May 15, 1963 HOUSE JOURNAL 1943

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

Amend Committee Substitute to H. B. 94 by renumbering Section 13 to Section 14 and appropriately renumbering the remaining sections, so as to provide that Section 13 shall read as follows:

"Sec. 13. The effective date of this Act shall be September 1, 1963."

Committee Meeting

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

There was no objection offered.

Mr. Cotten raised a point of order on further consideration of H. B. No. 94 on the ground that it is in violation of Joint Rule 9A.

House At Ease

At 2:40 o'clock p.m., the Speaker called the House to order.

Committee Meeting

Mr. Grover asked unanimous consent of the House that the Committee on Counties be permitted to meet at this time.

There was no objection offered.

Leave of Absence Granted

Mr. Barnes was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Cavness.
The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Dear God, who sacrificed His only Son so that the world could live, please forgive us if we have done anything this day to Your disliking. Watch over us and give us the wisdom to spread Thy Gospel with as much vigor and sincerity as we exhibit here today in our attempts to pass laws for the common good. Above all, endow us with but an infinite portion of the ability You gave Your Son in making Him the greatest Legislator the world will ever know.

"All this we ask in Thy name and in the name of Jesus Christ, Our Lord.—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. McLaughlin for today on motion of Mr. Richardson.

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

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 105

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 105:

Messrs. Atwell, Chairman; Moyer, Shannon, Shipley and Wells.

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 132

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 132:

Messrs. Allen, Chairman; Barnes, Fondren, Helton and McGregor.

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 270

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 270:

Messrs. Hughes, Chairman; Esquivel, Parsley, Satterwhite and Whaley.

H. B. NO. 370 SET AS A SPECIAL ORDER

Mr. Hughes moved that H. B. No. 370 be set as a special order for next Friday, May 17, at 11:00 o'clock a.m.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 1 ON SECOND READING

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

S. J. R. No. 1, Proposing an amendment to Sections 2 and 4 of Article VI of the Constitution of the State of Texas so as to repeal the provision making payment of the poll tax a requirement for voting and so as to authorize the Legislature to provide for the registration of all voters.

The resolution was read second time.

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

Committee Amendment No. 1

Amend S. J. R. No. 1, Subsection 2, of Section 1, by striking out the words and figures "February 1, 1945" and substituting in lieu thereof of the words and figures "February 1, 1946."

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

Amend Committee Amendment No. 1 to S. J. R. 1 by substituting the following therefor:

Section 2. Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote shall be deemed a qualified elector; provided further that any qualified elector offering to vote in any election in this State shall annually register his intention therefor before the 1st day of February next preceding said election. The husband may register for his wife
and the wife for her husband. The Legislature may provide for absentee voting and for registration of those persons who become qualified electors after the passage of the period provided for annual registration; provided further that any member of the armed forces of the United States or component branches thereof or in the military service of the United States may vote only in the county in which he or she resided at the time of entering such service.

Mr. Jamison moved to table the amendment by Mr. Cotten to Committee Amendment No. 1.

A record vote was requested.

The motion to table the amendment offered by Mr. Cotten to Committee Amendment No. 1 was lost by the following vote:

Yeas--64

Alaniz
Bass of Harris
Beckham
Berry
Bridges
Brooks
Brown of Galveston
Cain
Caldwell
Canales
Cannon
Carriker
Cavness
Cherry
de la Garza
Dike
Duke
Eskhardt
Esquivel
Fletcher
Fondren
Foreman
Gladden
Green
Gaffey
Hallmark
Haring
Harris
Hart of Galveston
Hart of Harris
Hart of Jefferson
Hart of Johnson
Harrell
Hart of Galveston
Hart of Harris
Hart of Jefferson
Hart of Johnson
Hart of Kilpatrick

Nays--70

Allen
Atwell
Arlledge
Barnes

Mr. Jamison moved to table the amendment by Mr. Cotten to Committee Amendment No. 1.

A record vote was requested.

The motion to table the amendment offered by Mr. Cotten to Committee Amendment No. 1 was lost by the following vote:

Yeas--63

Banfield
Barnes
Bass of Bowles
Blaine
Boyce
Brown of Taylor
Butler
Carpenter
Collins
Coughran
Cowles
Craik
Crews
Davis
Duggan
Dungan
Edwards
Edwards
Edwards
Farris
Fay
Fay
Fay
Fay

Nays---60

Allen
Atwell
Arlledge
Barnes
Barnes
Brown of Taylor
Mr. Jamison moved to reconsider the vote by which the amendment offered by Mr. Cotten to Committee Amendment No. 1 was lost 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 amendment offered by Mr. Cotten was lost.

The motion to table prevailed by the following vote:

Yea—75

Absent—68
Mr. Ligarde moved to table the amendment offered by Mr. Clayton. A record vote was requested on the motion to table. The motion to table the amendment offered by Mr. Clayton prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
</tr>
</thead>
<tbody>
<tr>
<td>91</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yeas</th>
</tr>
</thead>
</table>

Mr. Clayton offered the following amendment to the resolution: Amend Section 1 of S. J. R. No. 1 by adding Subsection A:

If the poll tax is repealed each county may charge not more than $0.50 to register qualified voters.

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

<table>
<thead>
<tr>
<th>Yeas</th>
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<tbody>
<tr>
<td>51</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
</tr>
</tbody>
</table>
Mr. Cotten offered the following amendment to the resolution:

Amend S. J. R. No. 1 by deleting the Section 2 beginning with the words ("Every Person") and substitute the following therefor:

Section 2. Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote shall be deemed a qualified elector; provided further that any qualified elector offering to vote in any election in this State shall annually register his intention therefor before the last day of February next preceding said election. The husband may register for his wife and the wife for her husband. The Legislature may provide for absentee voting and for registration of those persons who become qualified electors after the passage of the period provided for annual registration; provided further that any member of the armed forces of the United States or component branches thereof or in the military service of the United States may vote only in the county in which he or she resided at the time of entering such service.

This amendment shall become effective February 1, 1966.
Mr. Traeger offered the following amendment to the resolution:

Amend S. J. R. No. 1 by amending line 60 of the printed bill to read:

“Saturday after the first Monday in November 1963.”

Mr. Ligarde 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 was lost by the following vote:

**Yeas—52**

- Alaniz
- Bass of Harris
- Beckham
- Berry
- Butler
- Caldwell
- Canales
- Cannon
- Carpenter
- Carnes
- Cook
- Cowden
- de la Garza
- Deke
- Duncan
- Equiset
- Floyd
- Fendren
- Glidden
- Guilliam
- Morgan
- Niemeyer
- Parsley
- Pettit
- Rosson
- Satterwhite
- Schiller
- Scoogins
- Shutt
- Slager
- Heatly
- Hetton
- Hinson
- Hollowell
- Houston
- Hughes
- Jarman
- Johnson of Dallas
- Klammer
- McNutt
- Macatee
- Markgraf
- Morgan
- Niemeyer
- Parsley
- Petty
- Rosson
- Satterwhite
- Schiller
- Scoggins
- Shipley
- Slager
- Stoll
- en werck
- Thurmond
- Townsend
- Walker
- Whatley
- Yeas-52

**Nays—89**

- Allen
- Hughes
- Ariedee
- Jamison
- Atwell
- Jarvis
- Hall
- Johnson of Dallas
- Barnes
- Klammer
- Barksdale of Bowie
- Lack
- Birkner
- Blake Mc-libany
- Bacon
- McNutt
- Brown
- Mann
- Brown of Galveston
- Markgraf
- Brown of Taylor
- Miller
- Calhoun
- Morgan
- Carrillar
- Murray
- Chapman
- Muthcher
- Cherry
- Niemeyer
- Clayton
- Negrete
- Cole
- Parmer
- Collins
- Parsley
- Cory
- Pears
- Couchman
- Peeter
- Cowles
- Frye
- Crews
- Richards
- Davis
- Ritter
- Duncan
- Roberts
- Eckhardt
- Rossa
- Edwards
- Satterwhite
- Faithchild
- Schiller
- Finney
- Sengsins
- Fletcher
- Shipley
- Foreman
- Shutt
- Garrison
- Sider
- Gibbons
- Stewart
- Glenn
- Stoll
en werck
- Glenn of Brasas
- Tharmond
- Harding
- Townend
- Harris of Dallas
- Traeger
- Harrison of Orange
- Ward
- Hendryx
- Welden
- Hinson
- Wells
- Hollowell
- Wisting
- Houston
- Wilson
- Nays-89

**Absent—Excused**

- Adams McLaughlin
- Koliba
- A record vote was requested on the adoption of the amendment offered by Mr. Traeger.
The amendment offered by Mr. Traeger was adopted by the following vote:

**Yeas—85**

<table>
<thead>
<tr>
<th>Allen</th>
<th>Hughes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arledge</td>
<td>Jamison</td>
</tr>
<tr>
<td>Atwell</td>
<td>Johnson of Dallas</td>
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<tr>
<td>Bail</td>
<td>Klager</td>
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<tr>
<td>Banfield</td>
<td>Lack</td>
</tr>
<tr>
<td>Barnes</td>
<td>McGregor</td>
</tr>
<tr>
<td>Bass of Bowie</td>
<td>McNutt</td>
</tr>
<tr>
<td>Birkner</td>
<td>Macatee</td>
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<tr>
<td>Blaine</td>
<td>Mann</td>
</tr>
<tr>
<td>Boyson</td>
<td>Markgraf</td>
</tr>
<tr>
<td>Brown of Galveston</td>
<td>Miller</td>
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<tr>
<td>Brown of Taylor</td>
<td>Morgan</td>
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<tr>
<td>Cain</td>
<td>Murray</td>
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<tr>
<td>Carricker</td>
<td>Mutschler</td>
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<tr>
<td>Chapman</td>
<td>Nugent</td>
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<tr>
<td>Cherry</td>
<td>Farmer</td>
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<tr>
<td>Clayton</td>
<td>Parsley</td>
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<tr>
<td>Cole</td>
<td>Peery</td>
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<tr>
<td>Collins</td>
<td>Peeler</td>
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<tr>
<td>Cory</td>
<td>Peck</td>
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<tr>
<td>Coughran</td>
<td>Pippin</td>
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<tr>
<td>Cowles</td>
<td>Price</td>
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<tr>
<td>Crews</td>
<td>Richards</td>
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<tr>
<td>Davis</td>
<td>Roberts</td>
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<tr>
<td>Eckhardt</td>
<td>Rosson</td>
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<td>Edwards</td>
<td>Battleswhite</td>
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<tr>
<td>Fairchild</td>
<td>Schiller</td>
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<tr>
<td>Finney</td>
<td>Scooggas</td>
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<tr>
<td>Fletcher</td>
<td>Segrest</td>
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<tr>
<td>Foreman</td>
<td>Shelpler</td>
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<tr>
<td>Garrison</td>
<td>Simpson</td>
</tr>
<tr>
<td>Gibbons</td>
<td>Silder</td>
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<tr>
<td>Glenn</td>
<td>Stewart</td>
</tr>
<tr>
<td>Harding</td>
<td>Shollenwerck</td>
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<tr>
<td>Harris of Dallas</td>
<td>Thurmord</td>
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<tr>
<td>Haynes of Orange</td>
<td>Townsend</td>
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<td>Healy</td>
<td>Trayser</td>
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<td>Hetton</td>
<td>Walker</td>
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<td>Hendryx</td>
<td>Ward</td>
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<tr>
<td>Hinson</td>
<td>Wells</td>
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<tr>
<td>Hollowell</td>
<td>Winstead</td>
</tr>
<tr>
<td>Houston</td>
<td>Wilson</td>
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</tbody>
</table>

**Nays—56**

<table>
<thead>
<tr>
<th>Alanis</th>
<th>de la Garza</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base of Harris</td>
<td>Doke</td>
</tr>
<tr>
<td>Beckham</td>
<td>Dugan</td>
</tr>
<tr>
<td>Berry</td>
<td>Eastreyl</td>
</tr>
<tr>
<td>Bridges</td>
<td>Floyd</td>
</tr>
<tr>
<td>Brooks</td>
<td>Funder</td>
</tr>
<tr>
<td>Butler</td>
<td>Gladson</td>
</tr>
<tr>
<td>Caldwell</td>
<td>Green</td>
</tr>
<tr>
<td>Canales</td>
<td>Greer</td>
</tr>
<tr>
<td>Cannon</td>
<td>Guffey</td>
</tr>
<tr>
<td>Carpenter</td>
<td>Haines of Brazos</td>
</tr>
<tr>
<td>Cavness</td>
<td>Hallmark</td>
</tr>
<tr>
<td>Cotten</td>
<td>Haring</td>
</tr>
<tr>
<td>Crow</td>
<td>Duggan</td>
</tr>
</tbody>
</table>
| Crain |...

<table>
<thead>
<tr>
<th>Harris</th>
<th>Pendleton</th>
</tr>
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<tbody>
<tr>
<td>Imacks</td>
<td>Rapp</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
<td>Richardson</td>
</tr>
<tr>
<td>Kilpatrick</td>
<td>Ritter</td>
</tr>
<tr>
<td>Knapp</td>
<td>Rodriguez</td>
</tr>
<tr>
<td>Kothmann</td>
<td>Shannon</td>
</tr>
<tr>
<td>Ligeade</td>
<td>Shutt</td>
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<tr>
<td>McClintock</td>
<td>Smith of Jefferson</td>
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<tr>
<td>McDonald</td>
<td>Thompson</td>
</tr>
<tr>
<td>McDonald of Hidalgo</td>
<td>Weldon</td>
</tr>
<tr>
<td>Moyer</td>
<td>Whitfield</td>
</tr>
<tr>
<td>Nixemeyer</td>
<td>Woods</td>
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</tbody>
</table>
| Parker |...

