature for necessary expenses actually incurred in the discharge of their duties. Services on the Committee by Members of the House of Representatives and the Senate, or by any other officer or employee of the State appointed thereto, shall be deemed to be additional duty.

Sec. 3. The Committee shall report to the Governor and the next Regular Session of the Texas Legislature on the tax situation of the State and local governments of this State and shall direct the attention of the Legislature to any problems which, in its judgment, require Legislative attention and may make recommendations for Legislative action on such problems.
Sec. 4. The Committee is authorized to hold public hearings necessary or desirable for the full development of all facts pertinent to its studies.

County Clerks and tax assessors, city officials, officers and employees of other political subdivisions and of the State government, are directed to furnish the Committee, upon its request and within the limits of their respective facilities, such data, reports, and other information as it may require for the study of any tax or of any matter reasonably related thereto, without any cost, fee, or charge whatsoever.

Sec. 5. The Committee may request and use the aid and services of any corporation, organization, or persons professionally engaged in governmental research, on such terms and under such conditions as may be mutually agreed upon, but such agreements may not include any payment by the Committee for such aid or services. All mutual agreements shall be in writing, and a copy filed with the Secretary of State as a matter of public record within two (2) weeks from the time of signing any mutual agreement.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Cain offered the following resolution:

H. C. R. No. 87

Whereas, Mrs. Marie Spears Gay, wife of E. K. Gay, and employee of the House of Representatives in the Capitol Building, alleges that she suffered a fall on the icy steps of the Capitol in January, 1963; and

Whereas, Mrs. Gay further alleges that the fall resulted in serious injuries requiring hospitalization and considerable medical treatment and attention; and

Whereas, Mr. and Mrs. Gay are desirous of bringing suit against the State of Texas for the purpose of determining the liability of the State, if any, for the accident and for compensation for the injuries suffered as a result thereof; now therefore be it

Resolved, By the House of Representatives of the 58th Legislature of Texas, the Senate concurring, That Mrs. Marie Spears Gay and her husband, E. K. Gay, be authorized to file suit against the State of Texas to determine the validity of their claims and to recover judgment for such relief as they may be entitled to; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims 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 defense, 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 resolution was referred to the Committee on State Affairs.

RELATIVE TO ADDITIONAL CONTINGENT EXPENSES OF MEMBERS OF THE HOUSE

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

H. S. R. No. 467, Relative to additional contingent expenses of Members of the House.

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

The resolution was adopted.

DEDICATING CERTAIN STATE LANDS FOR STREET PURPOSES IN CITY OF AUSTIN, TEXAS

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

S. C. R. No. 31, Dedicating certain State lands for street purposes in the City of Austin, Texas.
The resolution, having heretofore been referred to the Committee on State Affairs, was reported favorably by the Committee.

The resolution was adopted.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO STUDY EDUCATIONAL PROBLEMS IN TEXAS

The Speaker laid before the House, for consideration at this time, H. S. R. No. 111, Providing for the appointment of a committee to study educational problems in Texas.

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

The resolution was adopted.

TO GRANT ANDREW G. BUCKNER AND WIFE, NARCADEAN BUCKNER, PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 63, Granting Andrew G. Buckner and wife 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. 63 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 suit, but that all such defenses are hereby specifically reserved."

The amendment was adopted without objection.

H. C. R. No. 63, as amended, was then adopted.

TO REQUEST CERTAIN STUDY RELATIVE TO DISTRICT COURTS IN TEXAS

The Speaker laid before the House, for consideration at this time, H. S. R. No. 348, To request certain study relative to District Courts in Texas.

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

The resolution was adopted.

AUTHORIZING CERTAIN CORRECTION IN S. B. NO. 432

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

S. C. R. No. 72

"Whereas, Senate Bill No. 432 has been passed by both the Senate and the House and is now in the office of the Governor, and there are certain corrections to be made therein; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Governor be and is hereby respectfully requested to return Senate Bill No. 432 to the Senate for correction; and, be it further

Resolved, That the action of the President of the Senate and the Speaker of the House in signing Senate Bill No. 432 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the Enrolled Bill; and, be it further

Resolved, That the Engrossing and Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of Senate Bill No. 432 by changing Section 1 to read as follows:
"There is hereby created a court to be held in Tyler, Smith County, Texas, which shall be known as the County Court at Law of Smith County.

The resolution was adopted without objection.

HOUSE BILL NO. 343 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment:

H. B. No. 343. A bill to be entitled

"An Act exempting certain church-owned motor vehicles used for church school purposes from certain motor vehicles sales taxes and registration fees, and providing for refunds of certain motor fuel taxes; amending Chapter 6 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925; and Subsection (c) of Section 3 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, (codified as Vernon's Annotated Civil Statutes, Article 697A-a-3) as last amended by Section 1 of Chapter 269, Acts of the 54th Legislature, Regular Session, 1955, as amended to read hereafter as follows:

"(c) Owners of motor vehicles, trailers and semitrailers which are the property of and used exclusively in the service of the United States Government, the State of Texas, or any county, city or school district thereof, or a church when used exclusively in connection with the operation of a school operated by said church or in the transportation of children to and from said school or in connection with said school activities thereof, shall apply annually to the Department as provided in Section 3-aa of this Act to register all such vehicles, but shall not be required to pay the registration fees herein prescribed, provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or a county, city or school district thereof, or a church when used exclusively in connection with the operation of a school operated by said church or in the transportation of children to and from said school or in connection with said school activities thereof, as the case may be. Owners of vehicles designed and used exclusively for fire fighting shall apply to the Department as provided in Section 3-aa of this Act to register all such vehicles, but shall not be required to pay the registration fees herein prescribed, provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are used exclusively for fire fighting; and provided further, that such person shall supply the Department with a reasonable description of the vehicle and the fire fighting equipment mounted thereon."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect...
Committee Amendment No. 1
To amend S. B. 31, page one (1), Section two (2), at the end of the first sentence of the first paragraph of Section two (2), by adding, right after the words, "shall seize such devices as evidence," the following sentence: "Nothing herein shall be construed as making it illegal to possess or transport such net or seine from one legal area to another even though passing through such closed area."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend Senate Bill 341 by inserting the words "Big Pocket, Lighthouse Cove" after the comma following the words "Long Lake" wherever they appear in Section 1 of such bill.

The amendment was adopted without objection.

Mr. Birkner offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section, to be numbered Section 5a, which shall read as follows:

"Sec. 5a. This Act shall become effective on September 1, 1964."

The amendment was adopted.

