The House met at 1:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

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<th>B. B. No. 1111</th>
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Mr. Speaker called to order by the Speaker.

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

- Adama
- McLaughlin
- Cory
- Neemeyer
- Isaac
- Richardson
- Koibl
- Smith of Besar

A quorum of the House was announced present.

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

"Our Heavenly Father, we ask Thy blessings upon these men and women who have worked so hard for the people they represent. We ask in a special prayer, Thou continued watch care over the people of our State. Help us all, O Lord, to do what we have claimed to be, to do what we have claimed to do, and to never be satisfied with less than the goal we have set for our lives.

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

LEAVES OF ABSENCE GRANTED

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

- Mr. Neemeyer for today on motion of Mr. Dungan.
- Mr. Adams for today on motion of Mr. Parsley.
- Mr. Richardson for today on motion of Mr. Green.
Mr. Smith of Bexar for today on motion of Mr. Esquivel.

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

Miss Isacks for today on motion of Mr. Townsend.

Mr. Cory was granted leave of absence on account of illness in his family, on motion of Mr. Quilliam.

HOUSE BILL ON FIRST READING

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

By Mann:

H. B. No. 1086, A bill to be entitled "An Act authorizing certain State agencies to enter jointly into a contract of lease for a term of twenty (20) years, for land and a building thereon located or to be located in El Paso County, to be used for regional or district offices; and declaring an emergency."

Referred to the Committee on Counties.

MOTION TO SUSPEND RULES IN ORDER TO RE-REFER

S. J. R. No. 2

Mr. Whitfield moved to suspend the necessary rules in order that he might then make a motion to reconsider the vote by which S. J. R. No. 2 was re-referred to the Committee on Insurance.

A record vote was requested on the motion to suspend the rules.

The motion to suspend the necessary rules, in order that a motion might then be made to reconsider the vote by which S. J. R. No. 2 was re-referred to the Committee on Insurance, was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—78

Alaniz Brooks Carroll Carpenter Carrier Cherry Cole Collins Coughran Davis
dela Garza Duggan Erhardt Esquivel Fletcher Floyd Garrison Gladden Glenn Guffey Hainer of Brason Hallmark Harding Harris Haynes of Orange Healy Hefton Hendryx Hinson Hollowell Jamison Jarvis Johnson of Bexar Kilpatrick Khoer Kothmann Leach McDonald of Rusk McClinton McGregor

Nays—56


Yeas—78

Alaniz Brooks Carroll Carpenter Carrier Cherry Cole Collins Coughran Davis
dela Garza Duggan Erhardt Esquivel Fletcher Floyd Garrison Gladden Glenn Guffey Hainer of Brason Hallmark Harding Harris Haynes of Orange Healy Hefton Hendryx Hinson Hollowell Jamison Jarvis Johnson of Bexar Kilpatrick Khoer Kothmann Leach McDonald of Rusk McClinton McGregor

Nays—56

MOTION TO SUSPEND RULES IN ORDER TO RE-REFER H. J. R. NO. 69

Mr. Parker moved to suspend the necessary rules in order that he might then make a motion to re-refer H. J. R. No. 69 from the Committee on Constitutional Amendments to the Committee on Military and Veterans' Affairs.

The motion to suspend the rules was lost, not receiving the necessary two-thirds vote.

REQUEST OF SENATE GRANTED

On motion of Mr. Walker, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 85.

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 85

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 85:

Messrs. Walker, Chairman; Atwell, Duggan, Shipley and Shutt.

MEMORIAL RESOLUTION ADOPTED

H. S. R. No. 523, By Foreman, Cavness, Cain and Ritter: In memory of Gus Birkner.

CONGRATULATORY RESOLUTIONS ADOPTED

S. C. R. No. 73, To congratulate KRLD-TV.

H. S. R. No. 504, By Quilliam: Recognizing and commanding Sean Ford.

H. S. R. No. 518, By Haynes of Orange: Commending the Mauriceville High School Chapter, Future Farmers of America.

H. S. R. No. 519, By Fletcher: Congratulating the Lockhart Post Register and Louis Mohle, Jr., Editor.

H. S. R. No. 520, By Cherry, Crowdon and Woods: Commending the Texas History Class of Paul Quinn College, Waco, Texas.

H. S. R. No. 524, By Arledge: Commending Herbert Hines of Rule, Texas.

H. S. R. No. 526, By Lack: Commending James U. Skinner of Polk County.

H. S. R. No. 529, By Haynes of Orange: Congratulating Sandra Smith and Linda Russell of Orange, Texas.

H. S. R. No. 530, By Haynes of Orange: Congratulating Commander Alfred Franklin Holsapfel.

TO CONGRATULATE JERRY POTTER

Mr. Cain offered the following resolution:

WHEREAS, Saturday, May 11, 1963, was Page Day in the House of Representatives; and

WHEREAS, On Page Day, the Pages of the House hold a miniature legislative session, electing one of the Pages as Speaker and putting into practice their observations of the legislative process while considering proposed legislation; and

WHEREAS, Jerry Potter, of Austin, was elected Speaker of the House for Page Day and conducted the session in a manner befitting our own Speaker, Byron Tunnell, complete with white tie and suggestions that members settle their differences over a cup of coffee in the lounge; and

WHEREAS, Jerry displayed self-assurance in matters parliamentary and demonstrated that he had acquired a knowledge of Texas government while serving as page supervisor in the House; and

WHEREAS, Jerry is the son of Mr. and Mrs. John T. Potter of Austin and a student at Lanier High School in Austin; now therefore be it

Resolved by the House of Representatives of the Fifty-eighth Legislature of Texas, That Jerry Potter be congratulated as Speaker of the House on Page Day and that the House wish him every success in his future endeavors; and be it further
Resolved That copies of this resolution be sent to Jerry Porter and to Lanier High School of Austin, Texas.

Signed: Cain, Carnes, Foreman, Ritter and Fosdren.

The resolution was adopted without objection.

TO CONGRATULATE THE HONORABLE JACK WOODS AND MRS. WOODS

Mr. Cowden offered the following resolution:

H. S. R. No. 523

 Whereas, A Resolution proclaiming the birth of a new daughter to Representative Jack Woods of Waco, and his attractive wife, Anna, has already been received by Members of this House; and

 Whereas, It is the desire of the House that acknowledgement of this happy event should be made part of our official proceedings; and

 Whereas, Alice Marlane Woods weighed nine pounds and five ounces and was twenty inches long, when she arrived at Hillcrest Hospital, Waco, on May 13, 1963; and

 Whereas, Her birth was celebrated by two brothers, Jack, Jr. and Larry, and two sisters, Jeanette and Catherine; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas extends hearty congratulations to Representative and Mrs. Woods on the birth of Alice Marlane, and expresses the wish that the young lady may grow in health and happiness and fulfill all the promise anticipated by her devoted family.

Signed: Cowden, Bass of Harris and Cherry.

The resolution was unanimously adopted.

(Mr. Barnes in the Chair)

On the motion of Mr. Grover the names of all Members of the House were added to H. R. No. 523 as signers thereof.

COMMITTEE MEETING

Mr. Harding asked unanimous consent of the House that the Committee on Military and Veterans' Affairs be permitted to meet at this time.

There was no objection offered.

TO CONGRATULATE THE HONORABLE JACK WOODS AND MRS. WOODS

Mr. Cowden offered the following resolution:

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 Whereas, A Resolution proclaiming the birth of a new daughter to Representative Jack Woods of Waco, and his attractive wife, Anna, has already been received by Members of this House; and

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Signed: Cowden, Bass of Harris and Cherry.

The resolution was unanimously adopted.

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COMMITTEE MEETING

Mr. Harding asked unanimous consent of the House that the Committee on Military and Veterans' Affairs be permitted to meet at this time.

There was no objection offered.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 291

Mr. Miller offered the following resolution:

H. B. No. 291

 Whereas, House Bill No. 493 has passed both the House and the Senate and is now in the House Enrolling Room; and

 Whereas, To conform to the Senate amendment changing the words “Game and Fish Commission” to “Parks and Wildlife Commission,” certain other corrections in Section 9 of said Bill are necessary; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Enrolling and Engrossing Clerk of the House be, and is hereby, directed to strike the word and figure “six (6)” and the word and figure “five (5)” appearing in the third sentence of Section 9 and inserting in lieu thereof the words and figures “two (2)” and “one (1),” respectively.

The resolution was adopted without objection.

VOTE ON H. B. NO. 231 RECONSIDERED

Mr. Nugent moved to reconsider the vote by which H. B. No. 231 was on yesterday passed.

The motion to reconsider the vote prevailed.

(Speaker in the Chair)

Mr. Nugent moved that further consideration of House Bill No. 231 be postponed until 2:00 o'clock p.m. today, and the motion to postpone prevailed.

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.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 291

Mr. Miller offered the following resolution:

H. B. No. 291

 Whereas, House Bill No. 493 has passed both the House and the Senate and is now in the House Enrolling Room; and

 Whereas, To conform to the Senate amendment changing the words “Game and Fish Commission” to “Parks and Wildlife Commission,” certain other corrections in Section 9 of said Bill are necessary; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Enrolling and Engrossing Clerk of the House be, and is hereby, directed to strike the word and figure “six (6)” and the word and figure “five (5)” appearing in the third sentence of Section 9 and inserting in lieu thereof the words and figures “two (2)” and “one (1),” respectively.

The resolution was adopted without objection.

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The motion to reconsider the vote prevailed.

(Speaker in the Chair)

Mr. Nugent moved that further consideration of House Bill No. 231 be postponed until 2:00 o'clock p.m. today, and the motion to postpone prevailed.

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.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 291

Mr. Miller offered the following resolution:
Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Joint Rules be and the same are hereby suspended so that either House may take up and consider at any time House Bill No. 291.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. J. R. NO. 2

Mr. Coughran offered the following resolution:

Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Joint Resolution No. 2 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. J. R. NO. 21

Mr. Collins offered the following resolution:

Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Joint Resolution No. 21 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 1018

Mr. Peeler offered the following resolution:

Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider House Bill No. 1018 at any time.

The resolution was referred to the Committee on Rules.

PROVIDING FOR A COMMITTEE TO MAKE CERTAIN STUDY RELATIVE TO PRESERVATION OF STATE-OWNED LANDS

Mr. Johnson of Bexar offered the following resolution:

Whereas, The State of Texas owns a large amount of land, some of which is either not used and vacant, thus depriving the people of Texas of the use or income from these lands; and

Whereas, Such land could be of a beneficial use to the people of Texas, either as game and wildlife preserves for the preservation of the wildlife resources of this state, or as hunting preserves for the controlled taking and killing of such wildlife; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, That the Speaker of the House shall appoint a study committee, to be composed of five (5) members of the House of Representatives who
shall serve without compensation, to make a study during the coming interim of the present use of state-owned lands for the purpose of determining what lands can be used for game and wildlife preserves or for hunting preserves, and the committee shall report its findings and conclusions to the next Regular Session of the Legislature. For the purpose of this study, the committee shall be authorized to hold public hearings and keep written records. The Parks and Wildlife Commission and all other state agencies which may be affected by such a study or whose records may be necessary to the study shall cooperate with the committee in making this study.

Signed: Johnson of Bexar, Floyd and Parmer.

The resolution was referred to the Committee on State Affairs.

ADVISING THE HOUSE CONFERENCE COMMITTEE ON APPROPRIATIONS THE POSITION OF THE HOUSE RELATIVE TO CERTAIN SALARIES TO BE PAID THE JUDICIARY

Mr. Whitfield offered the following resolution:

H. S. R. No. 633

Whereas, The House has passed, and there is now pending in the Senate, House Bill No. 487 suspending the salaries of the various State Officials, including the Justices of the Supreme Court, the Judges and Commissioners of the Court of Criminal Appeals and the Judges of the several District Courts; and

Whereas, House Bill No. 492, providing for additional compensation for the Judiciary is pending in the House but cannot be considered at the present time; and

Whereas, The House has previously been advised that the House Conference Committee on Appropriations will not consider increasing the Judicial salaries unless and until the House expresses its desires in regard to it; now, therefore, be it

Resolved by the House of Representatives of the Fifty-eighth Legislature of the State of Texas, That the House Conference Committee on Appropriations be, and it is hereby, advised that the House consents and agrees:

1. The Justices of the Supreme Court of the State of Texas and the Judges and the Commissioners of the Court of Criminal Appeals of the State of Texas shall each be paid an annual salary not to exceed Twenty-three Thousand Five Hundred Dollars ($23,500).

2. The Judges of the several Courts of Civil Appeals of the State of Texas shall each be paid an annual salary not to exceed Twenty Thousand Five Hundred Dollars ($20,500).

3. The Judges of the several District Courts and the Criminal District Courts of the State of Texas shall each be paid an annual salary not to exceed Fifteen Thousand Five Hundred Dollars ($15,500).

Signed: Whitfield and Floyd.

The resolution was referred to the Committee on Appropriations.

PROVIDING FOR A SUITABLE ROOM IN THE CAPITOL BUILDING FOR NON-DENOMINATIONAL PRAYER AND WORSHIP SERVICES FOR STATE OFFICERS AND EMPLOYEES

Mr. Ritter offered the following resolution:

H. C. R. No. 32

Whereas, The preamble of the Constitution of the State of Texas reads: "Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution;" and

Whereas, The Constitution of the State further recognizes the importance of religion in the lives of its people by guaranteeing every citizen the right to worship God according to the dictates of his own conscience; and

Whereas, Through the years, the Legislature of Texas has taken cognizance of its dependence upon the guidance and leadership of God by designating a Chaplain in each House and opening and closing each session with prayer; and

Whereas, In these troubled times when world tensions are great and the problems of state government...
Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Board of Control be directed to designate and furnish suitably a room in the Capitol Building where non-denominational prayer and worship may be held by state officers and employees; and be it further resolved that the Chaplains of the House of Representatives and of the Senate of the 58th Legislature be directed to work with the Board of Control and its representatives in the designation of such space and in planning for necessary renovation to make it suitable for this purpose.

Signed: Ritter, Cain, Cavness and Foreman.

The resolution was referred to the Committee on Rules.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Cole offered the following resolution:

H. C. R. No. 95

Resolves that the City of Commerce, in order to protect the health and welfare of its inhabitants and comply with the anti-pollution program of the federal government, has started construction of a new sewer system, including a disposal plant and a sewer outfall line.