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

The motion to table prevailed.

Mr. Traeger offered the following amendment to the resolution:

Amend S. J. R. No. 1, by changing the words and figures in line 50 of page 1 of the printed bill to read:

"December 1, 1963."

The amendment was adopted without objection.

The vote of the House was taken on the passage of S. J. R. No. 1, and the vote was announced Yeas 111, Nays 27 and 2 present-not voting.

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

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

**Yeas—119**

<table>
<thead>
<tr>
<th>Alanis</th>
<th>Bridges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
<td>Brooks</td>
</tr>
<tr>
<td>Atwell</td>
<td>Brown</td>
</tr>
<tr>
<td>Banksfield</td>
<td></td>
</tr>
<tr>
<td>Barns</td>
<td>Butler</td>
</tr>
<tr>
<td>Base of Bowie</td>
<td>Cain</td>
</tr>
<tr>
<td>Base of Harris</td>
<td>Caldwell</td>
</tr>
<tr>
<td>Beckham</td>
<td>Canales</td>
</tr>
<tr>
<td>Berry</td>
<td>Canyon</td>
</tr>
<tr>
<td>Birkner</td>
<td>Carpenter</td>
</tr>
<tr>
<td>Blaine</td>
<td>Carricker</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Harris of Galveston</th>
<th>Qalliam</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imacks</td>
<td>Rapp</td>
</tr>
<tr>
<td>Johnson of Bexar</td>
<td>Richardson</td>
</tr>
<tr>
<td>Kilpatrick</td>
<td>Ritter</td>
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<tr>
<td>Knapp</td>
<td>Rodriguez</td>
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<td>Kothmann</td>
<td>Shannon</td>
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<tr>
<td>Ligeade</td>
<td>Shutt</td>
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<tr>
<td>McClintock</td>
<td>Smith of Jefferson</td>
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<tr>
<td>McDonald</td>
<td>Thompson</td>
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<tr>
<td>McDonald of Hidalgo</td>
<td>Weldon</td>
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<tr>
<td>Moyer</td>
<td>Whitfield</td>
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<tr>
<td>Nixemeyer</td>
<td>Woods</td>
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| Parker |...
### May 15, 1963 HOUSE JOURNAL 1951

<table>
<thead>
<tr>
<th>NAYS</th>
<th>Absent</th>
<th>Present—Not Voting</th>
<th>PAIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arledge</td>
<td></td>
<td></td>
<td>Mr. Thurmond (present), who would vote Yes with Mr. Adams (absent) who would vote Nay.</td>
</tr>
<tr>
<td>Ball</td>
<td></td>
<td></td>
<td>Mr. Walker (present), who would vote Yes with Mr. Jarvis (absent) who would vote Nay.</td>
</tr>
<tr>
<td>Bayless</td>
<td></td>
<td></td>
<td>The Speaker stated that S. J. R. No. 1 was passed by the above vote.</td>
</tr>
<tr>
<td>Brown of Taylor</td>
<td></td>
<td></td>
<td><strong>REASON FOR VOTE</strong></td>
</tr>
<tr>
<td>Chapman</td>
<td></td>
<td></td>
<td>I voted No on S. J. R. No. 1 because six of the seven counties in our 65th Legislative District voted in the May 3, 1962 Primary Referendum against the abolition of the poll tax and the total vote by the entire district was against the abolition.</td>
</tr>
<tr>
<td>Clayton</td>
<td></td>
<td></td>
<td><strong>Reason for vote on S. J. R. No. 1 on final passage:</strong></td>
</tr>
<tr>
<td>Cotten</td>
<td></td>
<td></td>
<td>The amendment did not provide a safeguard for annual registration. The registration system we passed is inadequate.</td>
</tr>
<tr>
<td>Cowles</td>
<td></td>
<td></td>
<td>Respectfully submitted,</td>
</tr>
<tr>
<td>Crain</td>
<td></td>
<td></td>
<td>O. H. Ike Harris</td>
</tr>
<tr>
<td>Dungan</td>
<td></td>
<td></td>
<td><strong>MESSAGE FROM THE SENATE</strong></td>
</tr>
<tr>
<td>Fairchild</td>
<td></td>
<td></td>
<td>Hon. Byron Tunnell, Speaker of the House of Representatives.</td>
</tr>
<tr>
<td>Gibbens</td>
<td></td>
<td></td>
<td>Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 688.</td>
</tr>
<tr>
<td>Harris of Dallas</td>
<td></td>
<td></td>
<td>The following have been appointed on the part of the Senate:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senators: Moffett, Chairman; Aikin, Coggin, Parkhouse and Ratliff.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>I am directed by the Senate to inform the House that the Senate has passed the following:</td>
</tr>
</tbody>
</table>
WHEREAS, Senate Bill No. 101 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. 101 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. 101 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. 101 in the following manner:

Change the first sentence of Section 1 of the bill to read as follows:

"Section 1. That Chapter 76, Acts, 51st Legislature, 1947, as amended (which has been codified as Article 944b of Vernon’s Texas Civil Statutes) be and the same is hereby amended by adding a new Subsection 8 to Section VI thereof which Subsection 8 shall read as follows:’” and

Amend the option to conform to the body of the bill.
The resolution was read and was adopted without objection.

AUTHORIZING CERTAIN CORRECTIONS IN H. B. NO. 172

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

S. C. R. No. 78

WHEREAS, House Bill No. 172 has been passed by both the House and the Senate and is now in the office of the Engrossing and Enrolling Clerk of the House; of Representatives, and there are certain corrections to be made therein, because

The Speaker laid before the House, for consideration at this time, the following resolution:
of inadvertent errors contained in Senate amendments placed on House Bill No. 172; now, therefore, be it
Resolved, That the Engrossing and Enrolling Clerk of the House be and is hereby directed to correct the enrolled copy of House Bill No. 172 in the following manner:

"by deleting subsection 'e' of section 3."

"by inserting the words "Secretary of State" everywhere the word "Board" appears.

"by deleting, in subsection 6 of section 4, the words "of the conditions of the bond and for the payment of all fines and penalties."

"by changing, in section 7, the word "to" to read "of" in the last clause thereof between the words "decisive" and "the Secretary of State."

"by changing in section 7, the word "to" to "in" between the words "Court" and "the County."

"by adding to the end of section 8 the following: "and shall be renewed each twelve (12) months after its issuance."

The resolution was read and was adopted without objection.

COMMITTEE MEETING
Mr. Slack asked unanimous consent of the House that the Committee on Municipal and Private Corporations be permitted to meet at this time.

There was no objection offered.

H. B. NO. 348 RE-REFERRED
Mr. Weldon moved to suspend the necessary rules in order that he might then make a motion to re-refer H. B. No. 348 to the Committee on Labor.

The motion to suspend the necessary rules prevailed without objection.

Mr. Weldon then moved to re-refer H. B. No. 348 to the Committee on Labor.

The motion prevailed.

PROVIDING FOR THE CONSIDERATION OF LOCAL AND UNCONTESTED CALENDAR
Mr. Johnson of Dallas moved to suspend the necessary rules in order to set a Local and Uncontested Calendar for 9:00 o’clock a.m. tomorrow.

The motion prevailed.

HILLS AND RESOLUTIONS SIGNED BY THE SPEAKER
The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 161, "An Act amending Article 4053, Revised Civil Statutes of Texas, 1925, authorizing the Parks and Wildlife Commission to issue permits for the taking, carrying away or disturbing of marl, gravel, sand, shells or mudshell under certain conditions; directing the Parks and Wildlife Commission to take into consideration any injurious effect to oysters, oyster beds and fish inhabiting waters, as well as the industrial requirements of the State; requiring findings of fact in orders on denying applications for permit; authorizing the Parks and Wildlife Commission to remove and replant oysters; defining the rights of State oil and gas lessees; providing for severability; and declaring an emergency."

H. B. No. 165, "An Act amending Articles 1577 and 1578a, as amended, and adding Article 1578b, Penal Code of Texas, 1925, concerning employment of children; repealing Article 5181, Revised Civil Statutes of Texas, 1925, and all other laws and parts of laws in conflict herewith; requiring findings of fact in orders on denying applications for permit; authorizing the Parks and Wildlife Commission to remove and replant oysters; defining the rights of State oil and gas lessees; providing for severability, and declaring an emergency."

H. B. No. 204, "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 492, Acts of the Forty-fourth Legislature, Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualification for benefits by adding to Section 5 a new subsection to be known as (g) pertaining to certain students; providing for an effective date for this Act; and declaring an emergency."

H. B. No. 318, "An Act fixing a maximum salary for court reporters in judicial districts composed of two counties, one of which has a population of not less than one hundred fifty thousand ($150,000) and not more than two hundred thousand
(200,000) and either of which borders the Republic of Mexico; providing for appointment of payment of salaries between counties on the basis of population; and declaring an emergency.

H. B. No. 560, "An Act amending Section 1 of Chapter 360, Acts of the Fifty-fourth Legislature, 1954 (complied as Article 2775-A of Vernon's Texas Civil Statutes), to provide for the election of school trustees in independent school districts of one thousand (1,000) or more scholastics; and declaring an emergency."

H. B. No. 368, "An Act requiring identification signs on vehicles hauling citrus fruit in bulk and requiring that drivers of such vehicles have papers concerning the citrus fruit being hauled; providing for exemptions from such requirements; providing penalties for violations; repealing conflicting laws; providing for severability; providing an effective date; and declaring an emergency."

H. B. No. 571, "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 changing the name of Fannin State Park to Fannin State Battleground and the name of Fannin State Park Commission to the Fannin State Battleground Commission; and declaring an emergency."

H. B. No. 459, "An Act permitting reliance and discharge based upon certain information pertaining to a records on record in the payment of licensing or performing fees; and declaring an emergency."

H. B. No. 560, "An Act validating proceedings heretofore had in connection with the creation, organization and operation of the Fannin County Water Control and Improvement District Number One and providing said District shall continue to exist as a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas; finding that all property located within the boundaries thereof will be benefited; that no hearing on exclusions or plan of taxation shall be necessary but that the ad valorem plan of taxation shall be used; providing procedures for the holding of an election for the issuance of bonds and the manner in which they shall be issued and sold; providing that bonds issued by the District will be legal and authorized investments and eligible to secure deposits in certain circumstances; declaring the District essential to the preservation and conservation of natural resources of the State; providing that the provisions of the Act shall be cumulative of prior acts on the subject; and declaring an emergency."

H. B. No. 574, "An Act amending Chapter 207, Acts of the Forty-first Legislature, Regular Session, 1929, as amended by Chapter 318, Acts of the Forty-fourth Legislature, Regular Session, 1935, Chapter 140, Acts of the Forty-ninth Legislature, Regular Session, 1949, and Chapter 222, Acts of the Fifty-first Legislature, Regular Session, 1953 (codified as Article 3899b of Vernon's Texas Civil Statutes) by adding thereto Section 1a, to provide that in all counties having a population in excess of one million and two hundred thousand (1,200,000) inhabitants according to the last preceding Federal Census, in addition to the expenditures now authorized, the Commissioners Court of such counties may furnish justices of the Peace courtrooms, offices and office furniture and furnish Constabularies offices and office furniture; enacting other provisions related to the subject; and declaring an emergency."

H. B. No. 656, "An Act authorizing the Board for Texas State Hospitals and Special Schools to sell certain land located in Cherokee County, Texas, being a part of the Rusk State Hospital, prescribing the procedure, terms and conditions of sale, and declaring an emergency."

H. B. No. 695, "An Act amending Section 2 of Chapter 83, Acts of the Fortieth Legislature, First Called Session, 1927, as last amended, and compiled as Section 2 of Article 696a, Vernon's Annotated Penal Code of the State of Texas; excepting refuse, garbage, rubbish or junk processed and treated in accordance with rules and standards promulgated by the State Department of Health from those provisions making it unlawful to dump, deposit, or leave refuse, garbage, rubbish or junk within three hundred (300) yards of any public highway; re-
May 15, 1963 HOUSE JOURNAL 1955

quiring said Department to promulgate such rules and standards; providing for severability; and declaring an emergency.”

H. B. No. 759, “An Act amending Sections 1 and 2 of Chapter 377, Acts of the Fifty-Fourth Legislature, 1955, which relates to the hunting of wild pheasants in Hidalgo County, by adding the months of February and March to the open season and changing the minimum size of tracts to two hundred and fifty (225) acres; and declaring an emergency.”

H. B. No. 778, “An Act amending Section 11 of Chapter 529, Acts of the Fifty-Fourth Legislature, 1949 (compiled as Section 11 of Article 1370-110a, Vernon’s Revised Civil Statutes of Texas), to provide for the Probate Judge to act as providing Judge for the County Judge acting in probate matters in the event of absence, disqualification or incapacity; and declaring an emergency.”

H. B. No. 972, “An Act authorizing any independent school district having an assessed valuation for school tax purposes of Four Million, Two Hundred and Fifty Thousand Dollars ($4,250,000) or more but less than Six Million Dollars ($6,000,000), and lying within a county having a population of seventy-five thousand (75,000) or more but less than eighty thousand (80,000), according to the last preceding Federal Census, to levy a combined bond and maintenance tax not to exceed Two Dollars ($2) per One Hundred Dollars ($100) valuation of taxable property located therein; providing that such tax shall be effective until authorized by majority vote of the qualified taxing voters residing in such districts; and declaring an emergency.”