S. B. No. 341 was passed to third reading.

Mr. Cory moved to reconsider the vote by which S. B. No. 341 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

S. B. No. 341 ON SECOND READING

Mr. Canales moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 341.

The motion prevailed by unanimous consent.

The bill was read second time.

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

Committee Amendment No. 1
To amend S. B. 31, page one (1), Section two (2), at the end of the first sentence of the first paragraph of Section two (2), by adding, right after the words, "shall seize such devices as evidence," the following sentence: "Nothing herein shall be construed as making it illegal to possess or transport such net or seine from one legal area to another even though passing through such closed area."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend Senate Bill 341 by inserting the words "Big Pocket, Lighthouse Cove" after the comma following the words "Long Lake" wherever they appear in Section 1 of such bill.

The amendment was adopted without objection.

Mr. Birkner offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section, to be numbered Section 5a, which shall read as follows:

"Sec. 5a. This Act shall become effective on September 1, 1964."

The amendment was adopted.

S. B. No. 341 was passed to third reading.

Mr. Cory moved to reconsider the vote by which S. B. No. 341 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

S. B. No. 341 ON SECOND READING

Mr. Canales moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 341.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage the following committee amendment to the bill:

Committee Amendment No. 1
To amend S. B. 31, page one (1), Section two (2), at the end of the first sentence of the first paragraph of Section two (2), by adding, right after the words, "shall seize such devices as evidence," the following sentence: "Nothing herein shall be construed as making it illegal to possess or transport such net or seine from one legal area to another even though passing through such closed area."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend Senate Bill 341 by inserting the words "Big Pocket, Lighthouse Cove" after the comma following the words "Long Lake" wherever they appear in Section 1 of such bill.

The amendment was adopted without objection.

Mr. Birkner offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section, to be numbered Section 5a, which shall read as follows:

"Sec. 5a. This Act shall become effective on September 1, 1964."

The amendment was adopted.

S. B. No. 341 was passed to third reading.

Mr. Cory moved to reconsider the vote by which S. B. No. 341 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

S. B. No. 341 ON SECOND READING

Mr. Canales moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 341.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage the following committee amendment to the bill:

Committee Amendment No. 1
To amend S. B. 31, page one (1), Section two (2), at the end of the first sentence of the first paragraph of Section two (2), by adding, right after the words, "shall seize such devices as evidence," the following sentence: "Nothing herein shall be construed as making it illegal to possess or transport such net or seine from one legal area to another even though passing through such closed area."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend Senate Bill 341 by inserting the words "Big Pocket, Lighthouse Cove" after the comma following the words "Long Lake" wherever they appear in Section 1 of such bill.

The amendment was adopted without objection.

Mr. Birkner offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section, to be numbered Section 5a, which shall read as follows:

"Sec. 5a. This Act shall become effective on September 1, 1964."

The amendment was adopted.

S. B. No. 341 was passed to third reading.

Mr. Cory moved to reconsider the vote by which S. B. No. 341 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

S. B. No. 341 ON SECOND READING

Mr. Canales moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 341.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage the following committee amendment to the bill:

Committee Amendment No. 1
To amend S. B. 31, page one (1), Section two (2), at the end of the first sentence of the first paragraph of Section two (2), by adding, right after the words, "shall seize such devices as evidence," the following sentence: "Nothing herein shall be construed as making it illegal to possess or transport such net or seine from one legal area to another even though passing through such closed area."

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend Senate Bill 341 by inserting the words "Big Pocket, Lighthouse Cove" after the comma following the words "Long Lake" wherever they appear in Section 1 of such bill.

The amendment was adopted without objection.

Mr. Birkner offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section, to be numbered Section 5a, which shall read as follows:

"Sec. 5a. This Act shall become effective on September 1, 1964."

The amendment was adopted.

S. B. No. 341 was passed to third reading.

Mr. Cory moved to reconsider the vote by which S. B. No. 341 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.
S. B. No. 391. A bill to be entitled "An Act amending Chapter 398, Acts of the 51st Legislature, Regular Session, 1949, to provide that the Jim Wells-Duval Counties Conservation and Reclamation District shall be hereafter known as Duval County Conservation and Reclamation District, and shall consist of that part of the State of Texas which is included within the boundary of Duval County, exclusive of that part of Duval County comprising the Freer Water Control and Improvement District, of Duval County, providing for the appointment of directors for said District by the Commissioners Court of Duval County and prescribing the terms for said directors; determining the benefits to the lands and other property in the District; providing that the District shall bear the expense of relocation, raising or rerouting of any highway, railroad or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Commissioners Court of Duval County is authorized to contribute to the organization expenses of the District; providing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Peeler offered the following amendment to the bill:

Amend Senate Bill 391 by striking out all of Section 3 and inserting in lieu thereof the following:

Sec. 3. That Section 9, of Chapter 398, Acts of the 51st Legislature, Regular Session, 1949, be and the same is hereby amended to read as follows:

"Sec. 9. The District shall have authority to acquire property, real and personal, which is not already devoted to a public use within the District which within the discretion of the board of directors is needed in accomplishing the objectives of the District and to facilitate the acquisition of property it shall have all of the powers of eminent domain available to water control and improvement districts under the General Law."

"In the event that the District, to the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, any such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

Mr. Morgan raised a point of order on further consideration of S. B. No. 391 on the ground that the constitutional requirement of 30 days notice before introduction of the bill has not been complied with, and is therefore in violation of Section 57 of Article III of the Constitution.

Committee Meeting

Mr. Atwell asked unanimous consent of the House that the Committee on Revenue and Taxation be permitted to meet at this time.

There was no objection offered.

House at Ease

At 4:12 o'clock p.m., the Speaker stated that the House would stand at ease.

At 4:14 o'clock p.m., the Speaker called the House to order.

Committee Meeting

Mr. Jarvis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

House at Ease

At 4:15 o'clock p.m. the Speaker stated that the House would stand at ease.

(While the House stood at ease, Mr. de la Garza occupied the Chair.)

(Speaker in the Chair.)

At 4:42 o'clock p.m., the Speaker called the House to order.

The Speaker overruled the pending point of order raised by Mr. Morgan against the further consideration of S. B. No. 391.

The amendment offered by Mr. Peeler was then adopted without objection.
S. B. No. 391 was then passed to third reading.

RECORD OF VOTE

Mr. Walker requested to be recorded as voting Nay on the passage of S. B. No. 391 to third reading.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1963

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

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

H. C. R. No. 8, By Finney: Providing for the establishment of a Study Committee On Prevailing Wages and setting forth its duties.