 Whereas, it is necessary for the City of Commerce to obtain easements across private property for the sewer outfall line, for which purpose most landowners have been very cooperative; and

 Whereas, said City alleges that it is necessary to obtain an easement upon the 81.19 acre strip of land in the E. D. Annie Harvey, Abstract No. 132, situated in Hunt County and owned by Lewis I. Smith, Jr., but with legal title in the Veterans' Land Board, said easement to be 1065 feet in length and 20 feet in width and running from a point on the county road 395 feet west of the intersection of said road with the N.W.R.O.W. line of State Highway No. 24 Bypass, to a point along the Easterly Boundary Line of the 81.19 acre tract, 618.6 feet North of the intersection of said boundary line and the N.W.R.O.W. line of State Highway No. 24 Bypass; this strip containing 0.487 acres; and

Whereas, it is alleged by the City of Commerce that Lewis I. Smith, Jr., has refused to grant the City the above described easement, thus making it necessary to bring condemnation proceedings against Lewis I. Smith, Jr., and the Veterans' Land Board, as the holder of legal title in the above described land, and as it is necessary to obtain permission to sue the State of Texas and the Veterans' Land Board; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the City of Commerce is hereby granted permission to bring suit against the State of Texas and the Veterans' Land Board in any court of competent jurisdiction for the purpose of condemning the 0.487 acre strip of land in question in order to obtain an easement for the construction of a sewer outfall line and service of citation for the purpose herein granted may be made upon the State of Texas by serving the Attorney General and the Veterans' Land Board; 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.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Whitefield offered the following resolution:

H. C. R. No. 95

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.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Cole offered the following resolution:

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The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Whitefield offered the following resolution:

H. C. R. No. 95

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.
Continental Fidelity Investment Company has been a duly organized corporation, chartered under the laws of the State of Texas, with its principal office in Houston, Texas; and

Whereas, it is alleged that during the period from January 1, 1957, through December 31, 1957, the Continental Fidelity Investment Company had no gross receipts; and

Whereas, it is alleged that on about March 15, 1958, Continental Fidelity Investment Company paid franchise taxes in the amount of One Thousand Four Hundred Eighty-Nine and 50/100 Dollars ($1,489.50) for the year beginning May 1, 1958, and ending April 30, 1959; and

Whereas, it is alleged that for the year beginning January 1, 1957, and ending December 31, 1957, the amount of franchise tax owed to the State of Texas by Continental Fidelity Investment Company should have been Twenty-Five Dollars ($25.00); and

Whereas, it is alleged that an overpayment has been made by Continental Fidelity Investment Company to the State of Texas in the amount of One Thousand Four Hundred Eighty-Nine and 50/100 Dollars ($1,489.50) for the year beginning May 1, 1958, and ending April 30, 1959; and

Whereas, the State of Texas refuses to refund this amount of overpayment alleged to have been paid by Continental Fidelity Investment Company; and

Whereas, there is no provision of law of the State of Texas whereby this amount of overpayment can be recovered except through a direct appropriation by the Legislature; and

Whereas, there is no provision of law of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be retained for the purpose of making an appropriation; and

Whereas, in order to definitely and accurately determine such matter, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, it is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That Continental Fidelity Investment Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, seeking to recover judgment against the State of Texas for alleged overpayment of franchise taxes made by Continental Fidelity Investment Company to the State of Texas for the period beginning May 1, 1958, and ending April 30, 1959, and service of citation for the purposes herein granted may be had upon the State of Texas by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts, and for such other and further relief as may be just and proper; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this Resolution; and, be it further

Resolved, That it is understood 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 of Texas, or of any fact as made by this Resolution; 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 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 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.

PROVIDING FOR A COMMITTEE TO STUDY PROBLEMS RELATIVE TO PROTECTION AND DEVELOPMENT OF WATER AND SOIL RESOURCES

Mr. Clayton offered the following resolution:

H. S. R. No. 532

Whereas, In the face of rapidly increasing population it is mandatory upon State Government that greater attention be focused on the protection of the vital natural resources of water and soil; and

Whereas, It has been declared by geophysicists throughout the world that no problem is of greater significance than that of the growing shortage of fresh water; and

Whereas, The Legislature is aware that numerous governmental agencies are at work on this problem, including subdivisions of this State, and that their achievement has been notable. The problem of water supply will become acute as time passes, however; and

Whereas, This House would consider itself neglectful of the public interest should it fail to make every effort possible to plan for future water needs; and

Whereas, The Soil Conservation Board of Texas, one of the agencies assigned the responsibility for planning water projects, has more than a hundred watersheds under its jurisdiction and only one planning party to investigate possibilities for water development and protection in the State; and

Whereas, The size of this task as opposed to the limitation of time, energy, and research required, would appear to be totally unequal for the solution of this grave problem; 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 of this House, and name the chairman, to study the problem of expediting planning and policy in connection with the protection and development of water and soil resources; 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 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 or records, and the committee and any member thereof may administer oaths to witnesses; and, be it further

Resolved, That expenses of legislative Members of the committee shall be paid under provisions of the Appropriations Act for such purposes; and, be it further

Resolved, That the committee shall conclude its investigation and make its report, together with recommendations and drafts of proposed legislation, to the Regular Session of the Fifty-ninth Legislature.

The resolution was referred to the Committee on Rules.

RELATIVE TO DIRECTING THE ADMINISTRATIVE STAFFS OF SAM HOUSTON STATE COLLEGE AND THE TEXAS DEPARTMENT OF CORRECTIONS TO MAKE CERTAIN STUDY

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

H. S. R. No. 469, Relative to directing the administrative staffs of Sam Houston State College and the Texas Department of Corrections to make certain study.

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

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

Committee Amendment No. 1

Amend House Simple Resolution No. 469 to read as follows:

"HOUSE SIMPLE RESOLUTION

Whereas, Sam Houston State College and the headquarters of the
Texas Department of Corrections are located in Huntsville, Texas; and

Whereas, The proximity of these institutions appears to place Sam Houston State College in a uniquely favorable position to utilize the resources of the Texas Department of Corrections in developing an outstanding program of training and study in the exploration of crime as a social phenomenon, rehabilitation of criminals, and related subjects; and

Whereas, The development of such a program would be of great benefit to the people of this state and nation; now, therefore,

Resolved, By the House of Representatives of the State of Texas, That the administrative staffs of these Institutions be directed to explore cooperatively the feasibility of developing a continuing program of statistical research, training and study in criminology, penology, juvenile delinquency and related fields, and in particular to explore the feasibility of instituting a broad program to include:

(1) training for graduate and undergraduate students interested in preparing for careers in the various correctional areas of crime control and in correctional administration;

(2) workshops and training institutes for the continued professional training of those already employed in specialized correctional programs and in the management of correctional institutions;

(3) consultation and technical assistance to correctional agencies in program development, personnel training, and institutional management;

(4) promotion of research, demonstration projects, and surveys of pertinent problems in the fields of delinquency, crime, and corrections; and be it further

Resolved, That this initial survey be conducted without the appropriation of additional funds for that purpose; and be it further

Resolved, That the administrative staffs of these institutions be directed to submit a report on this matter to the 59th Legislature of the State of Texas no later than one week after that Legislature formally convenes.”

The amendment was adopted without objection.

The resolution was then adopted as amended.

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

The Speaker laid before the House, for consideration at this time, H. C. R. No. 84, Relative to a design and/or slogan for Texas passenger car license plates.

The resolution, having heretofore been referred to the Committee on Highways and Roads, was reported favorably by the Committee.

Miss Banfield moved that further consideration of H. C. R. No. 84 be postponed until next Friday, May 24, at 10:05 o’clock a.m.

Mr. Walker moved to table the motion to postpone further consideration of H. C. R. No. 84.

A record vote was requested on the motion to table.

The motion to table the motion to postpone further consideration of H. C. R. No. 84 was lost by the following vote:

Yeas—60

Alaniz      Arledge      Glenn
Arledge     Bass of Bowie    Guffey
Bass of Harris     Haines of Brazos
Beckham     Hollowell
Berry       Hughes
Birkner     Jarvis
Blalock     Johnson of Bexar
Brown of Galveston Kuykendall
Brown of Taylor    Lark
Butler      Ligardes
Caldwell    McGregor
Canady      McFadden
Cannon      Mann
Carver      Markgraf
Carrasov     Metcher
Chapman     Parker
Collins     Parmer
Coughran    Pealor
Edwards     Pringga
Engelhardt   Quillian
Flanney     Richards
Fletcher    Ritter
Fondren     Rodriguez
Garrett    Schiller
Glidden    Simpson

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Mr. Brown of Galveston offered the following amendment to the resolution:

Amend H. C. R. 84 by striking the period on line 52, substituting in lieu thereof a semi-colon, and adding the following language:

and be it further
Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Texas Highway Department is hereby requested not to imprint such slogan and/or design on those license plates which have heretofore had other words imprinted thereon but is hereby requested to continue to imprint thereon such other words as the Texas Highway Department currently imprints on such license plates.

The amendment was adopted without objection.

H. C. R. No. 84, as amended, was then adopted.

Mr. Cotten moved to reconsider the vote by which H. C. R. No. 84 was adopted, was then adopted.

Mr. Cotten moved to reconsider the vote by which H. C. R. No. 84 was adopted, was then adopted.

The motion to table prevailed.

Mr. Allen asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

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

There was no objection offered.

REQUESTING AN INTERIM COMMITTEE TO STUDY "OPERATION TEEN-AGER"

The Speaker laid before the House, for consideration at this time, H. S. R. No. 466, Requesting an interim committee to study "Operation Teen-ager."

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

The resolution was adopted without objection.

TO GRANT LON ED SOWELL PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 33, To grant Lon Ed Sowell permission to sue the State.

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

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

Committee Amendment No. 1
Amend H. C. R. No. 33 by adding two resolving clauses, immediately following the last resolving clause, which shall read as follows:

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

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved."
The amendment was adopted without objection.

The resolution was adopted without objection.

TO GRANT TECTONIC OIL, INC., PERMISSION TO SUE THE STATE

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

H. C. R. No. 64, To grant Tectonic Oil, Inc., permission to sue the State.

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

Mr. McIlhany offered the following amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 48 by striking out the last Whereas clause and all below, and inserting in lieu thereof the following:

"Be it resolved by the House of Representatives of the State of Texas, the Senate of the State of Texas concurring, That Tectonic Oil, Inc., be and it is hereby granted permission to bring and maintain a trespass to try title suit against the State of Texas, the Land Commissioner of the State of Texas and the members of the School Land Board of the State of Texas in their respective official capacities, said suit to be filed in a District Court of competent jurisdiction in Kenedy County, Texas.

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, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved."

The amendment was adopted without objection.

The resolution was adopted without objection.

TO GRANT TECTONIC OIL, INC., PERMISSION TO SUE THE STATE
The amendment was adopted without objection.

The resolution was adopted without objection.

GRANTING JESSIE HERRING JOHNSON, ET AL, PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 83, Granting Jessie Herring Johnson, et al, permission to sue the State.

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

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

Committee Amendment No. 1
Amend H. C. R. No. 83 by adding two resolving clauses, immediately following the last resolving clause, which shall read as follows:

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

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

The amendment was adopted without objection.

The resolution was adopted without objection.

TO MAKE APPLICATION TO CONGRESS TO CALL A CONVENTION FOR PURPOSE OF PROPOSING AN ARTICLE OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The Speaker laid before the House, for consideration at this time, H. C. R. No. 29, To make application to Congress to call a convention for purpose of proposing an Article of Amendment to the Constitution of the United States.

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

The resolution was adopted without objection.

GRANTING W. D. SCARBOROUGH, SR., AND W. D. SCARBOROUGH, JR., PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 52, Granting W. D. Scarborough, Sr., and W. D. Scarborough, Jr., permission to sue the State.

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

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

Committee Amendment No. 1
Amend S. C. R. No. 52 by adding two resolving clauses, immediately following the last resolving clause, which shall read as follows:

"Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further
Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted without objection.

The resolution was adopted without objection.

AUTHORIZING THE BOARD OF CONTROL TO MAKE AGREEMENTS WITH CIVIL DEFENSE AUTHORITIES FOR USE OF CERTAIN AREAS OF STATE BUILDINGS AS FALLOUT SHELTERS

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

S. C. R. No. 20, Authorizing the Board of Control to make agreements with Civil Defense authorities for use of certain areas of State Buildings as fallout shelters.

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

The resolution was adopted without objection.

GRANTING GLIDDEN W. DAVIS PERMISSION TO SUE THE STATE

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

S. C. R. No. 19, Granting Glidden W. Davis permission to sue the State.

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

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

Committee Amendment No. 1

Amend S. C. R. No. 19 by adding two resolving clauses, immediately following the last resolving clause, which shall read as follows:

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

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

The amendment was adopted without objection.

The resolution was adopted without objection.

PROVIDING THAT THE LEGISLATIVE COUNCIL MAKE A STUDY OF THE BLIND IN TEXAS

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

S. C. R. No. 70, Providing that the Legislative Council make a study of the blind in Texas.

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

The resolution was adopted without objection.

RELATIVE TO THE CONFERENCE COMMITTEE REPORT ON H. B. NO. 86

Mr. Murray moved to suspend the Rule which provides that the Conference Committee Report on H. B. No. 86 be printed and placed on the Members' desks for forty-eight hours before it is to be considered by the House.

The above motion by Mr. Murray to suspend the rules prevailed without objection.
The Speaker laid before the House, for consideration at this time,

B. C. R. No. 76, Relative to conveying certain lands from the United States Government to the Board for State Hospitals and Special Schools.

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

The resolution was adopted without objection.

Mr. Cannon was granted leave of absence for the remainder of the day, on account of Important business.

Mr. Haines of Brazos moved that further consideration of B. C. R. No. 80 be postponed until 11:45 o'clock p.m., May 24.

A record vote was requested on the motion to postpone further consideration of B. C. R. No. 80.

The motion to postpone further consideration of B. C. R. No. 80 was lost; by the following vote:

Yeas—22

Arledge  Beck  Birkner  Caldwell  Chapman  Davis  Dungan  Quilliam  Roberts  Segrest  Simpson

Sluder  Ward  Wieling  Woods

Nays—98

Allen  Ball  Baufield  Barnes  Base of Bowie  Berry  Blaine  Boyse  Bridges  Brown  Brown of Galveston  Brown of Taylor  Butler  Cain  Carpenter  Carricker  Cavness  Cherry  Clayton  Cole  Collins  Cook  Cotes  Coughran  Cowden  Cowles  Crews  de la Garza  Degg  Edwards  Esquivel  Finney  Fletcher  Floyd  Fondren  Foreman  Garrison  Gibbens  Gladden  Glenn  Green  Gueffy  Haring  Harris  Harris of Galveston  Haynes of Orange  Heyton  Hendryx  Houston


Present—Not Voting

Bass of Harris  Brooks  Cren  Duke  Hollowell  Knapp  McColliston  Moyer  Pettit  Rodrigues  Schiller  Shick
A record vote was requested on the adoption of H. C. R. No. 80.