H. B. No. 984, “An Act validating county park bond elections heretofore held in any county with a population of more than one million (1,000,000) at the last preceding Federal Census on the proposition of issuing bonds of the county for the purpose of purchasing and/or improving lands for park purposes, validating all proceedings relating to such elections and all bonds authorized at such elections; providing this Act shall not affect pending prior litigation; providing a severability clause; and declaring an emergency.”

H. B. No. 998, “An Act amending Section 1 of Chapter 177, Acts of the Thirty-ninth Legislature, Regular Session, 1951, as amended by Section 1 of Chapter 567, Acts of the Fifty-fifth Legislature, Regular Session, 1957, compiled as Section 1 of Article 933m, Vernon’s Annotated Penal Code, so as to exclude coypu (nutria) from definition as a fur-bearing animal; providing for severability; repealing conflicting laws; and declaring an emergency.”

H. B. No. 1049, “An Act permitting Commissioners Courts in certain counties to authorize the use of equipment, machinery, and employees of the county to construct, establish, and maintain public airports; repealing conflicting laws; and declaring an emergency.”

H. B. No. 1030, “An Act prohibiting the use of certain methods for taking fish in certain lakes in Wood County; providing for violations; and declaring an emergency.”

H. B. No. 1057, “An Act amending Acts of the Fifty-First Legislature, Regular Session, 1949, Chapter 167, Page 270, so as to add new sections thereto so as to extend and add to the territory of the Port of Beaumont Navigation District of Jefferson County, Texas, approximately seventy-four (74) acres of land located substantially in Orange County, Texas, and adjoining the present boundary line of the Port of Beaumont Navigation District of Jefferson County, Texas, and removing such territory and land from the territory and land of Orange County Navigation and Port District of Orange County, Texas; and declaring an emergency.”

H. B. No. 1082, “An Act amending Chapter 79, Acts of the Fifty-seventh Legislature, Third Called Session, 1961, by inserting a new Section 2A providing for the appointment of the Juvenile and Probation Officer of Runnels County by the Juvenile Board; describing his duties; providing for his compensation; and declaring an emergency.”

1956 HOUSE JOURNAL

52, codified as Article 53-160B, Code of Criminal Procedure of the State of Texas, relating to the compensation to be paid the Criminal District Attorney of Jefferson County, Texas, and the appointment of assistants and secretaries, persons, containing a severability clause; repealing all laws in conflict herewith; and declaring an emergency.

H. B. No. 106, "An Act abolishing The Rule in Shelley's Case, The Rule Forbidding a Remainder to the Grantor's Heirs, and the Doctrine of Worthier Title; and declaring an emergency."

H. C. R. No. 8, To authorize survey relative to prevailing wage rates in localities where public works are to be constructed.

H. C. R. No. 38, To grant George Rich permission to see the State.

S. B. No. 16, "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 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 processes; proceedings and hearings by the commissioner and providing for cease and desist orders and injunction 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 thereof; 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 ($1,500) or less, and regulating loan practices and providing penalties for the making of unauthorized charges as well as loss of all principal, interest or other recompense; permitting insurance to be required by the licensee in connection with loans; defining the types and amounts of insurance and otherwise regulating the use of insurance in connection with loans; providing that the duties of the licensees to the borrower; prohibiting lendings upon real estate as security for loans made under this Act, with certain exceptions; prohibiting the confession of judgments; requiring certain disclosures to borrowers and prohibiting incomplete instruments; limiting the period of loans made under this Act; prohibiting the assignment of wages as security for loans made under this Act; prescribing rights and procedures in hearings before the commissioner and procedures for appeal of his orders, rulings and decisions; providing that pre-existing contracts shall not be impaired or affected; amending Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, (compiled as Article 4646h, Vernon's Annotated Civil Statutes of Texas, and Articles 5069, 5071 and 5072 of the Revised Civil Statutes of Texas, 1925, providing that Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, (compiled as Article 4646h, Vernon's Annotated Civil Statutes of Texas), Articles 5069, 5071 and 5072 of the Revised Civil Statutes of Texas, 1925, and Chapter 164, Acts of the 42nd Legislature, Regular Session, 1931, as amended, (compiled as Article 1014a, Vernon's Annotated Civil Statutes of Texas), where inconsistent with this Act shall be applied to licensees under this Act; repealing Chapter 472, Acts of the 42nd Legislature, Regular Session, 1931, (compiled as Article 1014a-1,
Vernon's Annotated Civil Statutes of Texas), Chapter 17, Acts of the 46th Legislature, First Called Session, 1927, as amended, (compiled as Article 9165a, 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, Chapter 19, Title 12A, Taxation-General, Revised Civil Statutes of Texas, 1925, and all other laws or parts of laws in conflict with the extent of such conflict, carrying into effect the amendment to Article XVI, Section 11, of the Constitution, adopted November 8, 1960, providing for severability; and declaring an emergency.

S. B. No. 334, "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 22, being a part of the land 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."

S. B. No. 325, "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, 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, the State of Texas, and the City of Lubbock, a proper conveyance granting such easement to the City of Lubbock; and declaring an emergency."

S. B. No. 363, "An Act to amend subsection (2) of Section 2 of the Airway Zoning Act of 1947, Acts of the 56th Legislature, Regular Session, Chapter 201, Page 784 (compiled as subsection (2) of Article 6165a of Vernon's Texas Civil Statutes), as amended by Chapter 323, Acts of the 67th Legislature, 1951, to expressly empower any political subdivision having more than 600,000 inhabitants, according to the last preceding Federal Census, wherein such political subdivision has located within its territorial limits an airport owned or controlled by such political subdivision and there exists an airport hazard area appertaining to such airport located outside of the territorial limits of said political subdivision owning or controlling the airport to promulgate, administer, and enforce airport zoning rules, regulations and ordinances limiting the height of structures and objects of natural growth, and otherwise regulating the use of property under the provisions of the Airport Zoning Act within a five (5) mile radius of the airport reference point of such airport; providing that such control shall not extend beyond the county in which the political subdivision is located; and declaring an emergency."

S. B. No. 458, "An Act creating a conservation district under Article XVI, Section 29, of the Constitution comprising certain territory contained in Hill County, Texas, to be known as 'City of Hillsboro Water and Sewer Authority,' for the purpose of providing a source of water supply for municipal, domestic, and industrial use and processing, transporting, and distributing the same and providing plants and facilities for the collection, transportation, processing, disposal and control of all domestic, industrial and commercial waste; providing for confirmation of authority by election; providing for a Board of Directors for the government of said Authority; authorizing the Authority to do all things necessary to the exercise of the powers herein granted; authorizing the issuance of bonds and providing for payment and security thereof; providing for approval of construction bonds and inspection of construction; making applicable to
the District, Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain General Laws relating to Water Control and Improvement Districts; limiting the District's power of eminent domain; prescribing other powers of the Authority; providing a savings clause; enacting other provisions relating to this subject; and declaring an emergency."

S. B. No. 468, "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the Ninety-second, Ninety-third, One Hundred Thirty-first and One Hundred Eleventh Judicial Districts of Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a savings clause; and declaring an emergency."

S. B. No. 423, "An Act providing for the licensing and regulation of the business of selling, mailing or delivering checks, drafts, and money orders as a service or for a fee or other consideration; providing for the administration of this Act by the Commissioner of the State Banking Department; providing for the bonding of licensees; prescribing the liability of licensees on checks sold; providing penalties for violations of this Act; providing for severability and declaring an emergency."

S. B. No. 464, "An Act giving any drainage district in Hidalgo, Willacy and Cameron Counties, in this State, hereafter organized under provision Section 52, Article III, Constitution of Texas, which district has heretofore or shall hereafter be converted into a conservation or reclamation district under Section 59, Article XVI, Constitution of Texas, the right to enter into contracts for the construction of improvements with the Government of the United States of America or any agency or instrumentality thereof providing that it may then execute contracts and providing for payment of obligations incurred thereunder by providing a severability clause; repealing conflicting laws; and declaring an emergency."

S. B. No. 469, "An Act creating within the State of Texas, in addition to the districts into which the state has heretofore been divided, a port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas; situated in Jefferson County, Texas; declaring the same to be a governmental agency and body politic, the creation of which is determined to be essential to the accomplishment of the purposes of Section 59, Article 16, of the Constitution of the State of Texas, for the improvement of navigation and the development of port and wharf and dock facilities of the Port of Port Arthur within the boundaries thereof, which is declared to be essential to the general welfare of the State for the development of maritime shipping and in the interest of national defense, and of material benefit to and result in the increase of taxable values of the property included therein; defining the boundaries thereof; defining the powers, rights, privileges and franchises thereof; providing for its management by a Board of Port Commissioners composed of five (5) persons; defining their qualifications and duties and the manner of their election; providing said district shall have authority to acquire from the City of Port Arthur, with the consent of the city, all of its port properties, lands, assets, money and funds on hand, and facilities by assuming the unpaid and outstanding bonded debt and other indebtedness and obligations incurred by the city on account of same, providing that such district shall reimburse the City of Port Arthur for certain expenses incurred prior to its creation; providing that an election in said district and in the City of Port Arthur may be held to determine whether or not said properties shall be acquired by said district and transferred to the same by the City of Port Arthur; providing said district may have levied a maintenance tax not to exceed ten cents ($0.10) on the One Hundred Dollars ($100) valuation of taxable property therein, providing such proposition shall be adopted by a majority vote of the qualified property taxpayers constituting voters of said district; providing for an election to be held by the County Judge of Jefferson County, Texas, at which election the proposition for a maintenance tax levy shall be determined; providing for the giving of security to the County Judge to pay the costs of said election; pro-
viding the manner of calling said election and giving notice thereof; prescribing the duties of the county officials with reference to the giving of notice of said election, and canvassing the returns thereof; providing the manner of having the names of candidates printed on the ballot for said election; providing that those qualified to vote for Governor may vote for the candidates for commissioners of said port district; providing that only those resident qualified electors of said district who own taxable property therein and who have duly rendered the same for taxation thereon shall be allowed to vote upon the proposition of levying said maintenance tax; providing the term of office of the board of commissioners of the district and the manner of their election after the first board of commissioners are elected; prescribing the authority, powers, and duties of said board of Port Commissioners; providing for the filling of vacancies on said board; providing the compensation for said board of commissioners; providing for the organization of said board and the election of officers thereof; for its regular and special meetings; providing that said board may employ a general manager, attorney, engineers, and all other employees of said district and fix the term of office and provide for their compensation; provided that all officers, agents and employees of said district charged with the collection, custody or payment of any funds of the district shall give bond, providing for the selection of a depository for said district in accordance with laws relating to county depositories; providing for reports by said depository and providing an audit to be made of the accounts and records of said district annually; providing that said port commissioners shall give bond in the sum of One Thousand Dollars ($1,000) payable to the district, conditioned upon the faithful performance of their duties, and for the approval thereof; and the cost of entering into said bonds shall be paid by the district; providing for the issuance of bonds by said district to procure funds for any lawful purpose provided for in this Act and when authorized by the majority vote of the qualified property taxpayers of said district at election held for said purpose; providing the method of holding said election and giving notice thereof; and the manner of issuing said bonds and the duties of the officers with reference thereto, and the total indebtedness of said bonds shall be limited to twenty-five per cent (25%) of the assessed property valuation; prescribing the form of ballot to be used in said election for the issuance of bonds; providing for the refunding of the district's bonds; providing said district shall have powers granted by General and Special Laws appertaining to navigation districts; insofar as not inconsistent with the terms hereof and permitting said district to pledge certain revenues of said district to the payment of its revenue bonds; providing that bonds shall be eligible for certain investments and eligible to secure certain funds; providing that bonds issued under the provisions hereof shall be submitted to the Attorney General for approval and registered with the State Comptroller, after which such bonds shall be indorsed with the terms hereof and permitted by the Commissions Court of Jefferson County shall upon requisition of the board of port commissioners assess and levy taxes for said district; providing that the levy and assessing of taxes, the equalization thereof and the collection of same and the duties of all officers in connection therewith shall be governed by the General Laws of Texas relating to state and county taxes; providing compensation for the officers charged with the levying, assessing, and collecting of said taxes; providing a lien to secure taxes of said district; providing limitation shall not run against the same or any other public charge thereof; providing this Act shall be liberally construed; providing a savings clause; and declaring an emergency.
ad valorem taxes in a limited amount for the purpose of conducting an engineering study of the District's present and future requirement for fresh water and possible sources thereof; providing that the District shall bear the expense of any necessary relocation, raising or rerouting of any facility or property of any utility, authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure the deposit of public funds; exempting the District and its bonds from taxation; enacting a saving clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency.

S. C. R. No. 31, Dedicating certain State lands for street purposes in the City of Austin, Texas.

S. C. R. No. 32, Granting permission to United Gas Pipeline Company to sue the State.

S. C. R. No. 69, Congratulating the City of Carrollton, Texas.

S. C. R. No. 72, Requesting the Governor to return S. B. No. 432 for correction.

RECESS

Mr. Mann moved that the House recess until 2:00 o'clock p.m. today. Mr. Whitfield moved that the House adjourn until 2:00 o'clock p.m. today. A record vote was requested on the motion to adjourn. The motion to adjourn until 2:00 o'clock p.m. today was lost by the following vote:

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The motion to recess then prevailed.

In accordance with the motion to recess, the House, at 11:59 o'clock a.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, May 15, 1963

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

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

H. B. No. 229, By Hughes: Making it a felony to make or possess, under certain circumstances, implements adapted or commonly used in commission of burglary, etc.; and declaring an emergency.