H. B. No. 204, By Johnson of Dallas: Amending the Texas Unemployment Compensation Act, providing for disqualification for benefits; and declaring an emergency.

H. B. No. 500, By Grover: Establishing a graduate school of biomedical sciences in Houston; and declaring an emergency.

H. B. No. 682, By Parsley: Relating to requiring the Commissioners Court of Lubbock County to supplement the salaries of the District Judges of the 99th and 140th Judicial Districts of Texas; and declaring an emergency.

H. B. No. 607, By Fondren: Authorizing the Commissioners Court in certain counties to furnish an automobile or pickup to each County Commissioner for official business; and declaring an emergency.

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

HOUSE BILL NO. 671 ON SECOND READING

Mr. Fondren moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 671.

The motion prevailed.

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

H. B. No. 671, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the 44th Legislature, 1933, as last amended, codified as Article 4639a, Vernon's Texas Civil Statutes, by amending Section 1 thereof so that it will read as it did prior to the last amendment thereof by eliminating from the act as last amended the provisions making the judgment in divorce cases as to child custody conform to a jury's determination of custody and further eliminating the provisions permitting demand for a jury trial in child custody cases and adding a provision for payment of child support awards into the registry of the Court, unless the Court order provides otherwise, and declaring an emergency."

The bill was read second time.

Mr. Fondren offered the following amendment to the bill:

Amend House Bill 671 by striking the word "seventy" on line 23 of the printed bill and substituting in lieu thereof the word "seventh."

The amendment was adopted without objection.

Mr. Fondren offered the following amendment to the bill:

Amend H. B. 671 by striking the words "Section 2" on line 26 of the printed bill and substituting in lieu thereof the following:

"Section 1."

The amendment was adopted without objection.

Mr. Hollowell moved to table H. B. No. 671, and the motion to table was lost.

H. B. No. 671 was then passed to engrossment.

Mr. Fondren moved to reconsider the vote by which H. B. No. 671 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

H. B. No. 1018 SET AS A SPECIAL ORDER

Mr. Nugent moved that H. B. No. 1018 be set as a special order for
Mr. Shannon moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 487.

The motion prevailed.

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

S. B. No. 487. A bill to be entitled "An Act amending Section 3 of Chapter 80, Acts of the 36th Legislature, Second Called Session, 1919, (compounded as Article 52-82 of Vernon's Texas Code of Criminal Procedure) so as to clearly enumerate the duties of the Criminal District Attorney of Tarrant County and to provide that the Commissioners Court of Tarrant County may employ special counsel of its own choice in certain instances; repealing certain laws; and declaring an emergency."

The motion prevailed, and it was so ordered.

SENATE BILL NO. 487 ON SECOND READING

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

The motion prevailed.

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

Mr. Gladden offered the following amendment to the bill:

Amend the first sentence of Section 3 as quoted in Section 1 of Senate Bill No. 487 to read as follows:

"It shall be the duty of said Criminal District Attorney or his assistants as herein provided to be in attendance upon each term and all sessions of the Criminal District Court of Tarrant County and any other courts where said Tarrant County has pending business of any kind or matter of concern or interest. The Criminal District Attorney of Tarrant County shall have and exercise in addition to the specific powers given and the duties imposed upon him by this Act, all such powers, duties and privileges within such criminal district of Tarrant County as are by law now conferred, or which may hereafter be conferred upon district and county attorneys in the various counties and judicial districts of this State."
state highways, or to assist in the acquisition of such rights-of-way."

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

Mr. Parmer raised a point of order on further consideration of S. B. No. 487 on the ground that it is in violation of Article III, Section 56 and Section 57, of the Constitution.

House at Ease

At 5:43 o'clock p.m., the Speaker stated that the House would stand at ease.

(While the House stood at ease, Mr. Doke occupied the Chair.)

(Speaker in the Chair.)

At 6:13 o'clock p.m., the Speaker called the House to order.

The Speaker overruled the point of order, raised by Mr. Parmer, against further consideration of S. B. No. 487, on the ground that the bill is in violation of Article III, Section 66 and Section 57, of the Constitution.

Mr. Gladden offered the following amendment to the bill:

Amend Section 3 as quoted in Section 1 of Senate Bill No. 487 by changing the period at the end thereof to a semicolon and adding the following:

"provided however, that nothing herein shall ever be construed as denying the District Attorney of Tarrant County, or his duly qualified assistants, the right to participate in and assist any such private counsel in land condemnation suits."

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

Mr. Parmer raised a point of order on further consideration of S. B. No. 487 on the ground that it is in violation of House Rule 18, Section 2, and Article III, Section 36 of the Constitution.

Committee Meetings

Mr. Townsend asked unanimous consent of the House that the Committee on State Highways and Roads be permitted to meet at this time.

There was no objection offered.

Mr. Miller asked unanimous consent of the House that the Committee on State Hospitals and Special Schools be permitted to meet at this time.

There was no objection offered.

The Speaker overruled the pending point of order raised by Mr. Parmer against further consideration of S. B. No. 487.

Leave of Absence Granted

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

Mr. Wilson moved the previous question on the passage of S. B. No. 487 to third reading and the motion was seconded.

A record vote was requested on the motion for the previous question.

The motion for the previous question prevailed by the following vote:

Yeas-93

Allen
Arledge
Atwell
Ball
Bancil
Barne
Bass of Bowie
Beckham
Brown of Taylor
Butler
Canales
Carpenter
Caviness
Clayton
Cougahan
Cowden
Cowles
Crews
Dek
De la Garza
Doke
Dugan
Dungan
Edwards
Fairchild
Finney
Frechette
Floyd
Fondren
Garrett
Gibbens
Gloss
Green
Grover
Haines of Brazos
Hallmark
Haynes of Orange
Hefton
Hendryx
Brown of Taylor
Hughes
Butler
Isaacs
Canales
Carpenter
Kilpatrick
Klagen
Klager
Knapp
Koehlmann
Lack
Ligarde
McClinten
McDonald
of Hidalgo
McGregor
McLaughlin
McNutt
Mann
Miller
Morgan
Moyer

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

Mr. Wilson moved the previous question on the passage of S. B. No. 487 to third reading and the motion was seconded.

A record vote was requested on the motion for the previous question.