H. C. R. No. 80 was adopted by the following vote:

Yeas-98

Alaniz
Allen
Arledge
Ball
Banfield
Barnes
Bass of Bowie
Berry
Blaine
Boysen
Bridges
Brown of Galveston
Brown of Taylor
Butler
Carpenter
Carrith
Carver
Cherry
Chitwood
Cole
Collins
Cook
Cotten
Coughran
Cowden
Cowles
Crow
de la Garza
Dugan
Edwards
Esquivel
Finney
Floyd
Fodren
Foreman
Garrison
Gibbons
Gladden
Glenn
Grover
Halvor
Harris
of Galveston
Thurmond
Townsend
Traeger
Walker
Weldon

Nays-51

Adams
Cannon
Cory
Hughes
Isaacks
Koliba
McLaughlin
Niemeyer
Richardson
Smith of Bexar

Absent—Excused

Beckham
Birkner
Birchwell
Brown of Dallas
Brown of Taylor
Caln
Carpenter
Carrith
Carver
Cherry
Chitwood
Cole
Collins
Cook
Cotten
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Foreman
Garrison
Gibbons
Gladden
Glenn
Grover
Halvor
Harris
of Galveston
Thurmond
Townsend
Traeger
Walker
Weldon

Nays-51

Present—Not Voting

Bass of Harris
Brooks
Brock
Chapman
Chilton
Childress
Chitwood
Clement
Collier
Collins
Cook
Cotten
Coughran
Cowden
Cowles
Crow
de la Garza
Dugan
Edwards
Esquivel
Finney
Floyd
Fodren
Foreman
Garrison
Gibbons
Gladden
Glenn
Grover
Halvor
Harris
of Galveston
Thurmond
Townsend
Traeger
Walker
Weldon

Nays-51

Thurmond
Wells
Townsend
Whaley
Traeger
Wheelier
Walker
Wilson
Weldon

Nays-51

Beckham
Birkner
Birchwell
Brown of Dallas
Brown of Taylor
Caln
Carpenter
Carrith
Carver
Cherry
Chitwood
Cole
Collins
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Esquivel
Finney
Floyd
Fodren
Foreman
Garrison
Gibbons
Gladden
Glenn
Grover
Halvor
Harris
of Galveston
Thurmond
Townsend
Traeger
Walker
Weldon

Nays-51

Present—Not Voting

Bass of Harris
Brooks
Brock
Chapman
Chilton
Childress
Chitwood
Clement
Collier
Collins
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Weldon

Nays-51

Mr. Smith of Jefferson moved to reconsider the vote by which H. C. R. No. 80 was adopted and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

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

There was no objection offered.

(Speaker in the Chair)

RELATIVE TO MEETINGS OF CONFERENCE COMMITTEE ON H. B. NO. 86

Mr. Healy asked unanimous consent of the House that the House Conference Committee on H. B. No. 86 be permitted to meet with the Senate Conference Committee while
the House is in session, and that the Members of that House Conference Committee be permitted to be recorded as voting on any measures considered in the House while the Conference Committee is meeting, providing that the result of the vote on any such measures will not be changed by the recording of votes of the Members of the House Conference Committee.

There was no objection offered and it was so ordered.

PERMISSION GRANTED FOR INTRODUCTION OF A HOUSE BILL

Mr. Pipkin moved to suspend the necessary rules in order to introduce H. B. No. 1087 at this time. The motion prevailed without objection.

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 severally, the following enrolled bills:

H. B. No. 172, "An Act relating to Automobile Service Clubs; defining certain terms; providing for a deposit of security prior to doing business and the issuance of a certificate of authority upon the giving of such security; providing for annual renewal of certificates of authority; providing for registration of salesmen or agents and prescribing a fee therefor; providing for filing of information with the Secretary of State and an annual license fee to be paid to said Secretary of State, providing for revocation or suspension of licenses or certificates of authority; providing certain advertising limitations and certain exemptions; providing for regulation of service contracts; providing for all fees collected hereunder to be deposited in the General Revenue Fund; prohibiting solicitation for unauthorized automobile clubs; providing for penalties for violations of this Act; providing for severability, providing an effective date; and declaring an emergency."

H. B. No. 206, "An Act amending Section 14 of Chapter 120, Acts Regular Session, Forty-Fourth Legislature, page 318, as amended, Acts 1947, Fifty-first Legislature, page 1639, Chapter 423, Section 2, codified as Section 14 of Article 6008, Vernon's Annotated Civil Statutes; authorizing the Railroad Commission to permit gas production in excess of the monthly allowable under certain conditions; and declaring an emergency."

H. B. No. 229, "An Act making it a felony for any person who has been convicted of a felony under the laws of the United States or of the State of Texas, or any other state, to have in possession under circumstances evincing an intent to use the same, implements adapted, designed, or commonly used in the commission of burglary or safecracking; provid-
ing a penalty; and declaring an emergency.

H. B. No. 289, "An Act amending Senate Bill No. 36, page 844, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 613, Chapter 95, page 814, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 467, Vernon's Texas Civil Statutes, by amending Subsection (7) of Section 4 of said Article, providing for the elimination of the four (4) year residence requirement for employees of the State Department of Public Welfare; providing for a repealing clause, a saving clause; and declaring an emergency."

H. B. No. 430, "An Act permitting the Game and Fish Commission of the State of Texas, when requested by authorized representatives of units of The University of Texas System and the Texas Agricultural and Mechanical College System, engaged in teaching and research related to marine science and oceanography, to transfer to The University of Texas System and the Texas Agricultural and Mechanical College System or any other college or university located in Texas which is State supported, fish nets, seines, motors, boats, and other marine equipment, which have been confiscated under the game and fish laws, to be used in the teaching and research programs of said institutions; and declaring an emergency."

H. B. No. 457, "An Act amending Sections 1, 2, 3 and 4 of Acts 1939, Forty-sixth Legislature, Chapter 17, as amended by Acts 1951, Fifty-second Legislature, Chapter 305, and Section 1a, Acts 1959, Forty-sixth Legislature, Chapter 31, as added by Acts 1957, Fifty-fifth Legislature, Chapter 33 (codified as Article 467b, Vernon's Texas Penal Code), providing that it shall be unlawful for any person to make, draw, utter or deliver, or to cause or direct the making, drawing, uttering or delivering of a check, draft, or order knowing that he does not have sufficient funds on deposit with the drawee; providing a presumption of knowledge of insufficient funds in certain instances; providing penalties for violations of this Act; providing for service of process; providing a severability clause; and declaring an emergency."

H. B. No. 619, "An Act amending Article 2664e, Revised Civil Statutes of Texas, 1923, as added by Section 1, Chapter 28, Acts of the Forty-seventh Legislature, Regular Session, 1941, to provide for the exemption of certain students from the other nations of the American continents from payment of tuition fees to institutions of collegiate rank; providing certain procedures for granting such exemptions; repealing conflicting laws; and declaring an emergency."

H. B. No. 947, "An Act authorizing the State Highway Commission to negotiate with the City of Wichita Falls concerning possible sale to that City by the State of a certain tract of land and improvements thereon; providing a period of time within which such negotiation may take place; prescribing procedure; authorizing the Governor to convey this land upon recommendation by the Commission; and declaring an emergency."

H. B. No. 831, "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained in McLennan County, Texas, to be known as McLennan County Water Control and Improvement District Number Two; constituting the same a governmental agency and body politic and corporate and municipal corporation; defining the boundaries thereof and finding that all land and property therein will be benefited and no exclusion hearing shall be held, and that no election shall be necessary to confirm the organization of the District nor shall hearings be held on a plan of taxation but the ad valorem plan shall be used, said rate of tax not to exceed fifty cents ($0.50) per One Hundred Dollar valuation assessed for County and State tax purposes; prescribing the rights, powers, privileges and duties of said District and incorporating the general law pertaining to water control and improvement districts not in conflict or inconsistent with the provisions of this Act; providing for a board of directors, their terms, the filling of vacan-
cles, the election of successors, and prescribing the duties and qualifications for such directors; prescribing the purpose for which bonds may be issued; the methods of ascertaining the payment and the procedure for the issuance of such bonds; requiring all bonds except refunding bonds to be approved by the residents qualified property taxpayers whose property has been duly rendered for taxation and providing terms and conditions for such bonds and the sale thereof; prescribing the manner in which such elections shall be called, held, and notice thereof given; exempting the District's bonds from taxation; providing that the District shall have the power to fix rates and charges for services furnished; providing for a District depository and its selection; making applicable to the District Title 2, Revised Civil Statutes of Texas, as amended, relating to eminent domain and condemnation of real and personal property; authorizing the District to designate a store or mercantile establishment where sales are made to customers exempt from taxation; providing that the District may establish, operate, or lease such store or mercantile establishment for the purpose of acquiring properties; and declaring an emergency.

H. B. No. 774, An Act amending and authority of such District and its governing body; enacting Orange County Conservation and Reclamation District and its governing body; declaring the issuance of bonds and the levy, assessment, and collection of taxes in payment thereof, and containing provisions relating thereto, authorizing the levy, assessment, and collection of taxes for the maintenance, operation, upkeep and improvement of the District and its facilities, properties, and improvements, and containing provisions relating thereto; abolishing Orange County Conservation and Reclamation District and transferring its properties to the District hereby created and validating the acquisition of such properties; containing other provisions relating to the subject; providing a severability clause; repealing laws or parts of laws in conflict with this Act; and declaring an emergency.

H. B. No. 971, An Act creating a conservation and reclamation district under the provisions of Section 17 of Title 122A, Vernon's Civil Statutes, to be known as 'Orange County Drainage District of Orange County, Texas;' providing for its governing body; prescribing the rights, powers, privileges, duties, functions, and authority of such District and its governing body; authorizing the issuance of bonds and the levy, assessment, and collection of taxes in payment thereof, and containing provisions relating thereto; authorizing the levy, assessment, and collection of taxes for the maintenance, operation, upkeep and improvement of the District and its facilities, properties, and improvements, and containing provisions relating thereto; abolishing Orange County Conservation and Reclamation District and transferring its properties to the District hereby created and validating the acquisition of such properties; containing other provisions relating to the subject; providing a severability clause; repealing laws or parts of laws in conflict with this Act; and declaring an emergency.
The following House Bill was today laid before the House, read first time and referred to the appropriate Committee, as follows:

By Pipkin and Heatly:

H. B. No. 1087, A bill to be entitled "An Act appropriating $100,000 to the House of Representatives and $60,000 to the Senate for per diem, other salaries and wages, consumable supplies and materials, current and recurring operating expenses, capital outlay, and other necessary expenses; and declaring an emergency."

Referred to the Committee on Appropriations.

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

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

Amend Committee Substitute to House Bill 94 by adding a new paragraph in Section 6 to read as follows:

"Nothing in this Act is applicable for registered professional engineers, medical doctors, dentists, registered nurses or any other professional groups or individuals duly registered and licensed by the State of Texas and they are excluded for all intents and purposes."

The amendment was adopted without objection.

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

H. B. No. 94 was then passed to engrossment.

Mr. Markgraf moved to reconsider the vote by which H. B. No. 94 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

The following amendment to House Bill 94 by adding a new paragraph in Section 6 to read as follows:

"Nothing in this Act is applicable for registered professional engineers, medical doctors, dentists, registered nurses or any other professional groups or individuals duly registered and licensed by the State of Texas and they are excluded for all intents and purposes."

The amendment was adopted without objection.

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

H. B. No. 94 was then passed to engrossment.

Mr. Markgraf moved to reconsider the vote by which H. B. No. 94 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

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

H. B. No. 94, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a State Board of Registration for Professional Sanitarians; and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training; and for issuance, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this State unless the person employed is registered hereunder and providing a penalty for violations; providing for severability; and declaring an emergency."

The bill was read second time on May 14.

Amend Committee Substitute to H. B. 94 by striking the following words in the emergency clause:

"and that this Act take effect and be in force from and after its passage."

The amendment was adopted without objection.

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

Amend Committee Substitute to House Bill 94 by adding a new paragraph in Section 6 to read as follows:

"Nothing in this Act is applicable for registered professional engineers, medical doctors, dentists, registered nurses or any other professional groups or individuals duly registered and licensed by the State of Texas and they are excluded for all intents and purposes."

The amendment was adopted without objection.

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

H. B. No. 94 was then passed to engrossment.

Mr. Markgraf moved to reconsider the vote by which H. B. No. 94 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

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

H. B. No. 370, A bill to be entitled "An Act creating three additional District Courts and two additional Criminal District Courts in Dallas County, Texas, such Courts to be known as the 162nd Judicial District, the 163rd Judicial District, the 164th Judicial District, the Criminal Judicial District Number 4 and the Criminal Judicial District Number 5 of Dallas County, Texas, each of such districts to be composed of Dallas County, Texas, alone; providing the term and jurisdiction of said courts; providing for the appointment of district judges for said
courts; prescribing powers, duties, terms of office and compensation of the judges of said courts; providing for the appointment of official court reporters of said courts; prescribing the qualifications, duties and compensation of the official court reporters of said courts; providing for the appointment, designation and compensation of other officers of said courts; providing all process, writs, recognizances and bonds herebefore issued, made, executed or returnable to existing terms of District Courts of Dallas County, Texas, are valid and returnable to the first terms of the District Courts provided herein, as assigned in the respective Courts after this Act takes effect; making other provisions relative to the business and functioning of the Judicial District Courts of Dallas County, Texas; providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Hollowell raised a point of order on further consideration of H. B. No. 370 on the ground that it is not a bill within the meaning of the Constitution, it is not in proper form, as part is written in ink and part is printed and that Section 5, page 3, is in violation of Joint Rule 9A.

Mr. Hollowell raised a further point of order on further consideration of H. B. No. 370 on the ground that it is in violation of Rule 18 of the House Rules.

The Speaker overruled the points of order.

Mr. Cotten raised the following point of order:

"Mr. Speaker: I raise the point of order against consideration of the Committee Amendment in that this bill as originally introduced created Courts in Dallas County and that such bill is a local bill.

The amendment now offered creates courts in other counties, making a local bill a general bill in violation of Article III, Section 30 of the Constitution."

PROVIDING FOR ADMISSION OF BOYS TOWN MARIACHI BAND TO HOUSE FLOOR

Mr. de la Garza moved that the necessary rules be suspended in order to permit the Boys Town Mariachi Band, composed of orphans from Father Alvarez's Boys Town in Monterrey, Mexico, to be admitted to the floor of the House for the purpose of performing for the Members of the House.

The motion prevailed.

HOUSE AT EASE

At 11:56 o'clock a.m., the Speaker stated that the House would stand at ease until 2:00 o'clock p.m. today.

(While the House stood at ease, Messrs. de la Garza, McDonald of Hidalgo and Wells, respectively, occupied the Chair.)

(Speaker in the Chair)

At 2:00 o'clock p.m., the Speaker called the House to order.

CONSIDERATION OF H. B. NO 370 CONTINUED

The Speaker overruled the pending point of order raised by Mr. Cotten against consideration of Committee Amendment No. 1 to H. B. No. 370.

Mr. Hollowell raised the following point of order on further consideration of H. B. No. 370 and the Committee Substitute for H. B. No. 370:

"Mr. Speaker: I respectfully raise the point of order against further consideration of H. B. No. 370 and the committee substitute for H. B. No. 370, in that the committee substitute violates Article 3, Section 30 and Section 35 of the Texas Constitution. The bill, as originally introduced, was for the purpose of creating three new district courts for Dallas County, but it was amended in committee to include creation of a new judicial district court for Orange County and two additional district courts for Harris County."