H. B. No. 457, By Whatley: Making it unlawful to knowingly pass a worthless check; and declaring an emergency.

H. B. No. 650, By Hendrix: Authorizing independent school districts to borrow money for current maintenance expenses; and declaring an emergency. (As amended)

H. B. No. 774, By Hughes: Making requirements for foreign fire insurance companies doing business in Texas with respect to deposits; and declaring an emergency. (As amended)

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

SENATE JOINT RESOLUTION NO. 6 ON SECOND READING

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

S. J. R. No. 6, Proposing an amendment to Section 5 of Article VII of the Constitution of the State of Texas so as to remove the authorization to transfer not exceeding one per cent annually of the total value of the permanent school fund to the available school fund.

The resolution was read second time and was passed to third reading by the following vote:

Yea—99

Alanis
Arledge
Ball
Bailey
Barnes
Base of Harris
Beckham
Berry
Blaine
Brooks
Brown of Taylor
Butler
Calm
Calwell
Canales
Carpenter
Carriker
Cherry
Clayton
Cole
Collins
Cook
Corry
Cotten
Cowden
Cowles
Crews
Davis
de la Garza
Duggan
Dungan
Fairchild
Floyd
Foreman
Garrison
Glenn
Grover
Guffey
Haines of Brazos
Hallmark
Harding
Harris
of Galveston
Harries of Dallas
Haynes of Orange
Heflin
Hendryx
Horton
Hughes
Jamison
Jan
Kilpatrick
Knapp
Kothmann
Ligarde
McDonald
McDonald of Hidalgo
McDonald of Rusk
McVittie
Mensch
Morgan
Moyer
Mutchler
Parsley
Peeler
Pendleton
Pettigrew
Pierson
Pine
Price
Richards
Roberts
Rodriguez
Rosen
Satterwhite
Schiller
Scoggins
Segret
Shannon
Shipley
Shutt
Simpson
Slack
Sider
Smyth
Stewart
Stilwell
Thompson
Thurmond
Townsend
Trapper
Walker
Ward
Wheeler
Wiening
Wilson
Woods

Nays—25

Boysen
<table>
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<th>Yeas</th>
<th>113</th>
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<td>Absent</td>
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Mr. Cannon moved to reconsider the vote by which S. J. R. No. 6 was passed to third reading, and the motion to reconsider prevailed.

S. J. R. No. 6 was then passed by the following vote:

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Mr. Allen, the following remarks by The Honorable Henry Stollenwerck in making the following announcement to the House...
May 15, 1963  HOUSE JOURNAL  1963

on today were ordered printed in the Journal:

Mr. Speaker

Ladies and Gentlemen of the House,

It is my happy privilege to report to the House that the Republican delegation has met and formally selected by majority vote of the members the Honorable Horace B. Houston as the leader of the Republican Delegation to the Texas House of Representatives.

We have done this action to further implement our constructive efforts toward good government. Mr. Houston is one eminently qualified to serve in the capacity of leader. He is a man of keen insight and mature judgment. He has had many years of previous service in this body and he has been a significant voice in the matters of government before the House. We trust that future Republican delegations shall be graced with men of his ability and trust as well that those that follow hereafter shall exhibit the wisdom to choose such a man from among them to act in the capacity of leadership.

It is no veiled fact that our presence in this body has been unusual and unprecedented. We are grateful for the warm and gracious reception accorded the Republican members by the overwhelming majority, and we are well aware that the unique situation could have been dramatically different. We flatter ourselves with the belief that we have contributed to the feeling of graciousness even though we may have differed on issues. We know that the steadying hand of Mr. Houston has contributed to the atmosphere of hard but fairly fought battles. We are truly hopeful, trusting in Almighty God, that we have been instrumental in the continuing fight for Liberty and its preservation through the Republican form of government guaranteed under the Constitution, and that the precept and example which we have set shall be worthy as a guide to those who follow us.

Mr. Houston, it is my honor and I am sure one shared by all present to present you this gavel as a symbol of the first Republican delegation leadership in the Texas House of Representatives.

SENATE JOINT RESOLUTION NO. 7 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading, S. J. R. No. 7, Proposing an Amendment to the Constitution of the State of Texas authorizing the issuance of State bonds for the purpose of financing a program for loans to individuals, partnerships and corporations to encourage the development of industries in this State, and providing for administration of the program.

The resolution was read second time.

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

Committee Amendment No. 1

Amend Senate Joint Resolution No. 7 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Article III of the Constitution of the State of Texas be amended by adding a new section thereto, designated as Section 30-b, to read as follows:

'Section 30-b. The Legislature is authorized to create a Board to be known as the Texas Industrial Development Authority, for the purpose of administering the provisions of this section. The Board shall be composed of three (3) members, consisting of a Chairman and two (2) other members who shall be citizens of this State, to be appointed by the Governor, with the advice and consent of the Senate. The term of office of the Chairman shall be for four (4) years. The initial appointments of the other two (2) members shall be for a term of two (2) years, and thereafter the term shall be for four (4) years. The Chairman and the appointive members shall each receive an annual salary in such amount as may be prescribed by the Legislature.

Upon authorization of the Legislature, the Industrial Development Authority may issue bonds of the State of Texas in an amount not to
exceed Two Hundred Million Dollars ($200,000,000) for the purpose of creating a fund to be known as the Texas Industrial Development Fund. Such bonds shall be issued by the Authority as an obligation of the State of Texas, in such form, denomination, and upon such terms as the Legislature may prescribe; provided, however, that the bonds shall bear interest at a rate not to exceed four per cent (4%) per annum, shall mature not to exceed forty (40) years from the date of issue, shall be sold for not less than par value and accrued interest, and shall not be issued or sold after December 31, 1984. All bonds issued hereunder shall, after approval by the Attorney General of Texas, be registered by the Comptroller of the State of Texas, and delivery to the purchaser, be incontestable and constitute obligations of the State under the Constitution of Texas, but the General Revenue Fund of this State shall never be liable for payment of said bonds.

The Industrial Development Fund shall be used by the Authority for the sole purpose of making loans as herein authorized and paying administrative expenses of the Authority, except that the Legislature may provide for investment of the portion of the Fund not immediately committed for loans and administrative expenses, the income therefrom to become a part of the Industrial Development Fund. The Legislature may also provide for payment of administrative expenses from other funds which may lawfully be appropriated for that purpose. Administrative expenses shall be paid only upon appropriation by the Legislature, but money in the Industrial Development Fund may be paid out as loans without the necessity of any further appropriations.

Legislation authorizing the issuance of bonds under this section shall provide the necessary laws for creation and functioning of industrial districts as authorized in this section.

Any municipality (i.e., incorporated city, town or village) in this State, or any combination of municipalities, upon petition of qualified electors residing therein, in number to five per cent (5%) of the entire vote cast for Governor in such municipality or municipalities at the last preceding general election, may hold an election for the purpose of forming an industrial district. The district may be created only after a favorable vote of the voters of each separate municipality. Five (5) commissioners shall be elected in each district, who shall be elected in such manner and for such terms, not to exceed six (6) years, and who shall have such powers and duties, consistent with the Constitution of Texas, as the Legislature may prescribe.

Upon approval of an application by an industrial district, any individual, partnership or corporation may apply to the Industrial Development Authority for a loan for the purpose of making capital expenditures for establishing a new industry or expanding an existing industry within this State. As used herein, the term "industry" means a business enterprise for producing, manufacturing or processing commercial products. The application shall be supported by such evidence as the Authority may demand, subject to such requirements as the Legislature may impose. Upon examination of the application and investigation by the Authority, the Authority shall have the discretion to approve or reject the application and, upon approval of an application, to make a loan to the applicant in an amount not exceeding One Million Dollars ($1,000,000) and not to exceed seventy per cent (70%) of the total cost of the proposed installation. Loans shall be made on such terms and conditions as the Legislature may authorize, subject to the conditions that each loan shall be repayable within a period not to exceed forty (40) years and shall bear interest at a rate of not less than three per cent (3%) per annum, and the State shall have a first lien on the entire installation until the principal and interest have been paid in full. No loan shall be made after December 31, 1984.

Legislation authorizing the issuance of bonds shall provide for creation and maintenance of a fund, out of interest and principal payments on loans, for retirement of the bonds issued by the Authority and payment of interest thereon. The Legislature
may provide for deposit of any surplus received prior to January 1, 1984, in the Industrial Development Fund for further loans or for deposit to the General Revenue Fund, as it seems advisable. After December 31, 1984, any surplus above principal and interest requirements on bonds and any balance remaining in the Industrial Development Fund shall be deposited to the General Revenue Fund. Funds borrowed from the fund created herein may be used with funds borrowed from other sources, as for example, the Area Redevelopment Administration. Where the funds borrowed from the source created by this amendment do not exceed ten per cent (10%) of the entire loan, then the State of Texas may take a subordinate lien.

After December 31, 1984, the Industrial Development Authority shall consist of the Chairman only, and he shall perform all further duties of the Board with respect to retirement of bonds, collection of loans and all other matters within the jurisdiction of the Authority.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1964, at which election all ballots shall have printed thereon the following:

'FOR the Constitutional Amendment authorizing the issuance of State bonds for the purpose of financing a program for loans to individuals, partnerships and corporations to encourage the development of industries in this State, and providing for administration of the program.'

'AGAINST the Constitutional Amendment authorizing the issuance of State bonds for the purpose of financing a program for loans to individuals, partnerships and corporations to encourage the development of industries in this State, and providing for administration of the program.'

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this amendment shall be published and the election shall be held as required by the Constitution and laws of this State.'

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

Amend Committee Amendment No. 1 of S. J. R. No. 7 by striking the word "of" on line 46, page 2 of the printed bill and inserting in lieu thereof the words "at least equal to the interest cost of the bonds to the State but:"

The amendment was adopted without objection.

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

Amend Sec. 2 of Committee Amendment No. 1 to S. J. R. No. 7 by inserting on line 44 of page 2 of the printed bill between the word "annum," and the word "and" the following:

"the applicant shall furnish satisfactory proof of the unavailability of private financing:"

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was then adopted without objection.

S. J. R. No. 7 was passed to third reading by the following vote:

Yeas—73

Alaniz          Fairchild
Allen           Fletcher
Bass of Bowie   Ponder
Bass of Harris  Gladden
Bedellham       Guffey
Berry           Haines of Brazos
Brenner         Hallmark
Brooks          Harris
Brown of Galveston of Galveston

Caldwell        Haynes of Orange
Cannon          Hefton
Carriker        Hinson
Chapman         Johnson of Bexar
Cherry          Kilpatrick
Colleins        Kothmann
Cook            Lack
Cory            Ligarde
Cotton          McClintock
Cowden          McDonald of Rusk
Cowles          Mcllhany
Crews           Mutschler
Dungan          Nickel
Eckhardt        Niemeyer
Esquivel

Nays—16

Allen of Bowie          Hinson
Bass of Harris          Hill
Bedellham               Holman
Berry of Galveston      Hutto
Brenner                 Kilpatrick
Brooks                  Kurten
Brown of Galveston      Lack
Caldwell                Liggard
Cannon                  Marks
Carriker                Mcllhany
Chapman                 Mutschler
Cherry                  Niemeyer
Colleins                Obenauf
Cook                    Opal
Cory                    Page
Cotton                  Pearson
Cowden                  Peterson
Cowles                  Phillips
Crews                   Pinckney
Dungan                  Politte
Eckhardt                Powers
Esquivel                Prewitt

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"the applicant shall furnish satisfactory proof of the unavailability of private financing:"

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was then adopted without objection.

S. J. R. No. 7 was passed to third reading by the following vote:

Yeas—73

Alaniz          Fairchild
Allen           Fletcher
Bass of Bowie   Ponder
Bass of Harris  Gladden
Bedellham       Guffey
Berry           Haines of Brazos
Brenner         Hallmark
Brooks          Harris
Brown of Galveston of Galveston

Caldwell        Haynes of Orange
Cannon          Hefton
Carriker        Hinson
Chapman         Johnson of Bexar
Cherry          Kilpatrick
Colleins        Kothmann
Cook            Lack
Cory            Ligarde
Cotton          McClintock
Cowden          McDonald of Rusk
Cowles          Mcllhany
Crews           Mutschler
Dungan          Nickel
Eckhardt        Niemeyer
Esquivel

Nays—16

Allen of Bowie          Hinson
Bass of Harris          Hill
Bedellham               Holman
Berry of Galveston      Hutto
Brenner                 Kilpatrick
Brooks                  Kurten
Brown of Galveston      Lack
Caldwell                Liggard
Cannon                  Marks
Carriker                Mcllhany
Chapman                 Mutschler
Cherry                  Niemeyer
Colleins                Obenauf
Cook                    Opal
Cory                    Page
Cotton                  Pearson
Cowden                  Peterson
Cowles                  Phillips
Crews                   Pinckney
Dungan                  Politte
Eckhardt                Powers
Esquivel                Prewitt
There was no objection offered.

BILLS SIGNED BY THE SPEAKER

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

H. B. No. 254, "An Act making it unlawful for a fisherman engaged commercially in a joint adventure or other undertaking whereby he receives a percentage of proceeds of sale of catch, or a share of the catch, or who is employed on a salary or other basis, to sell, or to offer for sale, except in the regular course of business, or without the consent of his employer, fish, shrimp, oysters or other seafood; and making it unlawful for any person to purchase from any such fisherman any such fish, shrimp, oysters or other seafood; providing penalties and venue and a saving clause, and declaring an emergency."