The motion for the previous question prevailed by the following vote:

Yeas-93

Allen
Arledge
Atwell
Ball
Bancil
Barne
Bass of Bowie
Beckham
Brown of Taylor
Butler
Canales
Carpenter
Kilpatrick
Klagen
Klager
Knapp
Koehlmann
Lack
Ligarde
McClinten
McDonald
of Hidalgo
McGregor
McLaughlin
McNutt
Mann
Miller
Morgan
Moyer
Mr. Finney moved to reconsider the vote by which S. B. No. 487 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1963

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

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

H. B. No. 1022, By Barnes: Providing for the appointment of the Juvenile and Probation Officer of Runnels County; and declaring an emergency.

H. B. No. 688, By Doke: Authorizing and directing the transfer of certain tracts of land to Midwestern University; and declaring an emergency. (As amended)

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 105 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Reagan, Chairman; Moore, Crump, Harring and Krueger.

The Senate adopted the Conference Committee Report on H. B. 264 by viva voce vote.

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

S. B. No. 465, by Watson: Providing that Federal prosecution on cases involving Texas Pure Food and Cosmetic Act shall be a bar to state prosecution; and declaring an emergency.

S. B. No. 508, By Calhoun: Authorizing the Texas National Guard to convey certain land in Wood County; and declaring an emergency.

S. B. No. 505, By Aikin: Relating to the investment of the Permanent School Fund; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.
Mr. Doke called up with Senate Amendments for consideration at this time H. B. No. 688.

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

The motion prevailed.

Mr. Johnson of Dallas moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 492.

The motion to suspend the necessary rules in order to take up and consider H. B. No. 492 prevailed by the following vote:

Yeas—115

Arledge  A. Newb  Feller  Fife  Gifford  Gilbert  Goodwin  Goff  Gordon

Atwell  Arledge  Finney  Gooch  Gore  Gresens  Green  Green  Green  Green

Barnes  Bass  of Bowie  Bass  of Harris  Burry  Buie  Byeau  Bridges  Brooks

Brown  of Galveston  Butler  Calin  Caldwell  Canales  Cannon  Carpenter  Carrilier

Cavness  Clayton  Cole  Collins  Cook  Cory  Coughran  Cowden  de la Garza  De La

Doke  Duggan  Dunagan  Eckhardt  Edwards  of Hidalgo


Nays—27

Alaniz  Allen  Allen  Haddock  Banfield  Beckham  Jamison  Birken  McLaughlin  Brown  of Taylor  Markgraf  Cherry  Morgan  Cotten  Nugent  Cowles  Richardson  Crain  Sosegins  Davis  Simpson  Gibbons  Siller  Harding  Strager  Herndon

Present—Not Voting

Thurmond

Absent—Excused

Adams  Kolba  Chapman  Shiple  Houston  Smith of Bexar

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

H. B. No. 492, A bill to be entitled "An Act increasing the salaries of the Justices of the Supreme Court, the Judges and Commissioners of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and Criminal District Courts of this State; providing for and fixing their salaries; providing that this..."
Act shall not repeal any law authorizing supplemental compensation paid by the counties; providing for a severability clause; repealing conflicting laws; making an appropriation for payment of salary increases provided in this Act during the biennium beginning September 1, 1963; and declaring an emergency.

The bill was read second time.

Mr. Hollowell raised a point of order on further consideration of H. B. No. 492 on the ground that it is in violation of Joint Rule 9A. The Speaker sustained the point of order.

REASON FOR VOTE

I voted aye on the suspension of the rules on H. B. No. 492 to consider the bill, and it is not my desire that my vote be interpreted as a vote in favor of H. B. No. 492.

Henry Stollenwerck.

REASON FOR VOTE

I have voted present and not voting on all matters dealing with District Judges salaries in H. B. No. 492 and H. S. R. No. 514 because of a personal interest in its effect.

Roger Thurmond.

ADVISING THE HOUSE CONFERENCE COMMITTEE ON APPROPRIATIONS THE POSITION OF THE SALARIES TO BE PAID THE JUDICIARY DURING THE BIENNIOUM BEGINNING SEPTEMBER 1, 1963

Mr. Johnson of Dallas offered the following resolution:

H. S. R. No. 514

HOUSE SIMPLE RESOLUTION

Advising the House Conference Committee on Appropriations the position of the House relative to the salaries to be paid the Judiciary during the biennium beginning September 1, 1963.

Whereas, The House has passed, and there is now pending in the Senate, House Bill No. 487 suspending the salaries of the various State Officials, including the Justices of the Supreme Court, the Judges and Commissioners of the Court of Criminal Appeals and the Judges of the several District Courts; and

Whereas, House Bill No. 493, providing for additional compensation for the Judiciary is pending in the House but cannot be considered at the present time; and

Whereas, The House has previously been advised that the House Conference Committee on Appropriations will not consider increasing the Judicial salaries unless and until the House expresses its desires in regard thereto; now, therefore, be it

Resolved by the House of Representatives of the Fifty-eighth Legislature of the State of Texas, That the House Conference Committee on Appropriations be, and it is hereby, advised that the House consents and agrees:

1. The Justices of the Supreme Court of the State of Texas and the Judges and the Commissioners of the Court of Criminal Appeals of the State of Texas shall each be paid an annual salary not to exceed Twenty-three Thousand Dollars ($23,000).

2. The Justices of the several Courts of Civil Appeals of the State of Texas shall each be paid an annual salary not to exceed Twenty Thousand Dollars ($20,000).

3. The Judges of the several District Courts of the Criminal District Courts of the State of Texas shall each be paid an annual salary not to exceed Fifteen Thousand Dollars ($15,000).

Mr. Cotten raised the point of order on the ground that the resolution period has expired.

The Speaker overruled the point of order, stating that the resolution is privileged matter.

Mr. Cotten raised a point of order on the ground that the resolution period has expired.

The Speaker overruled the point of order, stating that the resolution is privileged matter.
Mr. Pipkin offered the following amendment to the resolution:

Amend H. S. R. No. 514 by striking out the words and figures "Twenty-Three Thousand Dollars ($23,000)" in numbered paragraph (1) following the Resolving Clause and substituting in lieu thereof the following: "Twenty-one Thousand Five Hundred Dollars ($21,500)."

A record vote was requested on the amendment.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>70</td>
<td>71</td>
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</tbody>
</table>

Mr. Pipkin offered the following amendment to the resolution:

Amend H. S. R. No. 514 by striking out the words and figures "Twenty Thousand Dollars ($20,000)" in numbered paragraph (2) following the Resolving Clause and substituting in lieu thereof the following: "Eighteen Thousand Dollars ($18,000)."

A record vote was requested on the adoption of the amendment.