Mr. Hollowell raised a further point of order on further consideration of Sections 2 and 3 of the Committee Amendment to H. B. No. 370 on the ground that Sections 2 and 3 of the Committee Amendment are in violation of Rule 19 of the House Rules and are not germane.
to the original House Bill as introduced.

At 2:40 o'clock p.m., the Speaker stated that the House would stand at ease.

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

At 2:46 o'clock p.m., the Speaker called the House to order.

The Speaker overruled the pending points of order, stating his reasons as follows:

Mr. Hollowell has raised a point of order to House Bill 370 that the committee substitute to House Bill 370 is not germane to the original purpose of the bill which Mr. Hollowell understands relates only to Dallas County.

House Bill 370, as introduced, added three civil judicial districts and two criminal judicial districts to the judicial system of this state. The boundaries of these districts were described as being coterminous with those of Dallas County. The description of the boundaries of the districts are necessary to establish the jurisdiction of the courts, but the Chair sees no substantive importance that the districts' areas are coincidentally the same as the boundaries of Dallas County.

According to Sec. 1 of Art. 5, the Legislature may establish such other courts as it may deem necessary. This provision also provides that the Legislature describe the jurisdiction of such courts.

Many judicial districts contain two or more counties. Several contain as many as five counties. Also, several counties contain a number of judicial districts whose boundaries do not exceed the boundaries of those respective counties. So, we see the description of the boundaries of the court is incidental, insofar as the question of whether House Bill 370 is of single purpose or general purpose. The boundaries are described for jurisdictional purposes. The amendment itself adds five district courts to the judicial system. This is in accord with Harris County vs. Stewart, 41 SW 850, which held, in regard to the creation of new courts, that "the needs of the State which may develop in its future growth such courts could be provided by the Legislature from time to time."

There is clear Texas legislative precedent which is in accord with congressional precedent that an original bill dealing with a single subject may not be amended by adding another related purpose. It is equally clear that an original bill dealing with two related subjects may be amended by adding a third or more such related subjects.

For the reasons stated, the Chair finds the general purpose of House Bill 370 was to add several courts to the judicial system and as such is subject to amendment adding additional courts.

The point of order is respectfully overruled.

LEAVE OF ABSENCE GRANTED

Mr. Gibbens was granted leave of absence for the remainder of the day on account of important business on motion of Mr. Barnes.

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

Committee Amendment No. 1

Amend H. B. 370 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Dallas County.

(A) There is hereby created in and for Dallas County, Texas, one additional Criminal Judicial District to be known as the District Court for the 162nd Judicial District of Dallas County, Texas. The limits of said district shall be co-extensive with the limits of Dallas County, Texas.

(B) There is hereby created in and for Dallas County, Texas, one additional Criminal Judicial District to be known as Criminal Judicial District Number 4 and the court of said district shall be known as the Criminal District Court Number 4 of Dallas County, Texas. The limits of said district shall be co-extensive with the limits of Dallas County, Texas.

(C) The District Court for the 162nd Judicial District shall have
and exercise the powers conferred by the constitution and laws of the State of Texas on the judges of the District Courts of Dallas County, Texas. The jurisdiction of said court shall be concurrent with that of the existing district courts of Dallas County, Texas. The Criminal District Court Number 4 shall have and exercise the powers conferred by the Constitution and laws of the State of Texas on the judges of the existing Criminal District Courts of Dallas County, Texas, and the jurisdiction of said court shall be concurrent with that of the existing Criminal District Courts of Dallas County, Texas. All of said courts hereby created shall have and exercise, in addition to the jurisdiction now conferred by law on said courts, concurrent jurisdiction co-extensive with the limits of Dallas County in all actions, proceedings, matters and causes both civil and criminal of which District Courts of general jurisdiction are given jurisdiction by the Constitution and laws of the State of Texas.

(D) The terms of each of said District Courts shall begin on the first Monday of January and July of each year, respectively and the term of each of said courts shall continue until the convening of the next succeeding term.

(E) The judge of each of the courts hereby created is authorized to appoint an official court reporter for said district and said court reporter shall have the qualifications now required by law for official shorthand reporters. Each such reporter shall perform the duties as required by law and such duties as may be assigned to the court reporter by the judge of the court to which the reporter is appointed and shall receive as compensation for his services the compensation now allowed or hereinafter allowed for the official shorthand reporters for the district courts of Dallas County, Texas under the laws of this state.

(F) The letter “I” shall be placed on the docket and court papers of the 162nd District Court. As soon as possible after this Act takes effect the District Clerk of Dallas County, Texas, shall, under the direction of the presiding judge of the District Judges of Dallas County, cause the civil dockets to be equalized in each of the District Courts handling civil matters in Dallas County by transferring pending cases from existing District Courts to the District Courts created by this Act as will be necessary to equalize the dockets of each of the District Courts; and thereafter civil cases shall be docketed by the District Clerk in rotation from A through I as such cases are filed or in any other manner as directed by the presiding judge of the District Judges of Dallas County. The District Clerk, similarly, shall equalize the dockets of the Criminal District Courts of Dallas County by transferring cases from the Criminal District Court, the Criminal District Court Number 2 and the Criminal District Court Number 3 to the Criminal District Court Number 4.

(G) The Judge of any of the District Courts in Dallas County may, in his discretion try and dispose of any causes, matters or proceedings for any or other District of said courts. Either of the Judges of said District Courts of Dallas County may at any time or in vacation transfer any cause or cases to said other District Court with the consent of the Judge of said other District Court by order entered in the minutes of his court. When such transfer is ordered, the District Clerk of Dallas County shall certify all orders made in said case and such certified copies of such orders together with the original papers shall be filed among the papers of the case transferred and the fees thereof shall be taxed as part of the costs of said suit and the Clerk of said Court shall docket any such case in the Court to which it shall have been transferred, and when so entered, the Court to which same shall have been thus transferred shall have like jurisdiction therein as in cases originally filed in said Court. All process and writs issued out of the District Court from which any such transfer is made shall be returnable to the Court to which said transfer is made.

(H) The District Attorney of Dallas County shall also be the District Attorney for the additional courts created by this section.

(I) The District Clerk of Dallas County, Texas shall also act as District Clerk for the 162nd Judicial
District, and the Criminal District Court, Number 4.

(J) The Sheriff of Dallas County either in person or by deputy shall attend the courts created by this section as required by law or when required by the respective judges thereof and the sheriff and constables of the several counties of this state when executing processes out of said courts shall receive fees as provided by general law for executing processes issued out of District Courts.

(K) All processes, writs, bonds, recognizances or other obligations issued out of the District Courts of Criminal District Courts of Dallas County are hereby made returnable to the said District Courts of Dallas County as required by law and all bonds executed and recognizances entered by and in said courts shall bind the parties for their appearance or to fulfill the obligations of such bonds or recognizances at the terms of such courts as fixed by law and this section and all processes herefore turned or hereafter returned to the District Courts of Dallas County shall be valid.

(L) Except as herein otherwise provided, all laws and parts of laws applicable to District Courts and Criminal District Courts of Dallas County shall be applicable to the courts created by this section.

Section 2. Orange County.

(A) There is hereby created an additional judicial district in and for the County of Orange, State of Texas, the limits of which district shall be co-extensive with the limits of said county. Said Judicial district shall be known as the 163rd Judicial District.

(B) The District Court for the 163rd Judicial District shall have and exercise the jurisdiction prescribed by the Constitution and laws of this State for district courts in general. The judge thereof shall have and exercise the powers conferred by the Constitution and laws of this State on the judges of the district courts in general. The jurisdiction of said court shall be concurrent with that of the 128th District Court in Orange County.

(C) The terms of the 163rd District Court shall begin on the first Monday in January, May and September of each year, respectively, and each term of said court shall continue until the convening of the next succeeding term.

(D) The judge of the court created by this Section shall draw the same compensation that is provided by the laws of the State of Texas for the Judge of the 128th District Court.

(E) The judge of the 163rd District Court is authorized to appoint an official court reporter for this court and said court reporter shall have the qualifications now required by law for official shorthand reporters. Such reporter shall perform the duties as required by law and such duties as may be assigned to the court reporter by the judge of the court to which the reporter is appointed and shall receive as compensation for his services the compensation now allowed or hereinafter allowed for the official shorthand reporters for the District Court of Orange County under the laws of this State.

(F) The letters "A" and "B" shall be placed on the docket and the court papers of the respective district courts of Orange County to distinguish them, the letter "A" being used in connection with the 128th District Court and the letter "B" being used in connection with the 163rd District Court. As soon as possible after this Act takes effect the district clerk of Orange County shall, under the direction of the judges of said courts, cause the civil and criminal dockets to be equalized in the number of cases pending in each of the existing courts; and thereafter civil and criminal cases shall be docketed by the district clerk in rotation from "A" through "B" as such cases are filed, or in any other manner as directed by the said district judges.

(G) The judge of either of the district courts may at his discretion try and dispose of any causes, matters or proceedings for the other judge of said courts. Either of the judges of said district courts may, at his discretion at term time or in vacation transfer a case or cases to said district court with the consent of the judge of said other district court by order entered in the minutes of his court. When such trans-
considered lawfully drawn and selected.

said terms are fixed by law and by
existing
laws in Orange County shall be con-
sidered lawfully drawn and selected
for either the 163rd District Court
or the 128th District Court, all
may be used interchangeably in con-
nection with said courts.

(M) Except as otherwise pro-
vided in this Act, all laws now in
effect with respect to the 128th
District Court of Orange County
shall apply to the 163rd District
Court created by this Section.

Section 3. Harris County.

(A) There are hereby created in
and for Harris County, Texas, two
(2) additional District Courts, the
limits each of which shall be co-ex-
tensive with the limits of Harris
County, Texas. Said Courts shall
be known, respectively, as the 164th
and 165th District Courts.

(B) So much of Article 199, Re-
vised Civil Statutes as amended, as
relates to the District Courts of
Harris County, Texas, is hereby
amended so as hereafter to read as
follows:

"11, 55, 61, 89, 113, 155, 127,
129, 153, 151, 152, 167, 164, 165—

Harris.

"In addition to the Criminal Dis-
trict courts of Harris County, Texas,
Harris County shall constitute the
11th, 55th, 61st, 89th, 113th, 155th,
127th, 139th, 133rd, 151st, 152nd,
157th, 164th, and 165th Judicial
Districts.

"The two additional District Courts
herein created shall have and exer-
cise concurrent jurisdiction, co-ex-
tensive with the limits of Harris
County, in all Criminal and Civil
Cases, proceedings, and matters over
which the other District Courts of
Harris County are given jurisdiction
by the Constitution and laws of this
State.

"There shall be two (2) terms
of each said fourteen (14) Civil
District Courts in Harris County in
each year, and the first term shall
be known as the January-June term,
and shall begin on the first Monday
in January and shall continue until
and including Sunday next before
the first Monday in July; and the
second term, which shall be known
as the July-December term, shall
begin on the first Monday in July
and shall continue until and includ-
ing Sunday next before the first
Monday in the following January.
In all suits, actions, or proceedings in said Courts, it shall be sufficient for the address or designation to be merely 'District Court of Harris County.' The Clerk of said Courts shall be docketed in the District Courts in Harris County as the 'Clerk of the District Court of Harris County, Texas.' The clerk of said fourteen (14) Civil District Courts shall docket alternately on the dockets of the District Courts of Harris County so that the first case or proceeding filed in the District Courts of Harris County shall be docketed in the 11th Judicial District Court; and the second case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 11th Judicial District Court; and the third case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 11th Judicial District Court; and the fourth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 11th Judicial District Court; and the fifth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 11th Judicial District Court; and the sixth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 12th Judicial District Court; and the seventh case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 12th Judicial District Court; and the eighth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 13th Judicial District Court; and the ninth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 13th Judicial District Court; and the tenth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 14th Judicial District Court; and the eleventh case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 15th Judicial District Court, and the twelfth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 15th Judicial District Court; and the thirteenth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 16th Judicial District Court; and the fourteenth case or proceeding filed and every fourteenth case or proceeding thereafter filed shall be docketed in the 16th Judicial District Court. All cases or proceedings in this manner shall be docketed in and divided and distributed among said fourteen Civil District Courts, one-fourteenth (1/14th) to each of them when first filed. All suits and proceedings shall be filed by the clerk in the order in which the petitions are presented to or deposited with him, and immediately after being so presented or deposited, in case of the disqualification of the Judge of any of said fourteen (14) Civil Courts, in any case or proceeding, such case or proceeding, on his suggestion of disqualification, shall be transferred to another of said Courts, and the order of transfer may be made by any Judge of another of said Courts and may be transferred to any other of said Courts, or instead of transferring the case the Judge of any other of said Courts may sit in the Court in which the case is pending and there try the same, and all transferred cases or proceedings shall be docketed by the clerk accordingly. The Judges of said fourteen (14) Civil Courts shall sign the minutes of each term of the Courts in Harris County within thirty (30) days after the end of the term, and shall also sign the minutes at the end of each volume of the minutes, and each Judge sitting in said Courts shall sign the minutes of each proceedings as were had before him.

"The Judge of each Court hereby created may take the same vacation provided for the other Judges of the District Courts and Criminal District Courts of Harris County, and during such vacation the term of Court of which he is Judge shall remain open and the Judge of any other Civil District Court in Harris County may hold said Court during the vacation of the Judges here-
of. During the period of such vacation it shall not be lawful for a Special Judge of such Court to be elected by the practicing lawyers of such Court because of the absence of the Judge on his vacation, unless no Judge of said Civil District Courts is in the county. The Judges of said Courts shall, by agreement among themselves, take their vacation alternately so that there shall at all times be at least six of said Judges in the county; and in the event of the absence, sickness or disqualification of the Judge of any of said Civil District Courts of Harris County, respectively, and the crowded condition of the calendar in each House of the Legislature, respectively, creates an invalid provision or application, and to this end the provisions of this Act are declared to be severable.

The Governor shall appoint a suitable person as Judge, respectively, of each of said district courts herein created, each of whom shall hold office until the next general election and until his successor has been duly elected and qualified. At the first general election after the creation of said district courts provided for herein the judge of each of said courts shall be elected for a term of four years. Such persons so appointed and elected shall have the qualifications provided by the Constitution and the laws for this State for district judges. The Judge of each of the courts created by this Act shall draw the same compensation that is provided by the laws of the State of Texas for District Judges of the respective counties where the courts herein created are located.

Section 5.
If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6.
The crowded condition of the docket of the Courts of Dallas, Orange and Harris Counties, respectively, and the crowded condition of the calendar in each House of the Legislature, respectively, creates an
emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after September 1, 1963 and it is so enacted.

Mr. Hollowell raised a point of order on further consideration of the Committee Amendment No. 1, page 5, lines 49 through 64, on the ground that the matter contained therein is not germane to the bill. The Speaker overruled the point of order.