H. B. No. 385, "An Act amending Section 19, Chapter 179, Acts of the Fifty-seventh Legislature, Regular Session, 1961, to provide for the rendition, equalization, assessment and collection of taxes, whether on a benefit or ad valorem basis, and the levy of taxes in payment thereof; to provide for notices of election, and a public hearing for the determination of the method of assessment of taxes, whether on a benefit or ad valorem basis, and notice thereof; and that all taxes, charges and assessments imposed shall be a lien against the land as to which established; and declaring an emergency."

H. B. No. 562, "An Act amending Subsection (a) of Section 16 of Chapter 179, Acts of the Fifty-sixth Legislature, Regular Session, 1959, as amended, to provide for the enforcement of the Water Safety Act by game wardens on Lake Texoma, Lake Texarkana, Garza-Little Elm Lake, Caddo Lake and Lake O' the Pines, in addition to the enforcement by peace officers of this State and its political subdivisions; and declaring an emergency."

H. B. No. 639, "An Act making it unlawful except under the provisions..."
of this Act, for any person to hunt, take, kill or attempt to hunt, take, or kill, or possess, any game bird or game animal in Cameron, Jim Wells, Hidalgo and Starr Counties, including waters of the Laguna Madre, but excluding the waters of the Gulf of Mexico, at any time; to take, kill or trap, or attempt to take, kill or trap any fur-bearing 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; requiring 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; providing for a public hearing; providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulations; providing for the forfeiture of licenses; defining wildlife resources; suspending certain laws prescribing a period of time within which the Game and Fish Commission may conclude its investigations, hold its hearings, and promulgate its proclamations, rules, regulations and orders; and providing a severability clause.

H. B. No. 682, "An Act relating to requiring the Commissioners Court of Lubbock County to supplement the salaries of the District Judges of the 39th and 140th Judicial Districts of Texas; requiring the Commissioners Court of Lubbock and Crosby Counties to supplement the salary of the District Judge of the 72nd Judicial District of Texas; making other provisions relating thereto; providing for the forfeiture of licenses; defining wildlife resources; suspending certain laws prescribing a period of time within which the Game and Fish Commission may conclude its investigations, hold its hearings, and promulgate its proclamations, rules, regulations and orders; and providing a severability clause."

H. B. No. 1025, "An Act to amend Section 2 of Chapter 113, Acts of the Fifty-second Legislature, Regular Session, 1951, as last amended by Chapter 99, Acts of the Fiftieth Legislature, Regular Session, 1955, relating to hunting deer in Marion County; and declaring an emergency."

H. B. No. 607, "An Act authorizing the Commissioners Court in certain counties to furnish an automobile or pickup, including expenses of operation thereof, to each County Commissioner for use in official business; repealing conflicting laws; and declaring an emergency."

H. B. No. 606, "An Act fixing a year-round open season on pheasants and chukars in Lee County; repealing all laws in conflict; and declaring an emergency."

SENATE JOINT RESOLUTION NO. 16 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading, S. J. R. No. 16, "Proposing an amendment to Section 49-b, Article III of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Three Hundred Fifty Million Dollars ($350,000,000); providing for the issuance of said bonds or obligations and the conditions relating thereto; and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor."

The resolution was read second time.

Mr. Johnson of Bexar offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend S. J. R. No. 16, Page 8, Section 2, by deleting after the word the: "First Tuesday after the First Monday in November, 1963" and adding: "September 14, 1963."

Mr. Traeger offered the following substitute amendment for the Committee Amendment No. 1:

SUBSTITUTE FOR COMMITTEE AMENDMENT NO. 1 TO S.J.R. 16

Amend Committee Amendment No. 1, to read:
Amend line 32 of page 4, of the printed bill to read:

"Saturday after the first Monday in November, 1963, at which election all...

The substitute amendment was adopted without objection.

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

S. J. R. No. 16 was then passed by the following vote:

Yeas—134

Pendleton Simpson
Petty Black
Pickens Elder
Price Smith of Jefferson
Quilliam Stewart
Happ Thompson
Richards Thurmond
Richardson Townsend
Ritter Treager
Robert Walker
Rodriguez Ward
Rosson Weldon
Satterwhite Wells
Schiller Wheeler
Scoggins Whitfield
Segrest Whiting
Shannon Wilson
Shipley Woods
Shutt

Nays—6

Ball Hughes
Davis Macatee
Harris of Dallas Stolleman

Abstain

Atwell Hearty
Bancfield Smith of Bexar
Deke Whatley

Absent—Excused

Adams McLaughlin
Roliba

SENATE JOINT RESOLUTION NO. 21 ON SECOND READING

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

S. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas, amending Sections 51 and 51-b-1 of Article III so that same shall consist of one Section to be known as Section 51-a: providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to (1) citizens of Texas who are needy aged persons over the age of sixty-five (65) years, (2) needy persons who are at least eighteen (18) years of age and less than sixty-five (65) years of age who are permanently and totally disabled, (3) needy blind persons over the age of twenty-one (21) years, and (4) needy children under the age of sixteen (16) years; authorizing the Legislature to set up residence requirements for eligibility for such assistance.
Proposing Senate Joint Resolution No. 21.

Resolution:

Committee Amendment

Publication.

Such purposes; providing for the acceptance of financial aid from the Government of the United States; providing for the acceptance of ballot, proclamation, and publication.

The resolution was read second time.

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

Committee Amendment No. 1

House Committee Substitute for Senate Joint Resolution No. 21.

A Joint Resolution

Proposing an Amendment to the Constitution of the State of Texas, amending Sections 51a and 51-b-1 of Article III of the Constitution of the United States; removing the over-all ceiling on the amount that is matchable out of Federal funds for such purposes; providing for the acceptance of financial aid from the Government of the United States; providing for the necessary election, form of ballot, proclamation, and publication.

Be It Resolved By The Legislature of The State of Texas:

Section 1. That Sections 51a and 51-b-1 of Article III of the Constitution of the State of Texas be amended, and the same are hereby amended so that the same shall hereafter consist of one Section to be known as Section 51-a of Article III which shall read as follows:

“(1) Needy aged persons who are actual bona fide citizens of Texas, and who are over the age of sixty-five (65) years; provided that no such assistance shall be paid to any inmate of any state-supported institution, while such inmate; provided that the Legislature shall prescribe the residence requirements for eligibility; provided that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; and provided further that the total amount of such assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

“(2) Needy individuals, who are citizens of the United States, who shall have passed their eighteenth (18th) birthday but have not passed their sixtieth (60th) birthday, who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps and not feasible for vocational rehabilitation; provided that the Legislature shall prescribe the residence requirements for eligibility; provided further, that no individual shall receive assistance
under this program for the permanently and totally disabled during any period when he is receiving Old Age Assistance, Aid to the Needy Blind, or Aid to Dependent Children, nor while he is residing permanently in any completely state-supported institution; provided that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; and provided further that the total amount of such assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

(1) Needy blind persons who are actual bona fide citizens of Texas, and are over the age of sixty-five (65) years; provided that no such assistance shall be paid to any inmate of any state-supported institution, while such inmate; provided that the Legislature shall prescribe the residence requirements for eligibility; provided that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; and provided further that the total amount of such assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

(4) Needy children who are actual bona fide citizens of Texas, and are under the age of sixteen (16) years; provided that the Legislature shall prescribe the residence requirements for eligibility; provided that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; and provided further that the total amount of such assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

The Legislature shall have the authority to accept from the Government of the United States such financial aid for such assistance as such Government may make or approve and to issue such grants on behalf of such recipients as may be deemed appropriate by the Legislature.

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1964, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment providing for assistance payments to the (1) needy aged, (2) needy blind and (4) needy children; authorizing the Legislature to set up residence requirements for eligibility; authorizing the Legislature to make appropriations out of State funds for the payment of assistance grants on behalf of such recipients; providing for the acceptance of funds from the Government of the United States for the purpose of paying such assistance grants; providing that the amounts expended out of State funds on behalf of individual recipients shall not exceed the amounts that are matchable out of Federal funds; and providing further that the total amounts expended per year out of State funds for such assistance payments shall never exceed Sixty Million Dollars ($60,000,000)."

"AGAINST the Constitutional Amendment providing for assistance payments to the (1) needy aged, (2) needy blind and (4) needy children; authorizing the Legislature to set up residence requirements for eligibility; authorizing the Legislature to make appropriations out of State funds for the payment of assistance grants on behalf of such recipients; providing for the acceptance of funds from the Government of the United States; and authorizing the Legislature to provide for the acceptance of funds from the Government of the United States for the purpose of paying such assistance grants; providing that the amounts expended out of State funds on behalf of individual recipients shall not exceed the amounts that are matchable out of Federal funds; and providing further that the total amounts expended per year out of State funds for such assistance payments shall never exceed Sixty Million Dollars ($60,000,000)."
States for the purpose of paying such assistance grants; providing that the amounts expended out of State funds on behalf of individual recipients shall not exceed the amounts that are matchable out of Federal funds; and providing further that the total amounts expended per year out of State funds for such assistance payments shall never exceed Sixty Million Dollars ($60,000,000)."

Section 3. The Governor of Texas shall issue the necessary Proclamation for the election and this Amendment shall be published in the manner and for the length of time required by the Constitution and laws of this State.

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

Amend House Committee Substitute for S. J. R. 21, page 3 of the printed copy, line one, by deleting the following words: "Tuesday after the first Monday in November, 1964" and substituting in lieu thereof the following: "Saturday after the first Monday in November, 1963."

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

Committee Amendment No. 1 as amended, was adopted without objection.

S. J. R. No. 21 was passed by the following vote:

Yea—125

Abanis
Allen
Arledge
Baehrfield
Barne
Bass of Bowie
Bass of Harris
Beauchamp
Berry
Birkner
Blair
Boyle
Bridges
Brooks
Brown
Brown of Galveston
Brown of Taylor
Buier
Cain
Duggan
Dungan
Beirichard
Mutscheller
Edwards
Niemeyer
Noguer
Finney
Parker
Fletcher
Parmer
Floyd
Parsley
Fondren
Peary
Foreman
Peeler
Gibbons
Pendleton
Giddens
Price
Green
Rapp
Grove
Richards
Guiffey
Richardson
Haines of Brazos
Haller
Haring
Harris
of Galveston
Haynes of Orange
Schiiler
Hefton
Hendryx
Hinson
Hollowell
Hogan
Hughs
Hunt
Isaacks
Jarnes
Jenison
Jarvis
Johnson of Bexar
Stewart
Kilpatrick
Thompson
Klapper
Thurmond
Knapp
Townsend
Kothmann
Trager
Lack
Walker
Ligarde
McClinton
Mcllhaney
McGregor
Whitfield
McLoughlin
Wing
Mann
Wilson
Markgraf
Woods
Miller

Nay—9

Ball
Johnson of Dallas
Carroll
Macaster
Davis
Morgan
Harris of Dallas
Stoienweck
Houston

Absent

Atwell
McNutt
Doke
Quilliam
Fairchild
Bledsoe
Harding
Smith of Bexar
Heafy
Absent—Excused

Adams
McLaughlin
Koliba
The Speaker laid before the House, on its third reading and final passage, S. B. No. 27, A bill to be entitled "An Act repealing Articles 3.33, 3.35, and 3.37 of the Insurance Code, enacted by Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, Page 868; and declaring an emergency."

The bill was read third time and was passed.

Mr. Johnson of Dallas moved to reconsider the vote by which S. B. No. 27 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 28, A bill to be entitled "An Act relating to Real Property; containing definitions applicable to this Act; providing for formation of Condominium Regimes; providing for conveyance of individual apartments and recording of such deeds; providing for common elements of the property; providing for recordation and items to be contained in recorded instruments creating the Condominium Regimes; providing for regrouping and merger of all estates; providing for council of co-owners; and administration of project; providing for contribution of co-owners toward administration, maintenance, and repairs of common elements; providing for Homestead exemption when applicable; providing for taxes on individual interests and not as a whole; providing for provisions of this Act to apply in case of conflict; providing that holding an unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

The bill was read third time. A record vote was requested on the passage of S. B. No. 28.

S. B. No. 28 was passed by the following vote:

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<td>53</td>
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<td>Yea</td>
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1972 HOUSE JOURNAL

SENATE BILL NO. 27 ON THIRD READING

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At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Act shall be privileged.

Any licensed funeral director and/or embalmer whose license has been revoked, suspended or renewal refused, or a person to whom the Board has refused to issue a license under this Act, shall have the right of appeal, from any such decision of the Board to any District Court in the County in which he resides within twenty (20) days from and after the date the said board announces its final decision. In a suit brought to review orders, decisions, or other acts of the Board, the trial shall be de novo as that term is used and
The State Board shall have the power to appoint committees from the membership. The duties of any committees appointed from the State Board of Morticians membership may consider such matters pertaining to the enforcement of this Act as shall be referred to such committees, and they shall make recommendations to the State Board of Morticians with respect thereto. The State Board of Morticians shall have the power, and may delegate the said power to any committee, to issue subpoenas, and subpoenas duces tecum, and to compel the attendance of witnesses, the production of books, records and documents, to administer oaths, and to take testimony concerning all matters within its jurisdiction.

The State Board of Morticians shall not be bound by such rules of evidence or procedure, in the conduct of its proceedings, but the determination shall be founded on sufficient legal evidence to sustain it. The State Board of Morticians shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The State Board of Morticians shall be represented by the Attorney General and/or the County or District Attorneys of this State, or counsel designated and empowered by the Board. Before entering any order cancelling, suspending, refusing to renew, or revoking a license to practice as a funeral director or embalmer, the Board shall hold a hearing in accordance with the procedure set forth in this Act.