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

<table>
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<th>Yea s</th>
<th>Nays</th>
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<td>45</td>
<td>55</td>
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Mr. Pipkin offered the following amendment to the resolution:

Amend H. S. R. No. 514 by striking out the words and figures “Fifteen Thousand Dollars ($15,000)” in numbered paragraph (3) following the Resolving Clause and substituting in lieu thereof the following: “Thirteen Thousand Five Hundred Dollars ($13,500).”

Mr. Johnson of Dallas moved to table the amendment. A record vote was requested on the motion to table. The motion to table the amendment offered by Mr. Pipkin was lost by the following vote:

Yeas—55

Atwell, Mr. Pipkin, Mr. Johnson of Dallas, Mr. Johnson of Bexar, Mr. Knapp, Mr. Kothmann, Mr. Lack.

Yeas—65

Atwell, Mr. Pipkin, Mr. Johnson of Dallas, Mr. Johnson of Bexar, Mr. Knapp, Mr. Kothmann, Mr. Lack.
A record vote was requested on the adoption of the amendment.

The vote of the House was taken on the adoption of the amendment offered by Mr. Pipkin and the vote was announced Yeas 67, Nays 69 and 1 Present-not voting.

A verification of the vote was requested and was granted.

Mr. Fairchild moved to dispense with the verification of the vote.

The motion to dispense with the verification of the vote was lost.

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

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<th>Nays</th>
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<td>Harris</td>
<td>Wheeler</td>
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<tr>
<td>Hollowell</td>
<td>Wilson</td>
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<td>Present—Not Voting</td>
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</tbody>
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Thurmond

Absent

| Caldwell | Floyd    |
| Canales  | McGregor |
| Cook     | Smith of Jefferson |
| Dike     | Woods    |

Absent—Excused

| Adams     | Koliba  |
| Chapman   | Shipley |
| Houston   | Smith of Bexar |

| Atwell | Barnes | Bass of Bowie |
|        | Cain   | Carriker     |
|        | Berry  | Cavness     |
|        | Bridges| Collins     |
|        | Brooks | Cotten     |
Amend H. R. No. 514 by adding thereto, at the end of each resolution, the following:

"(4) That the District Attorneys of this State be paid an annual salary not to exceed Ten Thousand ($10,000.00) Dollars by the State of Texas;

(5) That those County Attorneys of this State also performing the duties of District Attorney be paid an annual salary not to exceed Seven Thousand Five Hundred ($7,500.00) Dollars, of which Three Thousand Seven Hundred Fifty ($3,760.00) Dollars shall be paid by the State."

Mr. Jarvis raised a point of order on further consideration of the amendment offered by Mr. Quilliam on the ground that it is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Fletcher offered the following amendment to the resolution:

Amend H. S. R. 614 by striking the figures $28,000-$20,000 nil $16,000 where they appear and inserting in lieu thereof the following respectively:

$20,000-$16,000-$12,000.

Mr. Hendryx moved to table the amendment offered by Mr. Fletcher.

A record vote was requested on the motion to table.

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

YEAS--104

Mr. Fletcher offered the following amendment to the resolution:

Amend H. S. R. No. 514 in numbered paragraph (3) following the resolving clause by placing a comma after the figure $18,000, and add the following language: "Provided, however, that the total salary of any district judge including any supplemental salary or compensation shall not exceed $30,000."

The amendment was adopted without objection.

Mr. Quilliam offered the following amendment to the resolution:
May 13, 1963

House Journal 1913

Present—Not Voting
Birkner Thurmund Absent
Allen Green

Absent—Excused
Adams Koliba
Chapman Krisley
Houston Smith of Bexar

Reason for Vote (On Fletcher Amendment)
I voted Aye on the motion to table because I believe that unless the money is spent on the Judiciary, it will undoubtedly be spent on other areas of government less deserving of increase in appropriations than the Judiciary and though I am not in favor of increasing District Courts until they are reapportioned, and if I thought the money would not be spent I would vote No but I must vote Aye.

Stollenwerck.

Mr. Jamison offered the following amendment to the resolution:
Amend H. S. R. No. 514 by adding a new section at the conclusion of the resolution, as follows:

"Provided, that this advice and consent is effective only if funds remain available for appropriation after the Governor's recommendations for financial support for the Senior Colleges of this State and the Junior Colleges of the State have been written into the Conference Report, and after the needs of the State Hospitals and Special Schools of this State have been met in accordance with the requests of the Texas State Board for Hospitals and Special Schools."

Mr. Johnson of Dallas moved to table the amendment offered by Mr. Jamison.

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

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

Yeas—75

Abrams Butler
Arwell Cain
Banfield Caldwell
Barnes Carriker
Bass of Bowie Cavness
Bass of Harris Clayton
Boyce Cook
Brooks Cowden
Brown of Taylor Crain

Nays—33

Alaniz Isaacs
Baird Jamison
Brown of Taylor McDonald
Carpenter of Hidalgo McDonald of Rusk
Cherry Cole
Cochran McLaughlin
Cory McNitt
Cotter Macates
Cowles Markgraf
Crawford Morgan
Davis Richardson
Edwards Schiller
Fletcher Scoggins
Glenn Simpson
Harding Traeger
Hedron Weldon
Hollowell Wheeler

Absent—Excused
Adams Koliba
Chapman Krisley
Houston Smith of Bexar
<table>
<thead>
<tr>
<th>Absent</th>
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<tbody>
<tr>
<td>Absent—Excused</td>
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</tbody>
</table>

Mr. Traeger offered the following amendment to the resolution:

Amend H. S. R. 514 by adding a new section as follows:

"Be it further resolved that the House advises and consents that this resolution not take effect until the State adopts a judicial redistricting act."

Mr. Johnson of Dallas moved to table the amendment offered by Mr. Traeger.

A record vote was requested on the motion to table.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th></th>
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</thead>
</table>

- Arledge: Foreman
- Atwell: Garrison
- Barnes: Gladden
- Bass of Bowie: Grover
- Bass of Harris: Guffy
- Beckham: Haines of Brazos
- Berry: Hallmark
- Boyem: Harris
- Bridges: of Galveston
- Brown: Haynes of Orange
- Butler: Hendrix
- Cain: Hinson
- Caldwell: Hughes
- Canales: Klippert
- Cannon: Kicker
- Carpenter: Knapp
- Cavness: Kothmann
- Collins: Lack
- Cook: Ligarde
- Cowden: McClintock
- Cran: McDonald of Rusk
- Crews: McCubbin
- Dungan: Mann
- Eckhardt: Miller
- Esquivel: Moyer
- Fairchild: Murray
- Finney: Mutcher
- Floyd: Niemer
- Floyd: Parker
- función: Wilson
Mr. Cotten offered the following amendment to the resolution:

Amend H. S. R. No. 514 by adding the following:

(4) The House advises and consents to the inclusion of Four Million Dollars for the screwworm program in the Appropriations Bill.