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

Amend Committee Amendment No. 1 to House Bill 375 by inserting the following after Section 3 and renumbering the subsequent sections:

"(4) Habeas corpus proceedings in civil matters.

"(B) Said court shall have jurisdiction over all bail bond and recognizances taken in proceedings had before said court or that may be returned to said court from other courts, and may enter forfeitures thereof and final judgments and enforce the collection of the same by proper process in the same manner as is provided by law in district courts.

"(C) The said Criminal District Court of Chambers-Liberty Counties shall have a seal similar to the seal of the district court with the words 'Criminal District Court of Chambers-Liberty Counties' engraved thereon, an impression of which seal shall be attached to all writs and other processes, except subpoenas, issuing from said court, and shall be entered in the authentication of the official acts of the Clerk of said court.

"(D) The practice in said court shall be conducted according to the laws governing the practice in the Criminal District Court of Chambers-Liberty Counties, which court shall have and exercise, from and after the effective date of this act, original and exclusive jurisdiction over all criminal cases of the grade of felony in the counties of Chambers and Liberty of which district courts, under the Constitution and laws of this state have original and exclusive jurisdiction, and shall have and exercise civil jurisdiction in such cases and matters of:

"(1) Divorce, as provided in Chapter IV, Title 75 of the Revised Civil Statutes of Texas of 1925, and any amendments thereof, heretofore or hereafter made thereto;

"(2) Dependency and delinquent children, as provided in Title 43, Revised Civil Statutes of Texas of 1925, and any amendments thereof, heretofore or hereafter made thereto;

"(3) Adoption, as provided in Title 3, Revised Civil Statutes of Texas of 1925, and any and all amendments heretofore or that may be hereafter made thereto;
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“(H) Whenever the Criminal District Court of Chambers-Liberty Counties shall be engaged in the trial of any cause when the time for expiration of the term of said court as fixed by law shall arise, the Judge presiding shall have the power, and may if he deems it expedient, continue the term of said court until the conclusion of said pending trial; in such case, the extension of such term shall be shown on the minutes of the court before they are signed.

“(I) The Sheriff, County Attorney and the Clerk of the District Court of Chambers County and the Sheriff, County Attorney and the Clerk of the District Court of Liberty County shall be the Sheriff, County Attorney and Clerk, respectively, of said Criminal District Court of their respective counties under the same rules and regulations as are now, or may hereafter be prescribed by law for the government of Sheriffs, County Attorneys and Clerks of the district courts of this State; and said Sheriff, County Attorney and Clerk shall respectively receive such fees as are now, or may hereafter be prescribed by law for such officers in the district courts of the State, to be paid in the same manner.

“(J) All such matters over which said Criminal District Court has jurisdiction, it shall have the same power of said district as is conferred by law upon district courts, and shall be governed by the same rules and exercise of said power.

“(K) Appeals and writs of error may be prosecuted from said Criminal District Court to the Court of Criminal Appeals and all appeals in civil cases shall be to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas in the manner now or that may hereafter be provided by law and in the same manner and form as from the district court in like cases.

“(L) From and after the effective date of this act the 75th Judicial District Court as now constituted shall be, and is hereby, deprived and divested of all jurisdiction in all criminal cases and all civil cases involving the jurisdiction given the said Criminal District Court hereby created pending in the 75th Judicial District Court at the time of the effective date of this act shall be by the Clerk of the Criminal District Court transferred to and entered upon the docket of said Criminal District Court in each respective county and so entered upon the docket, the Judge of said Criminal District Court shall try and dispose of same in the same manner as if such cases were originally instituted therein and all criminal cases involving the jurisdiction hereby granted to said Criminal District Court and all civil cases involving the jurisdiction granted to said Criminal District Court which are hereafter filed in Liberty or Chambers Counties shall be filed upon the docket of said Criminal District Court, and which shall be returnable in said Court.

“(M) The Judge of said Criminal District Court may exchange districts with or hold court for any district judge as provided by law in cases of district judges and said judge may try any civil case assigned to him by the Judge of the 75th Judicial District, serving when he tries such assigned civil cases as the presiding Judge of the 75th Judicial District Court, and in case of disqualification or absence of a judge, a special judge may be selected.

“(N) The Judge of the Criminal District Court of Chambers-Liberty Counties shall impanel grand juries in each respective county as is by law provided for the selection and impanelment of grand juries.

“(O) After his appointment and qualification, the Judge of said Criminal District Court shall appoint an official shorthand reporter, who shall be compensated as provided by law.

“(P) The District Attorney for the 75th Judicial District shall act also as the District Attorney for the Criminal District Court of Chambers-Liberty Counties.

“(Q) All citations and processes issued and petit jurors drawn before this act takes effect shall be valid and returnable to the Criminal District Court of Chambers-Liberty Counties.
Counties in the several counties in those cases placed on the docket of the 164th District Court by the provisions of this act.

"(2) The Judges of the 75th Judicial District shall appoint the County auditors in the several counties in said district.

"(3) If the provisions of this Section conflict with the provisions of any other law, then the provisions of this section shall prevail.

Mr. Johnson of Dallas moved to table the amendment to Committee Amendment No. 1, offered by Mr. Walker, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to House Bill 270 by adding a new section thereto to be known as Section 2 and to read as follows:

"Section 2. Bexar County.

"Section A. There is hereby created one (1) additional District Court in and for Bexar County, Texas, to be known as the 187th Judicial District Court. The limits of such District Court shall be co-extensive with the limits of Bexar County, Texas.

"Sec. B. Upon the effective date of this Act the Governor shall appoint one (1) suitable person having the qualifications prescribed by the Constitution and laws of this State and as Judge of the 187th District Court of Bexar County, Texas, who shall hold office until the next general election and until his successor has been duly elected and qualified as provided by the Constitution and laws of this State.

"Sec. C. So much of Article 199 of the Revised Civil Statutes of Texas, 1935, as now relates to the District Courts of Bexar County, Texas, as amended by Acts 1939, 44th Legislature, page 499, Chapter 210, Section 1-4; Acts 1959, 54th Legislature, page 246, Chapter 9, Section 5-6; Acts 1961, 53rd Legislature, First Called Session, page 696, Article 2, Section 1-3; Acts 1961, 54th Legislature, page 780, Chapter 9, Section 4; Acts 1964, 55th Legislature, page 1478, Chapter 207, or otherwise be and the same be hereby amended so as to read hereafter as follows:

"37, 45, 57, 72, 131, 144, 150, 168, and 176—Bexar.

"Bexar County shall constitute the 37th, 45th, 57th, 72nd, 131st, 144th, 150th, 168th and 176th Judicial Districts of Texas, Each of the said nine (9) District Courts shall have and exercise civil and criminal jurisdiction in Bexar County, Texas. Said District Courts shall have and exercise, in addition to the jurisdiction now conferred or to be conferred by law on said Courts, concurrent jurisdiction co-extensive with the limits of Bexar County, Texas, in all actions, proceedings, matters and causes, both civil and criminal, of which District Courts of general jurisdiction are given jurisdiction by the Constitution and laws of the State of Texas.

"Sec. D. The present Judges of the 37th, 45th, 57th, 72nd, 131st, 144th, 150th and 176th Judicial Districts of Bexar County, Texas, shall continue as Judges of said Courts as constituted and defined by this Act, and the tenure of office of said Judges shall remain the same as is now provided by law.

"Sec. E. There shall be two (2) terms of the 37th, 45th, 57th, 72nd, 131st, 144th and 150th District Courts in Bexar County, Texas, in each year, and the first term shall begin on the first Monday in January of each year and shall continue until and including the second Monday in July of each year, and the second term shall begin on the first Monday in July of each year and shall continue until and including the fourth Monday before the first Monday in the following January.

"Sec. F. The 168th District Court and the 176th District Court of Bexar County, Texas, shall hold six (6) terms of court each year for the trial of causes and the disposition of business coming before such Courts, one term beginning the first Monday in January; one the first Monday in March; one the first Monday in May; one the first Monday in July; one the first Monday in September; and one the first Monday in November; each term to last for two (2) months.
Each term shall continue until the business is disposed of.

"Sec. G. The practice and procedure of said Courts shall be the same as now prescribed by law and, in civil actions, as also provided by the Texas Rules of Civil Procedure applicable to District Courts having successive terms.

"Sec. H. All indictments shall be returned to the 144th District Court of Bexar County, Texas, and the 175th District Court of Bexar County, Texas. The District Clerk of Bexar County shall docket successively on the dockets of the District Courts of the 37th, 45th, 51st, 73rd, 131st, 137th and 144th Judicial Districts in Bexar County all civil cases, actions, causes, petitions, applications, or other proceedings so that the first case or proceeding filed on or after the effective date of this Act and every eighth case or proceeding thereafter shall be docketed in the 57th Judicial District; and the sixth case or proceeding thereafter shall be docketed in the 175th District; and the seventh case or proceeding thereafter shall be docketed in the 37th Judicial District; and the second case or proceeding filed and every eighth case or proceeding thereafter shall be docketed in the 45th Judicial District; and the third case or proceeding filed and every eighth case or proceeding thereafter shall be docketed in the 97th Judicial District; and the fourth case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 31st Judicial District; and the fifth case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 15th Judicial District; and the sixth case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 131st Judicial District; and the seventh case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 150th Judicial District; and the eighth case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 73rd Judicial District; and the ninth case or proceeding and every eighth case or proceeding thereafter shall be docketed in the 168th Judicial District and from time to time as occasion may require in order to adjust the business and dockets of said Courts, transfer, or cause to be transferred upon the approval of the Judges of said Courts, causes for any of the said Courts to any other of the said Courts in order that the business of the said Courts shall be continually equalized and distributed among them to the end that each Judge shall be at all times provided with cases or proceedings to try or otherwise consider and that the trial of a cause shall not be delayed because of the disqualification of the Judge in whose Court it is pending. When a case is transferred, proper order shall be entered upon the minutes of the Court as evidence thereof. It is the intention of this Act that the 144th District Court of Bexar County, Texas, shall give preference to criminal cases, matters, or proceedings, while the other District Courts shall give preference to civil cases, matters or proceedings. For such purposes, the 144th and 175th District Courts shall constitute the Criminal District Courts of Bexar County, Texas, while the other District Courts shall constitute the Civil District Courts of Bexar County, Texas. The Judges of the said District Courts shall sign the minutes of each term of said Court in Bexar County, Texas, within thirty (30) days after the end of the term and shall also sign the minutes at the end of each volume of the minutes, and each Judge sitting in said Courts shall sign the minutes of such proceedings as were had before him.

"Sec. I. In the absence, except as otherwise provided herein, sickness, or disqualification of a Judge of any of the District Courts of Bexar County, Texas, any of the other Judges of the said District Courts may act and preside; or any regular practicing lawyer of the Bar of Bexar County, who has all the qualifications of a District Judge, may be elected to act and preside over any of the said Courts during such ab-
sence, sickness, or inability of any of the regular Judges to act and prosecute therein; such Special Judge to be elected according to Title 40 of the Revised Civil Statutes of the State of Texas, 1925, as amended.

"Sec. K. All bail bonds, recognitions or other obligations, taken for the appearance of the defendants, parties and witnesses in any of the said District Courts of Bexar County, Texas, or any inferior Court of Bexar County, Texas, shall be binding on all such defendants, parties and witnesses and their sureties for appearance in any of said Courts in which said cause may be pending or to which same may be transferred. In all cases transferred from one of the said Courts to another, all process, bonds, recognizances and obligations extant at the time of such transfer shall be returned to and filed in the Court to which the case is transferred and shall be valid and binding as though originally issued out of the Court to which it is transferred.

"Sec. L. Each Judge of the said District Courts of Bexar County, Texas, may take a vacation between the first day of June and the first day of October in each year, during which time the terms of Court of which he is Judge shall remain open and the Judge of any other District Court may hold such Court during the vacation of the Judge thereof. During the period of such vacation, it shall not be lawful for a Special Judge of such Court to be elected by the practicing lawyers of such Court, and in the absence of the Judge on his vacation, unless no Judge of the said District Courts is in the County. The Judges of the said District Courts shall by agreement among themselves take their vacations alternately so that there shall be at all times at least five of the said Judges in the County during such vacation period.

"Sec. M. The Judge of each of the several District Courts shall appoint an official court reporter for his Court as provided by the General Law who will be compensated as provided by law.

"Sec. N. The Sheriff of Bexar County shall, as hereinafter provided, either in person or by deputy, shall attend the several District Courts as required by law, or when required by the Judges thereof, and the Sheriff and Constables of the several counties of this State, when executing process out of said Courts, shall receive fees as provided by the general law for executing process issued out of the District Courts. The Sheriff of Bexar County shall, upon the effective date of this Act, appoint one deputy to serve as bailiff for each of the said District Courts of Bexar County, Texas: provided that an additional deputy shall be appointed for the 144th District Court and an additional deputy shall be appointed for the 176th District Court, both of which Courts must give preference to the trial of criminal cases, matters, or proceedings. The persons thus appointed as such deputies must be acceptable to the Judge of the Court to which he or they are appointed or assigned, and said appointments for each of said Courts must be approved and confirmed in writing by the Judge of said Court before the same becomes effective. The said Deputy Sheriffs shall, before assuming their respective duties, take the oath of office prescribed by the Constitution of Texas; and the Sheriff of Bexar County shall have the power and authority to require said deputies to furnish bonds in such amount, conditioned, and payable as may be prescribed by the said Sheriff or provided by law. The said deputies shall act in the name of their principal, and they may do and perform all such official acts as may be lawful done and performed by the Sheriff of Bexar County in person. The said deputies shall, from and after their said appointment, confirmation and qualification, as hereinabove provided, continue as such respective deputies at the pleasure of the Judge of the Court to which he or they may have been appointed; and should any of the said Judges, for any reason whatsoever, fail to further desire the services of the said Deputy Sheriff or Deputy Sheriffs, and the Sheriff of Bexar County shall, upon the request of such Judge, appoint another deputy for such Court, such appointment, however, to be made in the manner as hereinabove provided. It shall be the duty of the said deputies to attend all sessions of the said District Courts and also perform
render such services in and for said Courts, and for the Judges thereof, as are usually and generally performed and rendered by Sheriffs and their deputies, and about the several District Courts throughout this State, and including the serving of any and all process, subpoenas, warrants, and writs of any and all kinds and nature in both civil and criminal cases, matters and proceedings; and it shall be the duty of said Deputy Sheriffs to also perform and render any and all other services that may from time to time be assigned them or to any of them by the Judges of said Courts. The said deputies shall have, possess and enjoy the same rights, powers, authority and privileges that the Sheriffs and their deputies throughout the State may or may hereafter possess and enjoy. The said Deputy Sheriffs are authorized and empowered to act for one another, and it shall be their duty to so act for one another when required to do so by any of the Judges of the said Courts or by the said Sheriff, but said deputies thus acting for one another shall not be entitled to receive or shall they receive any additional compensation.