The provisions of this Section shall not apply to funeral establishments or licenses pertaining to funeral establishments.

The amendment was adopted.

Mr. Walker offered the following amendment to the bill:

Amendment to S. B. §5

Amend S. B. §5 by striking out subparagraph D of Section 4, and inserting in lieu thereof the following:

"D. 1. Failure of a funeral establishment to substantially comply with the provisions of Paragraph C of this Section shall constitute the only grounds upon which the Board may initiate formal complaint or other action against a funeral establishment or in regard to the license of a funeral establishment.

2. As to asserted violations of provisions of Paragraph C of this Section, the Board shall have the following powers, rights and duties:

(a) The Board may, in any case, require a sworn statement setting forth matter complained of as a condition to taking further action.

(b) The Board shall cause an investigation to be made whenever a complaint is filed with or by the Board.

(c) As to the license of funeral establishments, except when the accused admits a violation and agrees in writing to a judgment of the Board suspending or revoking the license in question or placing the accused on probation, the Board shall have no power or authority to suspend or revoke the license of the accused, however, the Board shall have the right to initiate a civil action in a District Court in the county in which the accused resides for the purpose of seeking a revocation or suspension of such license or probationary action all as hereinafter provided.

3. The term "Accusation" or "Complaint" shall embrace all complaints brought before the Board. By the terms "Civil Suit," "Court Action," or "Formal Complaint," is meant the pleading by which disciplinary action is instituted by the Board in a District Court of this State.

4. In any investigation or hearing by the Board it may require the at-
tendance of witnesses by issuing no-
tices to witnesses, and ordering them
to appear and testify. The Board may
require testimony to be given
under oath or affirmation. Such no-
tices to a witness shall be served at
the request of the Board or the
accused licensee or the organization
whom application for license has
been denied. Such notice must be in
writing and signed by the presiding
member of the Board, and shall noti-
fy the witness of the time and
place to appear. Notice to a witness
shall be served on him personally
or by mailing the same to him by
registered mail, return receipt re-
quested. Proof of such may be made
by certificate of the person making
the same, with return receipt at-
tached when made by registered mail.

If any witness fails or refuses to
appear before the Board, such wit-
tness shall be compelled by a Judge
of any District Court to appear and
testify at a hearing before such
Judge in the same manner as wit-
tnesses may be compelled to appear
and testify in a civil suit in a District
Court. Application for such hearing
may be filed by any party to such
proceedings in any District Court of
the county in which such witness re-
sides or may be found. The Judge
shall fix by order a time and place
for such hearing and shall provide
for such notice to the Board and the
accused or the applicant for a li-
cense or certificate which has been
denied as he determines proper. If
such witness fails to appear or tes-
tify he shall be punished as in cases of
contempt.

5. The Board shall be of the
opinion that the license of the ac-
cused should be revoked or sus-
pended for a period not to exceed
three years, and if the accused will
accept a decision of the Board to
such effect, it shall prepare a formal
judgment and submit the same to
him; and upon his agreement to its
entry, evidenced by memorandum in
writing signed acknowledged by him,
the Board shall enter judgment ac-
cordingly and the same shall have
the force and effect of a judgment
of the District Court of the county
of the residence of the accused. A
copy of the judgment, together with
a copy of the complaint, shall be
mailed to the Clerk of the District
Court of the county of residence of
the accused for entry in the minutes
of the court.

6. (a) The Texas rules of civil
procedure shall govern the procedure
in all proceedings under Civil Ac-
cions (Formal Complaint).

(b) The District Attorney or the
County Attorney of the county of
the residence of the accused licensee
as defendant, or the Attorney Gen-
eral or such counsel as the Board
may designate shall represent the
Board as it shall determine.

(c) The Formal Complaint shall
be the pleading by which the pro-
ceeding is instituted. The Formal
Complaint shall be filed in the name
of the Texas State Board of Morti-
cians as plaintiff against the ac-
cused licensee as defendant and shall
set forth the violation with which
the defendant is charged. The prayer
may be that the defendant “be plac-
ed on probation or his (its) license
suspended or revoked as the facts
shall warrant.”

(d) The answer of the defendant
to the Formal Complaint shall either
admit or deny each allegation of the
petition, except where the defendant
cannot admit or deny the al-
legation, in which case defendant
shall set forth the reasons he (it)
cannot admit or deny.

(e) Proceedings under Formal
Complaint shall be entitled to pre-
ferred setting at the request of ei-
ther party.

(f) If the court shall find from
the evidence in a case tried without
a jury, or from the verdict of the
jury, if there be one, that the de-
fendant is guilty of no violation, he
shall enter judgment so declaring
and dismiss the complaint; but if
he shall find the defendant guilty,
he shall determine whether the party
shall be (a) placed under probation
(in which case he shall specify the
terms thereof), (b) the license sus-
pended (in which case he shall fix
the term of suspension), or (c) the
license revoked; and he shall enter
judgment accordingly. If the judg-
ment be one finding the defendant
guilty as aforesaid, it shall direct
transmittal of certified copies of the
judgment and complaint to the Sec-
retary of the Board of Morticians;
and the latter shall make proper
notation on the membership rolls.

(g) At any time after the expira-
tion of one year from the date of

May 15, 1963 HOUSE JOURNAL 1975
HOUSE JOURNAL

final judgment of revocation of a license, each party may petition the District Court of the county of his residence for restatement. Notice of such action shall be given to the Secretary of the State Board of Mor­

ticles.

(b) The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Section. Said action for an injunction shall be in addition to any other action, proceeding, or remedy recognized by law. The Board shall be represented by counsel designated by it, or, by the Attorney General and/or County and District Attorney of this State.

Mr. Cotten moved that further consideration of Senate Bill No. 86 be postponed until 11:00 o'clock a.m. tomorrow.

Mr. Walker moved to table the motion to postpone further consideration of S. B. No. 85, and the motion to table prevailed.

Mr. Nugent offered the following amendment to the amendment offered by Mr. Walker:

Amend Walker amendment to Senate Bill No. 85 by adding a new section appropriately numbered:

In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trial shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is tried and the court thereby acquires jurisdiction, all administr­

ative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening ad­

ministrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby speci­

fically declares that the provisions of this section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this section. If this section, or any part thereof, is for any reason ever held by any court to be invalid, unconstitutional or inoperative in any way, such hold­

ing shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

The amendment offered by Mr. Nugent to the amendment offered by Mr. Walker was adopted without objection.

The amendment offered by Mr. Walker, as amended, was then adopted without objection.

Mr. Walker offered the following amendment to bill:

Amend S. B. 85 by striking out subparagraph 8 of paragraph C of Section 4, and inserting in lieu there­
of the following:

8. A physical plant located at a fixed place, and not located on any tax-exempt property or cemetery.

The amendment was adopted without objection.

Mr. Walker offered the following amendment to the bill:

Amend S. B. 86 by striking out subparagraph B of Section 4 and re­

lettering the following subparagraphs in their proper sequence.

The amendment was adopted without objection.

S. B. No. 85 was then passed.

RELATIVE TO CONVEYING CERTAIN LAND FROM THE UNITED STATES GOVERNMENT TO THE BOARD FOR STATE HOSPITALS AND SPECIAL SCHOOLS

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

Senate Concurrent Resolution No. 76

Whereas, Certain property owned by the United States of America com­

prising various buildings and facili­

ties, including utility services, located in the City of Harlingen,
May 15, 1963

HOUSE JOURNAL

1977

WHEREAS, The problem of licensing private trade schools and correspondence schools in Texas has been before the Legislature during several sessions; and

WHEREAS, It is in the public interest for the House of Representatives to determine the extent of need for the licensing of private trade and correspondence schools prior to the enactment of any legislation regarding the licensing or regulation of such schools; and

WHEREAS, The House of Representatives has the authority to make investigations needed in conducting such a study; 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 an interim committee of five (5) members of the House, one of whom shall be designated as chairman, to make a study of private trade schools and correspondence schools in Texas, with special attention to any existing abuses; and be it further

Resolved, That the Office of the Attorney General of Texas, the Texas Education Agency, the Texas Legislative Council, and other State departments be requested to provide such assistance and cooperation as may be necessary in the completion of this study; 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.

The resolution was referred to the Committee on State Affairs.

PROVIDING FOR A COMMITTEE TO STUDY THE NEED FOR LICENSING PRIVATE TRADE SCHOOLS AND CORRESPONDENCE SCHOOLS IN TEXAS

Mr. Heatly offered the following resolution:

H. S. R. No. 622

WHEREAS, The City of Harlingen, a municipal corporation, in Cameron County, Texas, owns the land underlying said buildings and facilities; and

WHEREAS, The Board for Texas State Hospitals and Special Schools is in need of a portion of said property and can utilize the same for the establishment of a mental health out-patient clinic, to wit: building formerly used as the base hospital at said Harlingen Air Force Base, to be acquired by conveyance from the United States of America, free of any payment; fifteen (15) acres of land underlying and surrounding said hospital building to be acquired by conveyance from the City of Harlingen, free of any payment; and

WHEREAS, It is the desire of the Board for Texas State Hospitals and Special Schools, the governing authority of hospitals for mental health in this state, to make such application; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Board for Texas State Hospitals and Special Schools, or the successors in function of said Board, be and is hereby designated as the proper agency of this state to negotiate for and acquire such land and building; such Board through its duly authorized agents and employees is hereby authorized to do any and all things necessary and proper to procure acquisition of and to accept the property approved for transfer by the Department of Health, Education and Welfare and the City of Harlingen, Texas.

The resolution was referred to the Committee on State Affairs.

TO REQUEST CERTAIN STUDY RELATIVE TO THE PROBLEMS ASSOCIATED WITH THE ASSESSMENT AND TAXATION OF CERTAIN LAND

Mr. Jamison offered the following resolution:

H. C. R. No. 92

WHEREAS, With the increasing trend toward urbanization, rapid population growth in predominantly rural areas adjacent to expanding cities has created a problem in that such areas require additional public services which are financed by increasing property
tax rates on land in the rural-urban fringe; and

Whereas, This prevalent practice of increasing the tax rate on land used for strictly agricultural purposes simply because the land lies in the path of urban growth works a severe hardship on the farmer who tries to continue to make his living from the soil; and

Whereas, The increase in property taxes in line with rising potential value of farm land encourages premature abandonment of farming operations, often leading to mismanagement and deterioration of the land; and

Whereas, Several states, including Maryland, Hawaii, Oregon, California, Florida and New Jersey have enacted laws to require that so long as land continues to be used in agriculture, it must be assessed for tax purposes on the basis of its value for agricultural use alone without consideration of any value the farm land has for development in non-farm uses; and

Whereas, A number of other states have considered or are presently considering such legislation; now therefore be it

Resolved, By the House of Representatives of the State of Texas, That we go on record as endorsing the recommendations made by General Lucius D. Clay and the advisory committee of which he is chairman, to make substantial cuts in the administration's foreign aid program; but to retain, as recommended by the committee, aid in those areas absolutely necessary to maintain free world security; and be it further

Resolved, That we petition the Federal Government to stop all foreign aid to Communist-dominated countries and those countries who trade with them; and be it further

Resolved, That copies of this resolution be forwarded to the President and Vice-President of the United States and to all members of Congress from the State of Texas.

The resolution was referred to the Committee on State Affairs.

PROVIDING FOR A COMMITTEE TO STUDY PROBLEMS OF REGIONAL WATER SAFETY

Mr. Shipley offered the following resolution:

H. S. R. No. 518

Whereas, The tremendous increase in pleasure boat traffic and other water sports on Texas lakes and waterways has the unfortunate concomitant of a growing hazard; and

Whereas, As more and more people take up this leisure time activity, the accident potential can turn our beautiful recreation areas into death traps and it is therefore mandatory that governing bodies consider action; and

Whereas, Better control, supervision, and policing is both necessary and desirable on the public waters of this State; and

Whereas, A wide variation in water recreation, which includes, in addition to boating, swimming, fishing, skin diving, and water skiing,
indicates the additional problem of conflicting requirements, both for space and condition, and also presents attendant danger; and

Whereas, There is prime need for proper enforcement of present water safety laws for effective accident prevention; and

Whereas, The popularity of water sports has not been confined to Texas. Other states are faced with the same problems and as a result there is a proposal in Congress to levy a use tax on boats as a means of financing public recreation areas; and

Whereas, At the same time government subsidiaries are charging so-called inspection fees, launching fees, and fees under several other guises which have the effect of placing a tax on the boating public which can and will become unbearable unless some fair, equitable method of paying for the maintenance of facilities can be worked out; now, therefore, be it

Resolved by the House of Representatives of the Fifty-eighth Legislature of the State of Texas, That the Speaker of the House be authorized to appoint an interim committee of seven (7) members to study the problems of recreational water safety within the State of Texas with the view to possible improvements and recommendations; and, be it further

Resolved, That the committee shall have the power to inspect the records and documents of any State agency which may assist in preparing this study; and, be it further

Resolved, That the committee shall be authorized to hold such meetings as it deems necessary, shall have the power to summon and compel the attendance of witnesses and the production of documents and records, and the committee or any member thereof may administer oaths to witnesses; and, be it further

Resolved, That the necessary expenses of the committee shall be paid out of the Legislative Expense Fund of the Fifty-eighth Legislature; and, be it further

Resolved, That the committee be instructed to report its findings, together with such recommendations as it deems desirable to the Regular Session of the Fifty-ninth Legislature.