Mr. Cannon raised a point of order on further consideration of the amendment offered by Mr. Cotten on the ground that it is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Hollowell called for a division of the questions on the substantive matter contained in the resolution.

Committee Meeting

Mr. Harding asked unanimous consent of the House that the Committee on Military and Veterans' Affairs be permitted to meet at this time.

There was no objection offered.

House at Ease

At 8:59 o'clock p.m., the Speaker stated that the House would stand at ease.

(While the House stood at ease, Mr. Markgraf occupied the Chair).

At 9:03 o'clock p.m., the Chair called the House to order.

Committee Meeting

Mr. Hughes asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

House at Ease

At 9:04 o'clock p.m., the Chair stated that the House would stand at ease.

(Speaker in the Chair).

At 9:15 o'clock p.m., the Speaker called the House to order.

The Speaker stated that, in accordance with the request by Mr. Hollowell, the House would vote on the adoption of the resolution on a division of the substantive matter contained in the resolution, the first question being Section 1 of the resolving clause, relating to the salaries of the Justices of the Supreme Court of the State of Texas and the Judges.
Mr. Traeger raised a point of order on further consideration of H. S. R. No. 64 on the ground that under Section 2A of Rule 16 of the House Rules the resolution is improperly before the House in that the resolution should have been referred to a committee.

The Speaker overruled the point of order.

The Speaker stated that the House would now proceed to the vote on the adoption of the substantive matter in the resolution, taking a division vote on Sections (1), (2), and (3) of the resolving clause.

A record vote was requested on the adoption of the substantive matter in Section (1) of the resolving clause of H. S. R. No. 64.

The vote of the House was taken on the adoption of the substantive matter in Section (1) of the resolving clause relating to the salaries of the Justices of the Supreme Court, and the Judges and Commissioners of the Court of Criminal Appeals of the State of Texas, and the vote was announced Yeas 70, Nays 69.

A verification of the vote was requested, and was granted.

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

**Yeas—65**

- Atwell
- Barnes
- Bass of Bowie
- Blaine
- Brooks
- Brown of Galveston
- Butler
- Cain
- Cannon
- Carriker
- Carvanes
- Collins
- Coughran
- Cowden
- Crews
- de la Garza
- Duggan
- Eguiluz
- Fairchild
- Mann
- Miller
- Murray
- Mutschler
- Parker
- Parley
- Price
- Guilliam
- Ritter
- Roberts
- Rodrigues
- Rosson
- Jarvis
- Allen
- Ariedge
- Baily
- Beckham
- Birkner
- Boyce
- Bridges
- Brown of Taylor
- Carpenter
- Clayton
- Cole
- Cory
- Cotten
- Cowles
- Crain
- Davis
- Doke
- Dunnigan
- Eckhardt
- Edwards
- Eshleman
- Gibbens
- Glenn
- Green
- Harris of Brason
- Hallmark
- Harding
- Bethan
- Binson
- Hollowell
- Isaacks
- Jamison
- Jamison
- Mansfield
- Markgraf
- Morgan
- Moyer
- Niswanger
- Nugent
- Parmer
- Peary
- Pendleton
- Petty
- Pipkin
- Rapp
- Richards
- Richardson
- Schiller
- Scoggins
- Simpson
- Slider
- Stewart
- Thompson
- Treager
- Weidon
- Wheeler
- Whiting
- Wilson

**Absent**

- Bankfield
- Berry
- Caldwell
- Canales
- Floyd

**Absent—Excused**

- Adams
- Chapman
- Oliphant
- Smith of Beez
May 13, 1963

(The above record vote was requested by Mr. Hollowell, Mr. Cotten and Mr. Wilson.)

The Speaker stated that, by the above vote, the substantive matter in Section (1) of the resolving clause of H. S. R. No. 514 was lost.

The House proceeded to the vote on the adoption of the substantive matter contained in Section (2) of the resolving clause of H. S. R. No. 514, relating to the salaries of the Justices of the several Courts of Civil Appeals of the State of Texas.

A record vote was requested on the adoption of the substantive matter contained in Section (2) of the resolving clause of H. S. R. No. 514.

The vote of the House was taken on the adoption of the substantive matter contained in Section (2) of the resolving clause of H. S. R. No. 514, relating to the salaries of the Justices of the several Courts of Civil Appeals of the State of Texas and the vote was announced Yeas 68, Nays 67.

A verification of the vote was requested and was granted.

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

**Yea—66**

Alaniz  
Atwell  
Bail  
Banding  
Barnes  
Bass of Bowie  
Blaine  
Brooks  
Brown of Galveston  
Butler  
Canales  
Cavness  
Collins  
Collins  
Cotton  
Craw  
De La Garza  
Dignum  
Falchid  
Pendren  
Foreman  
Garrison  

**Nays—66**

Allen  
Arledge  
Bass of Harris  
Birkner  
Borden  
Brown of Taylor  
Carpen  
Carroll  
Chey  
Colby  
Cotter  
Coughran  
Cowles  
Crain  
Davis  
Hee  
De La Garza  
Dignum  
Falchid  
Pendren  
Foreman  
Garrison  

The Speaker stated that the substantive matter contained in Section
The House proceeded to the vote on the adoption of the substantive matter contained in Section (3) of the resolving clause of H. R. No. 614, relative to the salaries of the Judges of the several District Courts of the Criminal District Courts of the State of Texas.

A record vote was requested.

The vote of the House was taken on the adoption of the substantive matter contained in Section (3) of the resolving clause of H. R. No. 514, relative to the salaries of the Judges of the several District Courts of the Criminal District Courts of Texas and the vote was announced Yeas 67, Nays 68.

A verification of the vote was requested, and was granted.