The Sheriff of Bexar County shall in the event of a vacancy, caused by any reason whatsoever, immediately appoint another deputy for such Court in which a vacancy may occur, such appointment, however, to be subject to the approval and written confirmation of the Judge of the Court in which such vacancy may exist. The salary of the said deputies appointed for each of the said District Courts shall be determined and fixed by the Judge of the said Court in any sum not less than Three Thousand and Nine Hundred Dollars ($3,900) annually. The said annual salaries to be paid to the said deputies, when fixed by said Judges as herein provided, shall be paid to them either monthly or twice monthly out of such fund of Bexar County as provided by law for the payment of salaries of the several deputies of the Sheriff of Bexar County, Texas, and such payment of said salaries shall be made in the manner provided by law. Provided that nothing herein shall be construed as preventing the Sheriff of Bexar County from assigning additional deputies to any of the said District Courts when circumstances so require, or when requested to do so by the Judge of any of the said District Courts. Provided that nothing contained in this section of this Act is intended to change or alter the duties and the powers of the Sheriff of Bexar County, Texas, except as herein specifically and expressly stated.

"Sec. 1. That the Sheriff of Bexar County shall be the Clerk of the 37th, 45th, 57th, 73rd, 83rd, 93rd, 103rd, 114th, 124th, 134th, and the 144th District Courts of Bexar County, Texas, shall be compensated as provided by law. The District Clerk of Bexar County, Texas, shall, upon the effective date of this Act, appoint a deputy for each of the said District Courts provided, however, that the person thus appointed must be acceptable to the respective Judges of the said Courts, and such appointment for each of the said Courts must be confirmed in writing by the Judge thereof before it becomes effective. The said deputies thus appointed shall, before assuming their respective duties, take the oath of office as prescribed by the Constitution of Texas; and the District Clerk of Bexar County, Texas, shall have the power and authority to require said deputies to furnish bonds in such amount, conditioned and payable as may be prescribed by the said District Clerk or provided by law. The said Deputy District Clerks shall act in the name of their principal, and they, and each of them may do and perform all such official acts as may be lawfully done and performed by the said District Clerk in person; and it shall be the duty of each of the said deputies to attend all sessions of the District Court to which he has been appointed, and perform such services in and for said Court as are usually performed by the District Clerk and their deputies in the several District Courts of this State; and the said deputies shall also perform any and all other services that may from time to time be assigned them by the Judges of the said Courts. The said deputies to be appointed for the District Courts are authorized to act for one another in any matter pertaining to the clerical business of the said Courts, and it shall be their duty to thus act for one another when requested to do so by the Judges of the said Courts, or by the said District Clerk, but such
from and after their said compensation. The said deputies shall, upon request of such Judge or Judges, appoint another deputy for

the aald Deputy District Court, or twice monthly Installments out of

of Bexar County, Texas, shall, upon request of such Judge or

the other District Courts, including the expenses as now provided by the laws of this State, and the compensation shall be paid in the manner in which, other District Judges of the State are paid.

Sec. U. It is expressly provided that nothing herein shall be construed as repealing any provision of Senate Bill 89, Acts 1941, 57th Legisla­
ture, page 38, Chapter 24, changing the names and designations of the Criminal District Court of Bexar County, Texas, and the Criminal Dis­

districts in the 14th and 175th District Courts of Bexar County, Texas, respectively. All other laws and parts of laws in con­

flict with the provisions of this Act are hereby repealed to the extent of such conflict only; as to all other laws or parts of laws, this Act shall

be cumulative."

Signed: Kothmann, Esquivel, Be­
gren, Johnson of Bexar, Berry and

Alston.

Mr. Johnson of Dallas moved to table the amendment offered by Mr. Kothmann, and the motion to table was lost.

The amendment offered by Mr. Kothmann to Committee Amendment No. 1 was then adopted.
Amendment to the

there is also hereby created the 176th Judicial District to be composed of and to have its boundaries co-extensive with the boundaries of Travis County, Texas; and there is also hereby created the 176th Judicial District Court of Travis County, Texas.

B. The 176th Judicial District Court of Travis County, Texas, shall have jurisdiction over all matters, both civil and criminal, of which the District Court of Travis County, Texas, shall have jurisdiction over all matters, both civil and criminal, of which jurisdiction is given or shall be given by the Constitution and Laws of Texas to district courts.

C. The terms of the 176th Judicial District Court of Travis County, Texas, shall begin on the first Monday in March and the first Monday in September of each year and each term of said Court shall continue until the convening of the next succeeding term.

D. Upon the effective date of this Act, the Governor shall appoint a suitable person as Judge of said Court herein created, who shall hold office until the next General Election and until his successor has been duly elected and qualified. At the next General Election after the creation of said District Court, the Judge of said Court shall be elected for a term of four years and until his successor shall have been duly elected and qualified. The Judge of said Court shall have the qualifications provided by the Constitution and the Laws of the State for district judges, and shall draw the same compensation that is provided by the Laws of the State for the other District Judges of Travis County, Texas.

E. The Judge of said District Court shall have the right to select jury commissioners and empanel grand juries and may order both grand and petit juries to be drawn for such terms of his court as in his judgment is necessary, by an order entered in the minutes of said Court.

F. The Judge of said District Court is authorized to appoint an official Court Reporter for said Court who shall have the qualifications and receive the same compensation as are now, or may hereafter be, fixed by law for court reporters in district courts.

G. The Sheriff, District Attorney, County Attorney, and the Clerk of the District Courts of Travis County, as heretofore provided for by law, shall be the Sheriff, District Attorney, County Attorney, and Clerk, respectively, of the 176th Judicial District Court herein created under the same rules and regulations as are now or may hereafter be prescribed by law for sheriffs, district attorneys, county attorneys, and clerks of the district courts of the State; and said Sheriff, District Attorney, County Attorney, and Clerk shall respectively receive such compensation as is now or may hereafter be prescribed by law for such officers in the district courts of this State to be paid in the same manner.
case transferred or may sit in any of the other of said courts and there bear and determine any case there pending and each judgment and order shall be entered in the minutes of the court in which the case is pending, and two or more judges may try different cases in the same court at the same time and each may occupy his own courtroom or the room of any other court. In case of absence, sickness, or disqualification of any of said District Judges of Travis County, any other of said Judges may hold court for him. Any of said Judges may hear any part of any case or proceeding pending in any of said courts and determine the same or may bear or determine any question in any case and any other of said Judges may complete the hearing and render judgment in the case. Any of said Judges may hear and determine exceptions, motions, petitions for injunction, applications for appointment of receivers, inter­ vention, pleas of privilege, pleas in abatement, and all dilatory pleas, motions for new trial and all preliminary matters, questions, and proceedings, and may enter judgment and order thereon in the court in which the case is pending, without having the case transferred to the court of the Judge acting and the Judge in whose court the case is pending may thereafter proceed to hear, complete, and determine the case or other matter or any part thereof and render final judgment thereon. Any of the Judges of said courts may issue restraining orders and injunctions returnable to any of the other Judges or courts.

H. The effective date of this Act shall be January 1, 1964.

I. If any provision of this Act is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions of this Act.

J. The crowded condition of the dockets of the District Courts of Travis County, Texas, and the fact that jurisdiction is conferred upon the District Courts of Travis County, Texas, in numerous important matters relating to suits by and against State officers and appeals from ruled, orders, and regulations of State officers and administrative agencies, boards, and commissions create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby sus­ pended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Signed: Cain, Carnes, Foreman and Ritter.

Mr. Johnson of Dallas moved to table the amendment offered by Mr. Cain to Committee Amendment No. 1.

A record vote was requested on the motion to table.

The motion to table the amendment offered by Mr. Cain to Committee Amendment No. 1 prevailed by the following vote:

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

Amend Committee Amendment No. 1 to H. B. No. 370 by adding the following Section, renumbering Sections 4 through 6 properly, and amending the title of the bill to conform with the body.

Section (A) Paragraph 15 and Paragraph 59 of Article 199 of Title 8 of the Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 88, Acts of the 48th Legislature, Regular Session, 1943, chapter 13, page 12, are hereby amended so as to read hereafter as follows:

"Grayson County shall constitute the Fifteenth Judicial District. Collin County shall constitute the Fifty-ninth Judicial District. The District Courts shall be held therein as follows:

(F) There is hereby created in and for Grayson County the One Hundred Fifty-ninth Judicial District Court, the limits of which District shall be co-extensive with the limits of Grayson County; said Court shall be known as the 159th District Court. The 159th District Court shall have and exercise the powers conferred by the Constitution and laws of the State of Texas on judges of the district courts. The jurisdiction shall be concurrent with that of the 15th Judicial District."

(C) The term of the 159th District Court shall begin on the first Monday in January and July of each year, respectively, and each term of said Court shall continue until the convening of the next succeeding term.

(D) Upon the effective date of this Act, the Governor shall appoint a suitable person as Judge of said Court herein created, who shall hold office until the next General Election and until his successor has been duly elected and qualified. The next General Election after the creation of the 159th District Court a Judge of said Court shall be elected for a term of four (4) years and until his successor shall have been duly elected and qualified. Such person so appointed and elected shall...
have the qualifications provided by
the Constitution and laws of this
State for district judges. The Judge
of the Court created by this Act
shall draw the same compensation
that is provided by the laws of this
State for district judges. The Judge
of the 159th District Court is au-
thorized to appoint an official court
reporter for his Court and said court
reporter shall have the qualifica-
tions now required by law for of-
icial shorthand reporters. Such re-
porter shall perform the duties as
required by law and such duties as
may be assigned to him by the
Judge of the 159th District Court
and shall receive as compensation
for his services the compensation now
allowed or hereafter allowed for
official shorthand reporters for the
district courts of this State.

(E) The Judge of the 15th Dis-
trict Court and the Judge of the
159th District Court in Grayson
County may, in their discretion, try
and dispose of any causes, matters
or proceedings for the other judge
of said courts. Either of the judges
of the 15th and 159th District Courts
of Grayson County may, at his dis-
ccretion, at term time or in vacation,
transfer a case or cases to the
other district court, with the con-
sent of the judge of the other dis-
trict court, by order entered in the
minutes of his Court. When such
transfer is ordered, the District
Clerk of Grayson County shall cer-
tify all orders made in said cause
and certify copies of such orders,
together with the original
papers, shall be filed among the
papers of the case thus transferred,
and the fees thereof shall be tax-
ed as part of the cost of said suit
and the Clerk of said Court shall
docket any such case in the court
to which it shall have been trans-
ferred, and when so entered, the
Court to which the same shall have
been thus transferred shall have the
jurisdiction thereto as in cases origi-
nally filed in said Court. All pro-
cess and writs issued out of the
District Court from which such
transfer is made shall be returnable
to the Court to which said transfer
is made, according to the terms of
the District Court or the respective
Court as fixed by this Act.

(F) The District Clerk of Gray-
on County shall also act as Dis-

}
numbering Sections 4, 5 and 6 accordingly. Said new Section 4 to read as follows:

Section 4—Tarrant County.

(A) The Criminal District Court of Tarrant County shall hereafter be known as the "Criminal District Court No. 1 of Tarrant County."

(B) There is hereby created and established at the City of Fort Worth, a Criminal District Court to be known as the "Criminal District Court No. 3 of Tarrant County," which Court shall have and exercise concurrent jurisdiction with the Criminal District Court No. 1 of Tarrant County and Criminal District Court No. 2 of Tarrant County under the Constitution and laws of the State of Texas.

(C) From and after the time this law shall take effect, the Criminal District Court No. 1 of Tarrant County, the Criminal District Court No. 2 of Tarrant County and the Criminal District Court No. 3 of Tarrant County shall have and exercise concurrent jurisdiction with each other in all felony and misdemeanor causes, and in all matters and proceedings of which the said Criminal District Courts of Tarrant County have jurisdiction, and any of the Judges of said Criminal District Courts may in their discretion transfer any cause or causes that may at any time be pending in his court to either of the other Criminal District Courts by an order or orders entered upon the minutes of his court; and where such transfer or transfers are made, the Clerk of such Criminal District Court, shall enter such cause or causes upon the docket to which said transfer or transfers are made, and, when so entered upon the docket, the Judge of that Court shall try and dispose of said causes in the manner as if such causes were originally instituted in said court; and the said Criminal District Court No. 3 of Tarrant County, Texas, shall have and exercise original and concurrent jurisdiction over misdemeanor cases as is hereafter provided by this Act.

(D) From and after the date this Act shall take effect the Criminal District Court No. 3 of Tarrant County, Texas, shall have and exercise original and concurrent jurisdiction of all misdemeanor cases of which the County Courts at Law of Tarrant County now have concurrent jurisdiction, and of such misdemeanor cases as shall be filed in said County Courts at Law of Tarrant County, Texas, on appeal from Justices or Recorders Courts and either the Judge of said Criminal District Court No. 3 or the Judge of said County Court at Law may, upon motion of the District Attorney of Tarrant County, or other officer representing the State in said Court, in his discretion, transfer any cause or causes that may at any time be pending in his Court to the other Court by an order or orders upon the minutes of his Court; and where such transfer or transfers are made, the Clerk of the Court making such transfer shall certify to the Clerk of the Court to which such transfer or transfers are made, and when so entered upon the docket the Judge of the Court to which such transfer or transfers are made, shall dispose of said cause or causes in the same manner as if such cases were originally instituted in said Court.

(E) The Judge of the said Criminal District Court No. 3 of Tarrant County, Texas, shall be elected by the qualified voters of Tarrant County for a term of four (4) years, and shall hold his office until his successor shall have been elected and qualified. He shall possess the same qualifications as required of the Judges of a District Court, and shall receive the same salary as is now or may hereafter be paid to the District Judges and to be paid in like manner. He shall have and exercise all the powers and duties now or hereafter to be vested in and exercised by District Judges of the Criminal District Court of Tarrant County. The Judge of said Court may exchange with any District Judge, as provided by law in cases of District Judges, and in case of disqualification or absence of a Judge, a Special Judge may be selected, elected or appointed as provided by law in cases of District Judges; provided, that the Governor, under the authority now provided by law, upon this Act becoming effective shall appoint a Judge of said Court, who shall hold the office until the next general election after the passage of this law, and until his successor shall have been elected and qualified. Any
of the Judges of said Criminal District Courts may, in his discretion, in the absence or inability to serve of a Judge of either of the other Criminal District Courts from this court room or from the County or Tarrant, Texas, try and dispose of any cause or causes that may be pending in such Criminal District Court as fully as could such absent Judge were he personally present and presiding. And any of said Judges may receive in open court from the Foreman of the grand jury any bill or bills of indictment in the court to which such bill or bills of indictment may be returnable, entering the presentment of such bill or bills of indictment in the minutes of the proceedings of such court, and may hear and receive from any empaneled petit jury any report, information or verdict, and make and cause to be entered any order or orders in reference thereto, or with reference to the continuation of the deliberation of such petit jury or their final discharge, as fully and completely as such other District Judge could do if personally present and presiding over such court; and make any other order or orders in such courts respecting the causes therein pending or the procedure pertaining thereto as the regular Judge of said Criminal District Court could make if personally present and presiding.