Signed: Shipley and Atwell.

The resolution was referred to the Committee on State Affairs.

REQUESTING HOUSE CONFEREES ON H. B. NO. 96 TO INCLUDE CERTAIN APPROPRIATION IN THIS BILL

Mr. Woods offered the following resolution:

H. S. R. No. 505
Be It Resolved By The House of Representatives of The State of Texas:

That, the House Conferences on the Conference Committee appointed to resolve the differences between the two Houses on the General Appropriations Act, House Bill No. 86, be requested to include in the bill an appropriation of Seven Hundred Fifty Thousand Dollars ($750,000) for the 1963-1965 biennium for the purpose of establishing in an appropriate location a home for dependent and neglected Negro children and Negro orphans.

Signed: Woods, Cowden and Cher.

The resolution was referred to the Committee on Appropriations.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 35
Whereas, W. J. Holladay of Fort Stockton, Texas alleges that on February 5, 1962 he was driving toward Fort Stockton and was about three miles west of Fort Stockton and was on a road which was being worked on by the Texas Highway Department. They were filling cracks in the paving with asphalt and then placing a fine dust over the asphalt. This dust was very fine and was easily stirred into a cloud. Mr. Holladay was following a pickup truck and when this truck in front of him hit the dust, it threw up a cloud causing him to lose his vision. A Highway Department truck was in the cloud of dust parked on his side of the road with no flashing lights and no flagman, nor was there any sign or warning of any character prior to the place where the dust
Resolved, That any party to the suit shall have the right of appeal to any Court of competent jurisdiction; now, therefore, be it resolved, by the Senate of the State of Texas, the House of Rep-
May 15, 1963

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, Producing Properties, Inc., is a private corporation under the laws of the State of Delaware and duly authorized to transact business in the State of Texas; and

Whereas, Producing Properties, Inc., asserts it has overpaid the State of Texas franchise taxes in the aggregate amount of $64,836.58 for the years 1955 to 1958 inclusive; and

Whereas, It is maintained that the Comptroller of the State of Texas and Producing Properties, Inc., have over a period of many months examined the validity of the overpayment aggregating said sum and have agreed that Producing Properties, Inc., was not obligated to pay said sum or any part thereon; and

Whereas, It is asserted that the Comptroller has concluded that Article 1.11 of the Revised Civil Statutes of Texas which authorizes said Comptroller to grant credits for such overpayments does not authorize the Comptroller to grant credits for overpayments made prior to the effective date of the Act; and

Resolved, That the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State or the Adjutant General or admission as to any facts is hereby made by this Resolution, and it is specifically provided that the facts upon which any recovery or order for correction of records is sought must be proved in court as in 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 of law that may be asserted by or available to the State of Texas or the Adjutant General of the State of Texas, or any of the departments or agencies 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.

TO GRANT PERMISSION TO SUIT

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

Whereas, producing Properties, Inc., is a private corporation under the laws of the State of Delaware and duly authorized to transact business in the State of Texas; and

Whereas, Producing Properties, Inc., asserts it has overpaid the State of Texas franchise taxes in the aggregate amount of $64,836.58 for the years 1955 to 1958 inclusive; and

Whereas, It is maintained that the Comptroller of the State of Texas and Producing Properties, Inc., have over a period of many months examined the validity of the overpayment aggregating said sum and have agreed that Producing Properties, Inc., was not obligated to pay said sum or any part thereon; and

Resolved, That the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State or the Adjutant General or admission as to any facts is hereby made by this Resolution, and it is specifically provided that the facts upon which any recovery or order for correction of records is sought must be proved in court as in 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 of law that may be asserted by or available to the State of Texas or the Adjutant General of the State of Texas, or any of the departments or agencies 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.

TO GRANT PERMISSION TO SUIT

The Speaker laid before the House, for consideration at this time, the following resolution:
Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That Austin Bridge Company, a corporation, and B. G. Brown and Company, a corporation, be and they are each jointly and severally granted permission to bring and maintain suit against the State of Texas including the Texas Highway Department in the District Court of Travis County, Texas, or in such other courts as may have jurisdiction under the General Laws of the State of Texas, to recover judgment in such amount as may be determined by a court or jury; and, be it further
Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid parties to maintain suit against the State and any instrumentality thereof and no admission of liability is intended to be evidenced by this Resolution and the parties described above shall be required to prove all essential facts as in other similar cases and either party may appeal from any judgment entered in the event such suit is instituted in accordance with the rules and laws of civil procedure for such legislation.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

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

Senate Concurrent Resolution No. 56

Whereas, Austin Bridge Company, as prime contractor, entered into a contract with the Texas Highway Department under Contract (Project) 1-30-2(281283) to construct a portion of State Highway No. 120 in Taylor County, Texas, which contract was entered into in 1959; and

Whereas, The prime contractor and B. G. Brown of B. G. Brown and Company, a sub-contractor, entered the Texas Highway Department, acting through its duly authorized agents, imposed additional burdens upon the contractors not contemplated by the contract and arbitrarily charged working days against the contractor and sub-contractor when such charge was not justified; and

Whereas, Austin Bridge Company, a corporation, and B. G. Brown and Company, a corporation, desire to enter suit against the State of Texas to recover for what they contend are unfair and unjustified penalties and unjustified requirements in connection with the construction under said contract; now, therefore, be it

Resolved, That no interest shall be paid to Producing Properties, Inc., in the event a final judgment is obtained by it for recovery of taxes paid under Chapter 12, Title 12a, Revised Civil Statutes of Texas; and, be it further
Resolved, That nothing herein shall be construed as a waiver of any defense, of fact as well as of 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 in 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.

TO GRANT PERMISSION TO SUE THE STATE

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

Senate Concurrent Resolution No. 56

Whereas, It is alleged that on or about September 27, 1962, Mrs. Joyce P. Van Natter voluntarily admitted herself to John Sealy General Hospital in Galveston County, Texas, under the care and direction of Dr. Roy Hill; and

Whereas, It is further alleged that upon admission she was placed in a private room in the section of the hospital known as Randall Pavilion and placed under sedation; and

Whereas, It is further alleged that while she was under sedation the mattress on which she was lying caught fire and before anyone came to her aid, the fire caused her right...
The arm to be burned so badly that it had to be amputated and further caused second and third degree burns over approximately forty percent (40%) of her body; and

Whereas, It is further alleged that the staff and personnel of John Sealy General Hospital had exclusive control of the room and facilities therein at the time of said occurrence, that Joyce P. Van Natter, being under sedation, was without fault, and that such injury would not have occurred had those in charge exercised proper care; and

Whereas, It is further alleged that Mrs. Van Natter and her husband have suffered greatly as a result of said injuries; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Joyce P. Van Natter of Galveston County, Texas, joined by her husband, Bert Van Natter, are hereby granted permission to sue John Sealy General Hospital of Galveston County, Texas, as a state institution, and the State of Texas, or both, in any court of competent jurisdiction to determine whether or not John Sealy General Hospital, or the State of Texas, or both, are liable as a result of said occurrence, and further determine what damages, if any, Joyce P. Van Natter and her husband, Bert Van Natter are entitled to recover from such hospital or the State of Texas, or both, by reason of any negligence or wrongful act committed by such hospital or the State of Texas, or both, in connection with the accident; and be it further

Resolved, That service of citation and any other legal process shall be served upon the Attorney General of the State of Texas. Service of process upon this officer shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and, be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this Resolution is to grant permission to Joyce P. Van Natter and her husband, Bert Van Natter, to bring suit against John Sealy General Hospital of Galveston County, Texas, and the State of Texas. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which Joyce P. Van Natter and her husband seek to recover must be proved in court as in other civil cases; and, be it further

Resolved, That any and all defenses which the State of Texas and such hospital may have should be pleaded by them, and none of the defenses which the State of Texas and such hospital may have are in any way waived by the passage of this Resolution.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 71

Whereas, Disc Jockey, Inc., a corporation organized and existing under the laws of the State of California, alleges that it and its assignor Bill Daly & Associates are producers of band and orchestra concerts; and

Whereas, Disc Jockey, Inc., alleges that it and said assignor produced certain performances known as the "Lawrence Welk Show" in various municipal and other publicly owned auditoriums in Fort Worth, San Antonio and Houston, Texas, during the years 1958 through 1962, inclusive; and

Whereas, Disc Jockey, Inc., alleges that in connection with said production, it and said assignor paid to the State of Texas, through the Comptroller of Public Accounts, a total of $8,856.95 as admission taxes under Chapter 21 of Title 122A R.C.S.; and

Whereas, Disc Jockey, Inc., alleges that said taxes were not properly due and payable to the State of Texas; that the Comptroller of Public Accounts was not authorized to levy and collect said taxes; and that said taxes should be refunded to it; and

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

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or of any of the Departments or Agencies of the State of Texas, or of 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.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 88

Whereas, Eldridge Jarrell, a former employee of the Texas Highway Department, alleges that he was injured on or about October 20, 1961, while performing his duties with that department, as a result of which injury he was hospitalized twice for a total of 36 days before undergoing a disc and fusion operation on his back at Baylor Hospital in Dallas; and

Whereas, Mr. Jarrell was released from the hospital on April 16, 1962, was advised by the doctors that the operation was successful and, from conversations with agents of the Texas Highway Department, under­stood that he was to be permitted to return to work for that department; and

Whereas, He alleges that, relying upon the statement of the doctors that he would not be permanently disabled and the incorrect representations regarding the workmen’s compensation law made by an agent of the Texas Highway Department who was adjusting the worker’s compensation matter, he signed, on or about August 23, 1963, a compromise settlement agreement for $4,944.40 out of which he paid $1,499.40 in medical bills; and

Whereas, Mr. Jarrell alleges that he was without legal counsel at the time he signed the compromise agreement and that he is now and was at the time of signing the compromise agreement totally and per­manently disabled within the mean­ing of the workmen’s compensation law; and

Whereas, Contending that he signed the agreement because of the above-detailed misinformation and incorrect representations, Mr. Jarrell now wishes to bring suit against the State of Texas and the Texas Highway Department to set aside the compromise settlement agreement; now therefore be it

1984 HOUSE JOURNAL

His Accounts denies these contentions and aver that Disc Jockey, Inc., is not entitled to have said taxes refunded to it; and

Whereas, Such controversy should be determined and decided by the Courts of this State; Now, There­fore, Be It

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Disc Jockey, Inc., a corporation organized and existing under the laws of the State of California, be, and it is hereby, given permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State is liable to refund to said Disc Jockey, Inc., the taxes hereinabove referred to which were paid by it and its assignor, and

Be It Further

Resolved, That service of citation and of any other legal process in any such suit shall be had upon the Comptroller of Public Accounts and upon the Attorney General of the State of Texas, with service of pro­cess upon both of these two officials to have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and

Be It Further

Resolved, That any such party in any such suit shall have the right of appeal as provided for in other civil cases; and

Be It Further

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

Be It Further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or of any of the Departments or Agencies of the State of Texas, or of any of the political subdiv­isions of the State of Texas, in
Resolved, By the Senate of the 58th Legislature of Texas, the House of Representatives concurring, That Eldridge Jarrell of Cooper, Texas, be granted permission to sue the State of Texas and the Texas Highway Department for such relief as he may be entitled to concerning the workmen’s compensation compromise settlement agreement which he signed in August, 1962; 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 asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further
Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 57

Whereas, Mrs. Ruth Wilhelm, a veteran, joined by her husband, Dr. Jack Wilhelm, allege that the said Ruth Wilhelm acquired by written assignment of contract dated April 4, 1952, of record in Volume 270 at Page 291, deed records of Comanche County, Texas, between the Veterans’ Land Board of Texas and the original veteran purchaser, to-wit, Aubrey L. Wilhelm, all of the right, title and interest of the said Aubrey L. Wilhelm to purchase from said Veterans’ Land Board of Texas, a one hundred thirty-nine (139) acre tract of land in the H.T. & B.R.R. Company Survey No. 3, Abstract No. 16, Comanche County, Texas, except 94 acre of said land in the southwest corner thereof lying West of the then “Democrat-Comanche Farm to Market Road” running through said land; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that said 94 acre of land lying between the west line of the then “Democrat-Comanche Farm to Market Road” and the east line of a tract of land owned by one W. S. Lawrence by deed dated April 30, 1941, of record in Volume 264, at page 272 of the deed records of Comanche County, Texas, was sold and conveyed to the said W. S. Lawrence by the then owners of said 139 acre tract of land, to-wit, T. W. Wilhelm and wife, Oleta Wilhelm; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that said “Democrat-Comanche Farm to Market Road,” during the year 1949, was removed eastward by the State Highway Department of the State of Texas from its old location to a new location crossing the lands owned by Mrs. Ruth Wilhelm; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that between the west right-of-way line of the said new farm to market road, being known as No. 573, and the east line of said 94 acre of land owned by the said W. S. Lawrence, there is a tract of 1.14 acres which is a part of the tract of land now owned by the said Ruth Wilhelm; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that the said Mrs. Ruth Wilhelm owns in fee the south 480 acres of the El Paso Irrigation Company Survey in Comanche County, Texas, and that the said W. S. Lawrence owns the remaining portion of the H. T. & B.R.R. Company Survey No. 3, Abstract No. 16, being all of said survey except the 139 acres above mentioned, the north line of which portion of said survey is the same as the south line of said El Paso Irrigation Company Survey; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that after said farm to market road was changed, they made a verbal agreement with the said W. S. Lawrence, who was preparing to build a line fence between the El Paso Irrigation Company Survey and that portion of the H.T. & B.R.R. Company Survey
which he owns, in which the parties agreed to have said survey line surveyed by a licensed land surveyor and to jointly build a fence on said line and as a further consideration, the said Mrs. Ruth Wilhelm and Dr. Jack Wilhelm agreed to convey said 1.14 acres of land to Mrs. Ruth Wilhelm and Dr. Jack Wilhelm for use as a farm to market road and the land owned by the said W. S. Lawrence without cost to him; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that after said survey was made and the licensed land surveyor had delivered the said notes thereof to them and after he had clearly staked said line with stakes and markers, the said W. S. Lawrence ignored said survey lines established by the said licensed land surveyor and went upon their land and constructed a fence between said lands ranging from the survey line to some eight (8) feet north of said line and on their property on the west end thereof, and then without the consent or knowledge of the said Mrs. Ruth Wilhelm and Dr. Jack Wilhelm removed his fence from the east line of his said 2.94 acres of land and rebuilt said fence along the west line of said new farm to market road and thus attempted to appropriate said 1.14 acres of land belonging to the said Mrs. Ruth Wilhelm to his own use and possession without paying anything thereof; and