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

<table>
<thead>
<tr>
<th>Yeas—67</th>
<th>Nays—68</th>
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<tbody>
<tr>
<td>Atwell</td>
<td>Hendryx</td>
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<td>Barnes</td>
<td>Hughes</td>
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<td>Bass of Bowie</td>
<td>Johnson of Dallas</td>
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<td>Berry</td>
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<td>Brooks</td>
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<td>Cannon</td>
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</tbody>
</table>
| Carriker| McClint |}
| Carrsens | McEwen |
| Collins | Mann    |
| Cook    | Miller  |
| Cowden  | Moyer   |
| Crews   | Muskett |
| Duggan  | Niemeyer|
| Esequel | Peeler  |
| Fairchild | Perry |
| Finney  | Price   |
| Fondren | Rapp   |
| Foreman | Richards|
| Garrison| Ritter  |
| Gladden | Roberts |
| Grover  | Rodrigues|
| Guffey  | Roseno  |
| Gaines of Brownsville | Ratliffwhite |
| Hallmark | Regester |
| Harris of Galveston | Shannon |
| Harris of Texas | Smith of Jefferson |
| Hardin  | Townsend|
| Haynes of Orange | Walker |
| Heathly | Ward   |

| Wells    | Whitfield |
| Whaley   | Whiting  |
| Allen    | Hinson   |
| Allen    | Hollowell|
| Arledge  | Issac    |
| Ball     | Janion   |
| Bass of Harris | Kilpatrick |
| Beckham  | Kirkman  |
| Birkner  | Knapp    |
| Blaine   | McDonald |
| Boyse    | Hildrege |
| Bridges  | McDonald of Rock |
| Brown of Galveston | McNeutt |
| Brown of Taylor | Macasen |
| Buler    | Markgraf |
| Carpenter| Mary    |
| Cherry   | Minor    |
| Clayton  | Murray   |
| Cole     | Neeley   |
| Cory     | Parker   |
| Cowden   | Parley   |
| Coughran | Peery   |
| Cowles   | Pendleton|
| Drinl    | Pipkin   |
| Davis    | Quilliam |
| de la Garza | Richardson |
| Doke     | Schiller |
| Dungan   | Souther  |
| Edhardt  | Simpson  |
| Edwards  | Siler    |
| Fisher   | Stilweller|
| Gibbons  | Thompson |
| Glenn    | Traeger  |
| Green    | Weldon   |
| Harding  | Wheeler  |
| Hefton   | Wilson   |
| Present—Not Voting | |

Thurmond: Absent

Caldwell: Shutt

Candies: Black

Floyd: Woods

McGregor: Absent—Excused

Johnson: Smith of Bexar

The Speaker stated that the substantive matter contained in Section (2) of the resolving clause of H. R. No. 514, relative to the salaries of the Judges of the several District Courts of the Criminal District Courts of the State of Texas, was lost by the above vote.
Mr. Johnson of Dallas moved to reconsider the vote by which the various sections of H. S. R. No. 514 were lost and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE ON H. S. R. 514**

1. Though this House has prior to this date spent tax money unwisely and unnecessarily it is my opinion that the Judiciary is a legitimate function of government and this expenditure is wise.

2. Further, that should the money not be spent to raise Judges salaries the feeling of this House would spend it for something not a legitimate function of government.

3. Though a raise in salary will not change the quality of those Judges below average it will increase the quality of those who seek office in the future.

Respectfully submitted,

O. H. (IKE) HARRIS.

**REASON FOR VOTE**

I cannot in good conscience vote to increase the upper salaried brackets of the Judiciary when the lower salaried brackets are in more dire need for increases.

RONALD W. BRIDGES.

**REASON FOR VOTE**

Reason I voted Nay on H. S. R. 514, I think the Judges should have a pay raise of $100.00 to $150.00 per month but not as much raise as is permitted by H. S. R. 514.

BILL CLAYTON.

**REASON FOR VOTE**

I voted against the third section of H. S. R. 514 for the reason that I did not feel that the District Court Judges should be given a pay raise after the House had voted not to raise the pay of the Supreme Court Judges and those of the Courts of Civil Appeals.

MURRAY.

**REASON FOR VOTE**

I voted against H. S. R. No. 514, due to the fact it established a precedent of expression on, not only salary raises now, but for the future.

I will vote for a salary raise for judges on a clear cut bill, but not indirectly as intended by this resolution.

GEORGE T. HINSON.

**ADDRESS BY THE HONORABLE HOWARD GREEN**

The following address by Mr. Green, addressing the House on personal privilege on May 9, was ordered printed in the Journal:

Mr. Speaker, Members of the House,

I rise on personal privilege to reply to some of the intemperate mail which I have received which casts reflections not only upon my loyalty and patriotism, but believe it or not, on the patriotism and loyalty of several Presidents of the United States — Republican and Democrat alike, on several high public officials of the United States Government, Republican and Democrat alike, and whose tone is so vile and extreme as to suggest that the Government of the United States, the bulwark of freedom, is actually a tool of the communist conspiracy.

Ordinarily I would make no reply to lunacy; but the vile and slanderous accusations made in these many letters which I have received cannot go unanswered.

When I was a boy growing up on a sand hill out in West Texas I thought of the leaders of our nation as paragons of virtue. Perhaps they, in my boyish mind, were just one whit less than divine. Although I have come to realize that many of my boyhood heroes may have had feet of clay, I still retain my boyhood faith in the men who govern this country. I still believe that all of our presidents and cabinet members have been good and patriotic Americans and that they sincerely do what they think is best for America. However quite a number of people who have written me letters in the past several days seem to believe that the White House and the offices of our highest governmental agencies harbor traitors. Because I believe that the honor of Senator Tom Connally, who once sat in this House, and who helped draft the charter of the United Nations, will always have a more valid place in the annals of Texas than
I have come to know fanaticism at first hand. I have received scores of letters from people who took exception to my remarks in a press release that patriotism is the quiet and thoughtful dedication of a lifetime, not frequent outbursts of emotional behavior. In my press release I also said that I thought that the frustrated fanatics of the lunatic fringe could not be appeased. If you have any doubt that the writers of those letters are dangerously extreme, I invite you to examine this mail.

Plainly, these people are emotionally disturbed—how else can you explain charges of treason against Presidents of the United States together with other allegations and falsehoods so preposterous and unexplained that they'll make you laugh—or cry. These people recognize the threat of communism, as we all do, but they don't know how to meet that threat. Emotional, intelligent action has no appeal to their irrational makeup. So, they react in an emotional and highly charged fashion which makes not one single contribution to the battle against communism, but merely fills our public life with the rantings and ravings of emotionally disturbed people.

As one who has served four terms in this House, I know the temptations which exist to temporarily prejudice some right wing fanatics. But I also know that the fanatics have an insatiable appetite for madness, and it is time we call a halt to our appeasement of them before we embarrass Texas in the eyes of the entire civilized world. For that reason alone I make my position clear in a press release on SB 230, which is nothing more than an attempt to slap at the United Nations—that is how the entire world will interpret it. But regardless of what action the Texas Legislature takes the UN will not go away; we can't solve the problems of the world; we can't solve the problems of United States foreign policy, and I think we'd be well advised to devote all of our energies to the problems of Texas—that is the purpose which the People of this State had in mind when they sent us here.