(F) Said Court shall have a seal of like design as the seal now provided by law for District Courts, except that the words "Criminal District Court No. 3 of Tarrant County" shall be engraved around the margin thereof, which seal shall be used for all the purposes for which the seal of the District Courts are required to be used; and certified copies of the orders, proceedings, judgments and other official acts of said Court, under the hand of the Clerk and attested by the seal of said Court shall be admissible in evidence in all the courts of this State in like manner as similar certificates from the courts of record are now or may hereafter be admissible.

(G) The Sheriff, Criminal District Attorney and Clerk of the District Courts of Tarrant County, as hereinafter provided by law, shall be the Sheriff, District Attorney and Clerk, respectively, of said Criminal District Court No. 3 of Tarrant County under the same rules and regulations as are now or may hereafter be prescribed by law for the government of Sheriffs, District Attorneys and Clerks of the District Courts of the State; and said Sheriff, Criminal District Attorney and Clerk shall, respectively, receive such fee as is now or may hereafter be prescribed by law for such offices in the District Courts of the State and to be paid in the same manner.

(H) All laws regulating the selection, summoning and empaneling of Grand Jury Commissioners and empaneling such petit juries or their final charge, as fully and completely as such other District Judge could do if personally present and presiding over such court; and make any other order or orders in reference thereto, or with reference to the continuation of the deliberation of such petit jury or their final discharge, as fully and completely as such other District Judge could do if personally present and presiding over such court; and make any other order or orders in such courts respecting the causes therein pending or the procedure pertaining thereto as the regular Judge of said Criminal District Court could make if personally present and presiding.

(I) Said Court shall hold four terms each year for the trial of causes and the disposition of business coming before it: one term beginning the first Monday in January, one term beginning the first Monday in April, one term beginning the first Monday in July, and one term beginning the first Monday in October, of each year. The trials and proceedings in said Court shall be conducted according to the law governing the practice and proceedings in felony and misdemeanor cases. The District Judges of the Criminal District Courts of Tarrant County may alternately appoint Grand Jury Commissioners and empanel grand juries.

(J) All laws regulating the selection, summoning and empaneling
May 17, 1963  
HOUSE JOURNAL  

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The salary for such District Judge shall be the same as the salary provided for other District Judges in this State. There is hereby appropriated to pay the salary of such Judge for the biennium beginning September 1, 1963, a sum sufficient for each year of such biennium, which said salary shall be paid in monthly installments out of the General Revenue Fund of the State in the same manner as provided for other District Judges.

All laws and parts of laws in conflict with the provisions of this section are hereby repealed.

Signed: Gladden, Shannon, Richardson, Finney, Parmer and McLaughlin.

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

A record vote was requested on the passage of H. B. No. 370 to engrossment.

H. B. No. 370 was passed to engrossment by the following vote:

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to be read on three several days be suspended and that House Bill No. 370 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Year—191

Alanis  Houston
Atwell  Jamison
Ball  Johnson of Dallas
Barnes  Kilpatrick
Bass of Bowie  Klagar
Bass of Harris  Krishmann
Beckham  Lack
Birkner  McDonald
Blaine of Hidalgo  McDonald of Bexar
Brooks  McGregor
Brown  McLainy
Brown of Galveston  Macatee
Brown of Taylor  Mann
Caldwell  Mapes
Candies  Markgraf
Carrick  Miller
Carrico  Morgan
Caviness  Mutchler
Chapman  Parker
Collins  Parmer
Cook  Parsley
Coughran  Lester
de la Garza  Pfyfe
Doke  Price
Dugan  Rapp
Dungan  Roberts
Eckhardt  Rodrigues
Esquivel  Rosson
Fairchild  Satterwhite
Finney  Schiller
Fletcher  Scotts
Floyd  Segrest
Fondren  Shannon
Foreman  Shively
Gage  Shett
Giddens  Shidler
Glen  Smith of Jefferson
Green  Stewart
Griffey  Stiles
Haines of Brazos  Thompson
Hallmark  Townsend
Harter  Walker
Harris  Weldon
Harris of Houston  Wells
Harris of Orange  Whitley
Heriton  Wilson
Hendryx  Woods

Nays—22

Allen  Boyan
Arlidge  Butler

Carpenter  McElvain
Cherry  Moyer
Clayton  Naguet
Cole  Peary
Colten  Pendleton
Cowden  Patty
Cowles  Quilliam
Davis  Richards
Edwards  Simpson
Hinson  Trager
Holloway  Ward
Jarvis  Wheeler
Knapp  Wieting

Absent

Craun  Murray
Crewe  Ritter
Healy

Absent—Excused

Adams  Koliba
Cannon  McLaughlin
Cory  Memerrey
Gibbens  Richardson
Haugen  Smith of Bexar
Isacks

Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 370 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECALLING S. B. No. 15 FROM THE GOVERNOR FOR CORRECTIONS

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

S. C. B. No. 79

Whereas, Senate Bill No. 15 has been passed by both the Senate and the House and is now in the office of the Governor and requires 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. 15 to the Senate and the Enrolling Clerk be authorized and instructed to insert in paragraph (1) of subsection (a) of Section 17 of the bill the words "per annum" after the phrase "Nine Dollars ($9) per One Hundred Dollars ($100)" and after the phrase "Seven Dollars ($7) per One Hundred Dollars ($100)" and be it further
Resolved, That the President of the Senate and the Speaker of the House be instructed to remove their signatures from the Bill and that the Enrolling Clerk of the Senate be instructed to re-enroll Senate Bill No. 15 with the corrections authorized in this Resolution.

The resolution was adopted.

HOUSE BILL NO. 1071 ON PASSAGE

Mr. Doke moved to suspend the necessary rules in order that he might then make a motion to reconsider the vote by which H. B. No. 1071 was passed.

The motion to suspend the rules prevailed.

Mr. Doke then moved to reconsider the vote by which H. B. No. 1071 was passed, and the motion to reconsider prevailed.

The Speaker then laid H. B. No. 1071 before the House for consideration at this time.

Mr. Doke offered the following amendment to the bill:

Amend House Bill No. 1071 by striking out all of paragraphs (a) and (b) of the quoted Section 4 in Section 2 of the bill and inserting in lieu thereof the following:

"(a) In the first even-numbered calendar year after the creation of the district, there shall be elected one director from each county commissioners precinct in Wichita County, which places shall carry the same number as the precinct, and three (3) directors from the district at large, which positions shall be designated as Place 5, Place 6, and Place 7. The three (3) directors elected at large shall serve six-year terms; the first directors elected from Places 3 and 4 shall serve four-year terms; and the first directors elected from Places 1 and 2 shall serve two-year terms. Only qualified electors residing in each county commissioners precinct shall be eligible to vote for the director to be elected from that precinct. All qualified electors residing in the county shall be eligible to vote for the three (3) directors to be elected from Place 4, Place 5, and Place 6. After the first election, all terms of office of the directors of said hospital district shall be for six (6) years.

(b) Members of the existing Board of Directors of the Wichita General Hospital shall serve as interim directors until the first election shall be had and shall establish the procedure for filing for said Board. The date of the first election shall be the first Tuesday after the first Monday in November of the first even-numbered calendar year after the creation of the District, and succeeding elections shall be on the first Tuesday after the first Monday in November of each even-numbered calendar year thereafter. After said election, the elected Board of Directors shall have authority to set the procedure of said subsequent elections. Provided, however, that unless the first election called for by the provision hereof will occur within 180 days of the creation of such District, then in such event the interim directors shall call a special election for the election of a Board of Directors to serve until the first day of January following the election of a Board of Directors at the next regular election provided herein. Such special election shall be set not less than thirty days nor more than sixty days after the creation of such District."

The amendment was adopted without objection.

H. B. No. 1071 was then passed.

HOUSE BILL NO. 231 ON PASSAGE

The Speaker laid before the House, as postponed business, on its passage, H. B. No. 231, relating to arbitrations pursuant to written agreements of the parties.

The vote by which H. B. No. 231 was, on yesterday, passed was reconsidered on today and further consideration of the bill was postponed until 2:00 o'clock p.m. today.

Mr. Nugent offered the following amendment to the bill:

Amend H. B. No. 231 so that Article 226 is hereby amended so that its second sentence shall hereafter read as follows:

"In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed falls or is un-
The amendment was adopted without objection.

Mr. Nugent offered the following amendment to the bill:

Amend H. B. No. 231 so that Article 223(a) is hereby amended so that its first sentence shall hereafter read as follows:

"The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered or certified mail with return receipt requested not less than five days before the hearing."

The amendment was adopted without objection.

Mr. Nugent offered the following amendment to the bill:

Amend H. B. No. 231 so that Subsection (a) (3) shall hereafter read as follows:

"There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct or willful misbehavior of any of the arbitrators prejudicing the rights of any party;"

The amendment was adopted without objection.

Mr. Nugent offered the following amendment to the bill:

Amend H. B. 231, 58th Legislature, Regular Session, so that it shall hereafter read as follows:

"Article 224 is hereby amended so that it shall hereafter read as follows:

"A written amendment concluded upon the advice of counsel to both parties to submit any existing controversy to arbitration or a provision in a written contract concluded upon the advice of counsel to both parties to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable save upon such grounds as exist at law or in equity for the revocation of any contract."

The amendment was adopted without objection.

H. B. No. 231 was then passed.

LEAVE OF ABSENCE GRANTED

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

HOUSE BILL NO. 20 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 20, A bill to be entitled "An Act creating Permian State College of Technology at Odessa, Texas, providing that the organization, management and control of said College shall be vested in a Board of Regents and nine members to be appointed by the Governor of the State of Texas; empowering the Board of Regents to appoint and to remove the President, any faculty member or other officer or employee of the College, upon the advice and recommendation of the President of said College, when it deems such appointment or removal necessary to the best interest of the College, and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences, in fine arts, in business administration and in teacher training; providing for offering courses in engineering; establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for two 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, 1965, or as soon thereafter as possible, free and clear of any indebtedness or indebtednesses, encumbrance 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 reporting thereof; authorizing the Board of Regents to enter into contracts with the Department of Defense of the United States to establish and maintain courses in military training, for credit thereof, under certain conditions; providing authority for the Board of Regents to issue revenue bonds or obtain loans for the construction of dormitories, dining halls and student union buildings, such bonds and loans to be secured by income from rentals and services; providing for the construction of classrooms, laboratories, other facilities and equipment for the use of Permian State College of Technology through the issuance of revenue bonds or loans, such bonds or loans to be secured by 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.

The bill was read third time.

Mr. Traeger moved to table H. B. No. 20.

A record vote was requested on the motion to table.

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

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Present—Not Voting

Edwards Pipkin
Finney Woods

Absent

Banfield Johnson of Dallas
Chapman Ritter
Coughran Battenwhite
Dungan Stewart
Grover

Absent—Excused

Adams Koliba
Cannon McLaughlin
Cory Niemann
Gibbons Richardeson
Hughes Smith of Bexar
Isaacks Smith of Jefferson

PAIRED

Mr. Finney (present), who would vote Nay with Miss Isaacks (absent) who would vote Yea.

Mr. Woods (present), who would vote Yea with Mr. Smith of Bexar (absent) who would vote Nay.

Mr. Pipkin (present), who would vote Nay with Mr. Koliba (absent) who would vote Yea.

(The above record vote was requested by Mr. Morgan, Mr. Macatee and Mr. Traeger.)

A record vote was requested on the passage of H. B. No. 29.

The vote of the House was taken on the passage of H. B. No. 29 and the vote was announced Yea 65, Nays 57 and 6 present not voting.

A verification of the vote was requested and was granted.

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

Yea—65

Alana de la Garza
Barnes Duggan
Bass of Bowie Enkehardt
Bass of Harris Excalie
Berry Fairchild
Brooks Floyd
Brown Garrison Gladden
Butler Green
Coldwell Guffey
Camacho Harding
Carriker Harris
Cole of Galveston
Cook Haynes of Orange

Nays—57

Allen Hollowell
Arlidge Houston
Ball Jamison
Banfield Kiser
Beckham Knapp
Birkner McCollum
Blaine Macatee
Boyd Mason
Brown of Taylor Markgraf
Cain Morgan
Carpenter Moyer
Cavness Nugent
Cherry Parsley
Clayton Peeler
Crawford Petty
Cowles Price
Crain Gilliam
Crews Roberts
Davis Satterwhite
Doke Songines
Doud Sider
Freeman Stollenwerk
Glenz Thurmond
Grover Traeger
Haines of Brazos Ward
Hallmark Wells
Harling Wheeler
Harris of Dallas Wieten
Hendryz

Present—Not Voting

Bridges McDonald of Rusk
Edwards Pipkin
Finney Woods

Absent

Atwell Hinson
Chapman Johnson of Dallas
Collins Marry
Cotten Ritter
Coughran Shatt
Dungan Stewart
Fletcher

Absent—Excused

Adams Cannon
Mr. Clayton moved that the House recess until 11:00 o'clock a.m. next Monday.

Mr. Markgraf moved that the House adjourn until 9:30 o'clock a.m. tomorrow.

Mr. Townsend moved that the House recess until 9:30 o'clock a.m. tomorrow.

Mr. Barnes moved that the House recess until 7:30 o'clock p.m. today.

The motion to adjourn until 9:30 o'clock a.m. tomorrow was lost by the following vote:

**Yeas—30**

Alanis    Johnson of Bexar
Bass of Harris  Kilpatrick
Bridges  Knapp
Brown of Galveston  McClintock
Caldwell    Mann
Cole     Markgraf
Esquivel  Parker
Floyd  Rodrigues
Garrison  Rosson
Gladden  Satterwhite
Harris of Galveston  Shipp
Hinson  Black
Jarvis  Stollwagen
Johnson of Dallas  Woods

**Nays—89**

Fairchild  Brown of Taylor
Fletcher  Canales
Fondren  Carpenter
Foreman  Carringer
Glenn  Carrizabal
Green  Clayton
Grover  Cotten
Guffey  Cowden
Haines of Brazos  Cowles
Halling  Crenshaw
Hart  McClanahan
Haynes of Orange  McAdoo
Buchanan  Cain
Butler  Canale
Bustamante  Carpenter
Carrillo  Carrillo
Carver  Crowe
Curtis  Davis
Cuban  de la Garza
Culwell  Eckhardt
Crawford  Edwards

Mr. Woods (present), who would vote Nay with Mr. Smith of Bexar (absent) who would vote Yes.

Mr. Pipkin (present), who would vote Nay with Mr. Koliba (absent) who would vote Yes.

Mr. Bridges (present), who would vote Yes with Mr. Davidson (absent) who would vote Nay.

Mr. Finney (present), who would vote Yes with Miss Isaacks (absent) who would vote Nay.

The Speaker stated that H. B. No. 20 was passed by the above vote.