Whereas, Mrs. Ruth Wilhelm and Dr. Jack Wilhelm allege that Mrs. Ruth Wilhelm, joined by her husband, Dr. Jack Wilhelm, filed suit against said W. S. Lawrence in the District Court of Comanche County, same being Cause No. 192 to the Committee on Comanche County, and made the Veterans' Land Board of Texas a party defendant to said suit in an effort to regain the title and possession of said 1.14 acres of land, mailed a copy of said petition to the Veterans' Land Board of Texas requesting that said Board adopt their pleadings or, in lieu thereof, said Board file a Plea in Abatement in said suit taking the position that it was not a necessary party to the suit, which Plea in Abatement was sustained by the Court, but on the grounds that the Veterans' Land Board was a necessary party and not on the grounds that it was not a necessary party, thus making it necessary for the said Mrs. Ruth Wilhelm and Dr. Jack Wilhelm to obtain permission to sue the State of Texas and its Veterans' Land Board as they desire to bring said suit to recover the title to said 1.14 acres of land; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that Mrs. Ruth Wilhelm joined by her husband, Dr. Jack Wilhelm, be and is hereby granted permission to bring suit against the State of Texas and the Veterans' Land Board of the State of Texas in the District Court of Comanche County, for the purpose of clearing the title of the said Mrs. Ruth Wilhelm to the 1.14 acres she claims within the said H. T. & B.R.B. Company Survey No. 3, Abstract No. 16, in Comanche County, Texas, and service of citation for the purpose herein granted may be served upon the State of Texas by serving the Attorney General and the Veterans' Land Board; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Mrs. Ruth Wilhelm to bring suit against the State of Texas and no admission of liability of the state or of any fact is made in any way by passage of this resolution; and it is specifically provided that the fact upon which she seeks to recover must be proved in court as in other civil cases; and be it further

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

The resolution was referred to the Committee on State Affairs.

SENATE BILLS ON FIRST READING

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

S. B. No. 192 to the Committee on State Affairs.

S. B. No. 566 to the Committee on State Affairs.
May 15, 1963

HOUSE JOURNAL

S. B. No. 288 to the Committee on Counties.
S. B. No. 326 to the Committee on Counties.
S. B. No. 160 to the Committee on Judiciary.
S. B. No. 313 to the Committee on School Districts.
S. B. No. 370 to the Committee on State Affairs.
S. B. No. 429 to the Committee on State Affairs.
S. B. No. 461 to the Committee on Military and Veteran's Affairs.
S. B. No. 516 to the Committee on Judicial Districts.
S. B. No. 466 to the Committee on Appropriations.
S. B. No. 470 to the Committee on State Affairs.
S. B. No. 476 to the Committee on Insurance.
S. B. No. 479 to the Committee on Game and Fisheries.
S. B. No. 482 to the Committee on Public Lands and Buildings.
S. B. No. 486 to the Committee on Counties.
S. B. No. 492 to the Committee on Public Lands and Buildings.
S. B. No. 492 to the Committee on State Affairs.
S. B. No. 488 to the Committee on State Affairs.
S. B. No. 485 to the Committee on Counties.
S. B. No. 483 to the Committee on Counties.
S. B. No. 472 to the Committee on State Affairs.
S. B. No. 468 to the Committee on Game and Fisheries.
S. B. No. 467 to the Committee on Game and Fisheries.
S. B. No. 463 to the Committee on Municipal and Private Corporations.
S. B. No. 462 to the Committee on Counties.
S. B. No. 349 to the Committee on Agriculture.
S. B. No. 594 to the Committee on State Affairs.
S. B. No. 497 to the Committee on Counties.
S. B. No. 496 to the Committee on Counties.
S. B. No. 495 to the Committee on Counties.
S. B. No. 506 to the Committee on Counties.
S. B. No. 414 to the Committee on Judiciary.
S. B. No. 465 to the Committee on Criminal Jurisprudence.
S. B. No. 508 to the Committee on Military and Veteran's Affairs.
S. B. No. 412 to the Committee on State Affairs.
S. B. No. 449 to the Committee on Appropriations.
S. B. No. 494 to the Committee on State Affairs.
S. B. No. 449 to the Committee on Appropriations.
S. B. No. 506 to the Committee on Appropriations.
S. B. No. 508 to the Committee on Military and Veteran's Affairs.
S. B. No. 508 to the Committee on State Affairs.
S. B. No. 502 to the Committee on State Affairs.
S. B. No. 502 to the Committee on State Affairs.
S. B. No. 502 to the Committee on State Affairs.
S. B. No. 507 to the Committee on Game and Fisheries.
S. B. No. 511 to the Committee on State Affairs.
S. B. No. 511 to the Committee on State Affairs.
S. B. No. 77 to the Committee on Counties.
S. B. No. 48 to the Committee on Counties.
S. B. No. 484 to the Committee on Counties.
S. B. No. 498 to the Committee on Counties.
S. B. No. 515 to the Committee on State Affairs.
S. B. No. 504 to the Committee on State Affairs.
S. B. No. 138 to the Committee on Criminal Jurisprudence.

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

By Edwards, Clayton, Cowies, Markgraf, Smith of Jefferson and Birlner:
H. B. No. 1077, A bill to be entitled "An Act amending Article 2607 of the Revised Civil Statutes of Texas, 1925, to provide that no persons other than males shall be admitted or registered by the Agricultural and Mechanical College of Texas during the Fall or Spring Term for the purpose of regular full-time undergraduate study; and declaring an emergency."
Referred to the Committee on State Affairs.

By Cory, Pipkin, Birlner and Wieling:
H. B. No. 1078, A bill to be entitled "An Act relating to the territorial waters of the State of Texas, prohibiting the licensing of certain alien-owned commercial fishing or shrimping vessels; making certain operations unlawful when conducted by such vessels in Texas waters; providing for enforcement of this Act; providing penalties; providing for severability; and declaring an emergency."
Referred to the Committee on State Affairs.

By Birlner:
H. B. No. 1079, A bill to be entitled "An Act prohibiting the sale of gasoline and other inflammable petroleum products in breakable containers; providing a penalty; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Cannon:
H. B. No. 1080, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Limestone 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 Whitfield, Floyd, Miller, Brooks, Shutt, Bass of Harris, Eckhardt and Duggan:
H. B. No. 1081, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Water Control and Improvement District-Pondren Road; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions; providing no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and related matters; providing directors to fill vacancies; providing for organization of board of directors; providing for employment of engineers, attorneys, and other employees; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, nonsuitability of the bonds and refunding bonds, providing the power of eminent domain shall be limited to Harris County; providing District shall bear expense of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; enacting
other provisions related to the aforesaid subjects; providing for a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Knapp, Simpson and Moyer:

H. B. No. 1082, A bill to be entitled "An Act authorizing the Commissioners Courts of Armstrong, Potter and Randall Counties to pay the District Judge of the 47th Judicial District a reasonable sum not to exceed $6,000 per annum; authorizing the Commissioners Court of Potter County to pay the District Judge of the 108th Judicial District a reasonable sum not to exceed $6,000 per annum; providing that such compensation shall be in addition to other compensation paid or authorized; providing for additional compensation which may be paid visiting judges; providing a severability clause; and declaring an emergency."

Referred to the Committee on Counties.

By Allen:

H. B. No. 1083, A bill to be entitled "An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 124th Judicial District; prescribing the method of fixing and paying such salary; and declaring an emergency."

Referred to the Committee on Counties.

By Berry:

H. B. No. 1084, A bill to be entitled "An Act amending Section 186a of the Election Code of Texas, as added by Section 1 of Chapter 494, Acts of the 56th Legislature, 1957, as amended, relating to filing fees for candidates for State Representative or State Senator in primary elections in certain counties; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 77, Requesting S. B. No. 191 be returned to the Senate from the Governor's office for correction.

RECESS

Mr. Mann moved that the House recess until 9:00 o'clock a.m. tomorrow.

The motion prevailed.

The Benediction was offered by the Honorable Tommy Shannon, as follows:

"Our Heavenly Father, as we leave this place and go our several ways, we pray that You will watch over us and protect and bring us back safely that we might continue to serve the people of our State and honor Thee—Amen."

In accordance with the motion to recess, the House, at 4:37 o'clock p.m., took recess until 9:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture: S. B. No. 394.

Banks and Banking: S. B. No. 128.

Judiciary: H. B. No. 490.

Labor: H. B. No. 348.

Military and Veteran's Affairs: H. B. No. 1075.

Municipal and Private Corporations: S. B. No. 142.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 13, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred 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 Col.
lege shall be vested in a Board of Regents of nine (9) 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 employees 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 and the approval of the Texas Commission on Higher Education; providing for two-year 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 donation 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, 1966, or as soon thereafter as possible, free and clear of any indebtedness or indebtednesses, encumbrances or encumbrances of any kind and authorizing the Board of Regents 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 Permian State College of Technology and for repayment thereof; authorizing the Board of Regents, subject to the approval of the Texas Commission on Higher Education, 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 continuance 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."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 14, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 87, A bill to be entitled, "An Act authorizing Incentive Aid Payments to certain independent school districts; specifying the conditions for such incentive payments, and making other provisions relating thereto; containing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 13, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 342, 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; amending Chapter 6 of Title 12A, Taxation-General, of the Revised Civil Statutes of
Texas, 1925; and Subsection (c) of Section 3 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, 1929, as last amended, providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 13, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. B. No. 671, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the Forty-fourth Legislature, 1935, 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 thereto 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."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 14, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. J. R. No. 8, Proposing an amendment to Section 59 of Article XVI of the Constitution of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 14, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. B. No. 1018, A bill to be entitled "An Act amending Chapter 100, Acts 1957, Fifty-fifth Legislature, Regular Session, page 213, codified as Vernon's Annotated Civil Statutes, Article 6252-9, making additional requirements for reporting substantial interests of employees of State agencies, legislators and legislative employees; prohibiting presentation of facts or argument to an administrative agency of this State except under conditions as herein provided; prohibiting officers and agents of a State agency from making investments causing a conflict of interests and further defining same; prohibiting legislators from representing clients before administrative agencies while legislation or appropriations are before the Legislature or committees affecting such agencies and providing remedies; prohibiting a Member of the Legislature from introducing or causing to be introduced proposed legislation which affects directly a client or employer of such Member; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 14, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. J. R. No. 27, Proposing an amendment to the Constitution of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 14, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. C. R. No. 65, House Concurrent Resolution granting permission to Andrew G. Buckner and wife, Narcadean Buckner, to sue the State of Texas and State Highway Department of Texas.
NELSON COWLES, Chairman.
Austin, Texas, May 14, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. J. R. No. 73, House Joint Resolution proposing an amendment to Section 18 of Article V of the Constitution of the State of Texas to provide that in certain instances of inequitable distribution of voters among county commissioners precincts, the county commissioners for non-representative precincts shall be elected at large from the county and need not be residents of the precinct for which they are elected.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
Austin, Texas, May 14, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. J. R. No. 80, House Joint Resolution proposing an amendment to Section 26, Article IV of the Constitution of the State of Texas, to provide that the term of office of Notaries Public shall be four (4) years from the date of appointment.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

HOUSE BILL NO. 379 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 379, A bill to be entitled "An Act to amend the Harris County Road Law, Acts, 1913, Thirty-third Legislature, Special Laws, Chapter 17, Page 64, as amended, by amending Section 31-C of said Harris County Road Law, which said Section 31-C was added by Acts 1947, Fifty-seventh Legislature, Chapter 205, Page 304, amended by Acts 1952, Fifty-third Legislature, Chapter 385, Page 924, and amended by Acts 1959, Fifty-sixth Legislature, Chapter 68, Page 130; providing a severability clause; and declaring an emergency."

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

HOUSE BILL NO. 517 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 517, A bill to be entitled "An Act regulating the minnow industry, repealing all special minnow laws; and declaring an emergency."

The bill was read second time.

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

"Amend H. B. 517 by striking all below the enacting clause and by substituting in lieu thereof the following:

"Sec. 1. This Act shall apply only to Llano, San Saba, Lampasas and Burnet Counties.

"Sec. 2. It shall be unlawful to take more than two hundred (200) minnows from any public waters in said counties unless such minnows are graded in the waters where taken in a minnow grader the bars of which are not less than eleven sixty-fourths (11/64") inch apart and all minnows capable of passing through such a minnow grader are returned to such waters.

"Sec. 3. It shall be unlawful, except in a minnow hatchery, to pos-