My knowledge in the field of foreign affairs may not be as great as yours. However I know that it can never compare with the depth of understanding possessed by those distinguished Americans who helped build the United Nations—and who have been referred to as traitors by those who have written me letters. I speak of General George C. Marshall of Virginia—as pure a patriot, as great an American as any who has lived in our lifetime. His memory will be honored by Americans long after the names of his detractors are forgotten in the junk heap of history. I speak of John Foster Dulles, Senator Arthur Vandenberg, and of Senator Tom Connally of Texas, who represented Falls County in this House and who later went on to become the Senior United States Senator from Texas and to preside over the Foreign Relations Committee of the United States Senate during some of the most crucial years of all time.

Senator Tom Connally will read of the action which this House takes today; and I am relieved that he will not have to read some of the mail which I have received.

In the Administration of President Harry Truman, Tom Connally went to the San Francisco Conference and helped draft the charter of the United Nations—and now, some emotionally disturbed letter-writers and I imply that Tom Connally was not an American Patriot.

Only a few days ago the Vice-President of the United States brought a large number of United Nations delegates to his ranch in the Hill Country—but a few miles from this Capitol. This was a gesture of good will; this was an attempt to show Texas and America to these UN representatives of foreign lands. Members of this House, I say to you that the Vice-President of the United States knows more about winning the cold war for America than the frustrated fanatics who have written vile letters and who want to ban the UN flag. In their simple view of this complex world we will be fighting communism by decreeing that the UN flag shall not fly from state buildings.
Perhaps some day in the future Lyndon Johnson will decide that UN delegates from Asia and Africa and Europe and South America should again visit Texas and get to meet its people. Are we to be forced to tell these people that a large volume of mail containing slanderous diatribes against American leaders forced the Texas Legislature to its knees? My friends, I want Texas to be known throughout the world for Senator Tom Connally and for Vice-President Lyndon Johnson, for all of our statesmen who are working for the triumph of our Free way of life—not for General Edwin Walker and the frustrated fanatics of the lunatic fringe who would repeal the 20th Century because they cannot understand it.

It is time we put our foot down—not on the flag of the United Nations—which represents man's attempt to achieve a peaceful world—but which like man himself is an imperfect thing. No, it's time we put our foot down in the path of the descendents of the Know-Nothing and the Ku-Kluxers and those in the name of the American heritage would trample on that heritage and the great achievements of noble Texans who have contributed to it . . .

As one who was born under the Lone Star and who has fought under the Stars and Stripes, I am proud of the Flag of the United Nations. It represents an effort—to which Texas has contributed mightily—to secure a peaceful world for our children, to solve international problems with justice and with intelligence. Certainly, the United Nations is imperfect—but is there one among you who would haul down the flag of the Lone Star above this Capitol because in its long history Texas has known corruption and scandal—as well as honor and glory? Show me the work of man which is perfect.

Fellow Americans, Fellow Texans—Democrats and Republicans alike—the mail which I have received as a result of my press release cannot be allowed to embarrass Texas in the eyes of the world. Let's not lose the eye of Tom Connally and Lyndon Johnson and Harry Truman and Dwight Eisenhower and Henry Cabot Lodge. Let's not trample on the grave of General George C. Marshall, Arthur Vandenberg and John Foster Dulles.

Let's reply to the writers of vile letters; let's tell them that we have just a small measure of the wisdom, the courage, the tolerance and the understanding which these statesmen have shown.

Yesterday I received a post card which informed me that if I didn't vote for Senate Bill 230 I wouldn't be reelected to the Legislature . . . That may be true—and it may not be. But of one thing I'm certain, if I cast my vote to appose those who regard Eisenhower and Truman and Roosevelt, Lodge, Vandenberg and Marshall, Tom Connally and Lyndon Johnson as fools and traitors I would not deserve to be reelected to this Legislature or to any other public office.

The despotism in the Kremlin have decreed that only the hammer and sickle shall fly over that capital of terror. . . . Let us declare that we are proud to have the flag of the United Nations fly under the Stars and Stripes and the Lone Star over this Capitol of Texas . . .

RECESS

Mr. Mann moved that the House recess until 10:00 o'clock a.m. tomorrow. The motion prevailed.

The Benediction was offered by the Honorable Otha Birkner, as follows:

"Our Heavenly Father, let us learn again the virtue of patience. May Thy Peace still our troubled souls as in patience we learn to subdue our pride, stifle our anger, sweeten our tempers, bridge our tongues, and strengthen our spirits. Grant us these blessings, through faith, and in the name of Christ our Lord, we pray.—Amen."

In accordance with the motion to recess, the House at 10:32 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEES REPORTS

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

Banks and Banking: H. B. No. 1073 and S. B. No. 20.

Commerce and Manufactures: S. B. No. 489.


Judiciary: S. B. No. 556.

Highways and Roads: H. C. R. No. 84.

Motor Traffic: S. B. No. 461.

Revenue and Taxation: S. B. No. 380.


State Hospitals and Special Schools: H. B. No. 740.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 8, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 326, A bill to be entitled "An Act amending Section 3 of House Bill No. 362, Acts of the Forty-fifth Legislature, Regular Session, 1937, Chapter 436, page 893, as amended (codified as Article 6221c of Vernon's Texas Civil Statutes), relating to the Inspection of boilers; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 8, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 366, A bill to be entitled "An Act relating to the purchase of commodities by competitive bidding by public agencies or political subdivisions of this State, certain limitations and restrictions applicable in the consideration of bids of non-resident persons or firms of certain states, and the definition of doing business in the State for the purpose of service of citation; providing a severability clause; providing for the repeal of certain laws; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 13, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 68, An Act amending Article 198 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 641, Acts of the Forty-seventh Legislature, Regular Session, 1941, and Article 1817 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 421, Acts of the Fifty-fifth Legislature, Regular Session, 1967, so as to create the Twelfth Supreme Judicial District and the Thirteenth Supreme Judicial District and to locate the Courts of Civil Appeals thereof; providing for jurisdiction of cases; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR

May 13, 1963

H. B. No. 68.

SIXTY-EIGHTH DAY

(Continued)

(Tuesday, May 14, 1963)

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

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

"Our Heavenly Father, our lives are bound by many years of influ-