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

**LEAVE OF ABSENCE GRANTED**

Mr. Segrest gave notice that he would on the next Legislative Day call H. B. No. 91 from the table.

**NOTICE GIVEN**

Mr. Hefton moved that H. B. No. 804 be set as a special order for 11:00 o'clock a.m., Monday, May 20.

The motion prevailed without objection.

**MOTIONS TO ADJOURN AND TO RECESS**

Mr. Slider moved that the House adjourn until 11:00 o'clock a.m. next Monday.
The motion to adjourn until 11:00 o'clock a.m. next Monday was lost by the following vote:

**Yeas-30**
Allen  
Arledge  
Bauhfeld  
Bass of Bowie  
Boyson  
Brown  
Brown of Galveston  
Brown of Taylor  
Clayton  
Cotten  
Davis  
Edwards  
Ewald  
Green  
Heflin  
Hollowell  

**Nays-92**
Alaniz  
Ball  
Barnes  
Bass of Harris  
Beckham  
Berkner  
Blaine  
Bridges  

Cherry  
Cole  
Cowden  
Cowie of Hidalgo  
Craw  
Crews  
de la Garza  
Dougall  
Drabandt  
Eskel  
Fletcher  
Floyd  
Fondren  
Foreman  
Garrison  
Gladden  
Glenn  
Glover  
Gutfay  
Haines of Brazos  
Hallmark  
Harding  
Harris  
Harris of Galveston  
Harrington  
Hastings  
Harris of Dallas  
Haynes of Orange  
Hendryx  
Hinson  
Jamison  
Jarvis  
Johnson of Dallas  
Johnson of Bexar  
Kilpatrick  
Kissner  
Kochmann  
Lack  
Lack  

Absent—Excused
Adams  
Cannon  
Cory  
Gibbens  
Hughes  
Iseack  

The motion to adjourn until 11:00 o'clock a.m. next Monday was lost by the following vote:

**Yeas-61**
Ball  
Barnes  
Bass  
Bass of Bowie  
Beckham  
Berkner  
Blaine  
Bridges  

Cherry  
Cole  
Cowden  
Cowie of Hidalgo  
Craw  
Crews  
de la Garza  
Dougall  
Drabandt  
Eskel  
Fletcher  
Floyd  
Fondren  
Foreman  
Garrison  
Gladden  
Glenn  
Glover  
Gutfay  
Haines of Brazos  
Hallmark  
Harding  
Harris  
Harris of Galveston  
Harrington  
Hastings  
Harris of Dallas  
Haynes of Orange  
Hendryx  
Hinson  
Jamison  
Jarvis  
Johnson of Dallas  
Johnson of Bexar  
Kilpatrick  
Kissner  
Kochmann  
Lack  

Absent—Excused
Adams  
Cannon  
Cory  
Gibbens  
Hughes  
Iseack  

The motion to recess until 7:30 o'clock p.m. today was lost by the following vote:

**Yeas-51**
Ball  
Barnes  
Bass of Harris  

Blaine  
Bridges
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The motion to recess until 9:30 o'clock a.m. tomorrow was lost by the following vote:

Yeas—31

Barnes     | Kletter         |              |
| Bass of Harris | Lack        |              |
| Beckman     | McClinton       |              |
| Bridges     | McDonald        |              |
| Butler      | of Hidalgo      |              |
| Caldwell    | McDonald of Rusk|              |
| Carpenter   | Mann            |              |
| Cole        | Markgraf        |              |
| Eckhardt    | Mutchecch       |              |
| Enrolled    | Parker          |              |
| Fletcher    | Parsley         |              |
| Gidden      | Peeler          |              |
| Harris      | Rodrigues       |              |
| Hayes of Galveston | Shannon |              |
| Harris of Dallas | Townsend   |              |
| Hendryx     | Ward            |              |

Nays—88

Alanis     | Duggan          |              |
| Allen      | Edwards         |              |
| Arledge    | Fairchild       |              |
| Atwell     | Floyd           |              |
| Ball       | Pendren         |              |
| Bangfield  | Foreman         |              |
| Bam of Bowie| Garrison       |              |
| Berry      | Glenn           |              |
| Birkner    | Green           |              |
| Blaine     | Grover          |              |
| Brooks     | Guffey          |              |
| Brown      | Halves of Brazos|              |
| of Galveston| Hallmark       |              |
| Cala       | Harding         |              |
| Canales    | Harling         |              |
| Carricker  | Haynes of Orange|              |
| Cavness    | Hinson          |              |
| Chapman    | Hollowell       |              |
| Cherry     | Jamison         |              |
| Clayton    | Kilpatrick      |              |
| Cotten     | Knapp           |              |
| Cowden     | Kothmann        |              |
| Cowles     | Lizard          |              |
| Crab        | McGregor        |              |
| Davis      | Mcllhany        |              |
| de la Garza| McNutt          |              |
The motion to recess until 11:00 o'clock a.m. next Monday was lost by the following vote:

| Yeas—38  |  |  |  |
|----------|  |  |  |
| Allen    | McIntyre          |  |  |
| Arledge  | Macatee           |  |  |
| Atwell   | Morgan            |  |  |
| Brown of Taylor | Murray |  |  |
| Butler   | Farmer            |  |  |
| Chapman  | Pearcy            |  |  |
| Clayton  | Petty             |  |  |
| Cole     | Quillian          |  |  |
| Cotten   | Rapp              |  |  |
| Cuilnes  | Schiller          |  |  |
| Davis    | Simpson           |  |  |
| Fairchild| Rider             |  |  |
| Green    | Stewart           |  |  |
| Haines of Brazos | Thompson |  |  |
| Hallmark | Thurmond          |  |  |
| Healy    | Trager            |  |  |
| Hefley   | Ward              |  |  |
| Hollowell| Wells             |  |  |
| Jarvis   | Wisting           |  |  |

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Macatee, Miller, Morgan, Moyer, Murray, Nugent, Parmer, Peary, Pendleton, Petty, Pipkin, Price, Quilliam, Rapp, Richards, Roberts, Rosson, Satterwhite, Schiller, 

Absent:

Boyseon, Brown of Taylor, Collins, Cook, Congar, Crews, Dike, Duncan, Finney, 

Absent—Excused:

Adams, Cannon, Cory, Gluecks, Hughes, Irwin, 

Mr. Johnson of Bexar moved that the House recess until 7:30 o'clock p.m. today. Mr. Walker moved that the House adjourn until 10:00 o'clock a.m. tomorrow.
Mr. Clayton moved that the House adjourn until 9:00 o'clock a.m. next Monday.

Mr. Whitfield raised a point of order on further consideration of the motions to adjourn and to recess on the ground that the House has not transacted new business since consideration of motions to adjourn and recess.

The Speaker overruled the point of order.

Mr. Pearcy moved that the House adjourn until 11:00 o'clock a.m. next Monday.

vehicles sales taxes and registration fees, and providing for refunds of certain motor fuel taxes; amending Chapter 6 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925; and Subsection (2), (6) and (7) of Article 9.13, Chapter 9, Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.”

The bill was read third time.

Mr. Price moved that the House recess until 6:30 o'clock p.m. today.

Mr. Guffey offered the following amendment to the bill:

Amendment No. 1

Amend House Bill No. 342 by striking the words and figures “Article 6.13” wherever they appear in House Bill No. 342 and substituting therefor the words and figures “Article 6.09.”

A record vote was requested on the amendment.

The vote of the House was taken on the amendment offered by Mr. Guffey and the vote was announced Yeas 89, Nays 21.

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

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

Yeas - 76
Atwell
Bailey
Bass of Beal
Bass of Harris
Birkner
Blaine
Boyd
Bridges
Brooks
Brown
of Galveston
Carricker
Carr
Cook
of Galveston
Cotton
Cowles
Cran
de la Garza
Dugan
Eckhardt
Edwards
Esquivel
Fondren
Foreman
Garrison
Gladden
Guffey
Guthrie
Haines of Brazos
Hallmark
Harding
Harris
Haynes
Haynes of Orange
Hefton
Hinson
Johnson of Bexar
Johnson of Galveston
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The Speaker stated that there was not a quorum present. Mr. Butler moved a Call of the House for the purpose of securing and maintaining a quorum until 10:30 o'clock p.m. today.

The motion for the Call of the House was seconded. The motion for the Call of the House prevailed.

The Speaker directed all Members present to register. A verification of the registration was requested, and was granted.

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

Mr. Speaker

Allen

Arledge

Ball

Bass of Bowle

Bass of Harris

Beckham

Birkner

Blaine

Boysen

Bridge

Brooks

Brown

Barnes

Berry

Brown of Taylor

Butler

Caldwell

Canadas

Carpenter

Chapman

Chevy

Collins

Coughran

Cowden

Crews

Davis

Doke

Dungan

Fairchild

Flanery

Fletcher

Floyd

Adams

Alanis

Cannon

Cory

Gibbens

Isaacks

Kolba

Klager

Kolb

McClinton

McDonald

McDonald of Hidalgo

McSloan

Mertz

Parsley

Pearcy

Pendergrass

Piney

Plates

Pitts

Ponden

Powell

Presley

Richards

Robert

Rodrigues

Rogers

Roper

Rundell

Russo

Satterwhite

Segrest

Simpson

Stewart

Townsends

Walker

Ward

Weldon

Wells

Whatley

Whitefield

Wieting

Woods

Mr. Speaker

Harris of Dallas

Allen

Arledge

Atwell

Ball

Bailey

Banfield

Bass of Harris

Beckham

Birkner

Blaine

Boysen

Bridge

Brooks

Brown

Barnes

Berry

Brown of Galveston

Butler

Caldwell

Canadas

Carpenter

Chapman

Chevy

Collins

Coughran

Cowden

Crews

Davis

dcg

Doke

Dungan

Fairchild

Flanery

Fletcher

Floyd

Adams

Alanis

Cannon

Cory

Gibbens

Isaacks

Kolba

Klager

Kolb

McClinton

McDonald

McDonald of Hidalgo

McSloan

Mertz

Parsley

Pearcy

Pendergrass

Piney

Plates

Pitts

Ponden

Powell

Presley

Richards

Robert

Rodrigues

Roper

Rundell

Russo

Satterwhite
The Speaker stated that there was a quorum present.

The Speaker instructed the Sergeant-at-Arms to bring in the absent Members except those previously excused on account of illness, and to call upon State law enforcement officers for assistance if necessary.

The question again recurred on the amendment offered by Mr. Guffey.

The amendment offered by Mr. Guffey to H. B. No. 342 was then adopted.

H. B. No. 342 was then passed.

Mr. Guffey moved to reconsider the vote by which H. B. No. 342 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE

Mr. Townsend requested to be recorded as voting Nay on the passage of H. B. No. 342.

H. B. No. 671, A bill to be entitled "An Act amending Section 1 of Chapter 39, Acts of the 44th 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 orders otherwise, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 1018 ON THIRD READING

Mr. Whately moved that further consideration of House Bill No. 1018 be postponed until 11:55 o'clock p.m., May 24, 1963.

Mr. Moyer moved, as a substitute motion for the motion by Mr. Whately, that further consideration of House Bill No. 1018 be postponed until next Wednesday, May 22, at 10:00 o'clock a.m.

Mr. Nugent moved to table the substitute motion by Mr. Moyer.
A record vote was requested on the motion to table. The motion to table the substitute motion by Mr. Moyer prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Noes</th>
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<tbody>
<tr>
<td>75</td>
<td>40</td>
</tr>
</tbody>
</table>

Allen, Johnson of Bexar  
Barnes, Kilpatrick  
Bass, Reinecke  
Bass, Lack  
Beckham, Liptarski  
Birkner, McDonald  
Bridges, Hidalgo  
Brooks, McDonald of Rusk  
Brown, McElhany  
Banfield, Cowden  
Berry, Deeks  
Brown of Taylor, Duncan  
Caldwell, Fairchild  
Canalis, Fletcher  
Carpenter, McGregor  
Chapman, McNutt  
Collins, Shutt  
Coggins, Black  
Coughran, Wheeler  

Aye:  
- Allen  
- Barnes  
- Bass  
- Bass  
- Beckham  
- Birkner  
- Bridges  
- Bridges  
- Brown  
- Brown  
- Carriker  
- Cavend  
- Cherry  
- Cole  
- Cooper  
- Cron  
- Duggan  
- Eckhardt  
- Edwards  
- Finney  
- Floyd  
- Foulk  
- Freniere  
- Garrison  
- Hallmark  
- Harris of Dallas, Segrest  

Nay:  
- Arledge, Houston  
- Atwell, House  
- Bailey, Johnson of Dallas  
- Banks, Klages  
- Butler, Knapp  
- Cain, McClintock  
- Clayton, Maccabee  
- Crew, Moyer  
- Dugan, Murray  
- Edwards, Parsley  
- Finney, Pipkin  
- Floyd, Hagg  
- Foulk, Rosson  
- Garrison, Satterwhite  
- Hallmark, Scottsboro  
- Harris of Dallas, Segrest  

Mr. Nugent moved to table the motion by Mr. Whatley to postpone further consideration of H. B. No. 1018 until 11:55 o'clock p.m., May 24, and the motion to table prevailed.

Mr. Walker raised a point of order on further consideration of H. B. No. 1018 on the ground that it is in violation of Article III, Section 7, of the Constitution. The Speaker overruled the point of order.

A record vote was requested on the passage of H. B. No. 1018.

H. B. No. 1018 was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Noes</th>
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<tr>
<td>86</td>
<td>20</td>
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</tbody>
</table>

Allen, Cowles  
Arledge, Craig  
Banfield, Davis  
Barnes, de la Garza  
Bass, Duggan  
Bass, Beckhardt  
Buchanan, Edwards  
Birkner, Espinola  
Bridges, Finney  
Brown, Foreman  
Brown, Glenn  
Brown of Galveston, Glenn  
Butler, Green  
Carrier, Grover  
Cavanaugh, Guffey  
Cherry, Hanks  
Cherry, Hanks of Erath  
Cole, Harding  
Collins, Harding  
Coffin, Harris  
Coffin, Harris  
Cowden, Harris  
Cowden, of Galveston
Mr. Johnson of Dallas asked unanimous consent of the House to permit the Enrolling and Engrossing Clerk to make the following corrective changes in the Kothmann amendment adopted to H. B. No. 370:

Amend the Kothmann amendment to H. B. 370 by:

1. Striking out Section 4 (B).
2. Striking out the first sentence of Section 4 (C) and insert in lieu thereof the following:

"(C) So much of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended, as relates to the District Courts of Bexar County, Texas, is hereby amended so as to hereafter read as follows:"

3. Striking out the words and figures "168th" wherever they appear in the bill and insert in lieu thereof the words and figures "166th," and insert a comma and the word "Bexar" after the word "Orange" in Section 6, Page 6 of the printed bill.

The motion prevailed without objection.
dren to be present when the cause is heard, and requiring certain sworn statements from the defendant if he cannot be present; amending Article 6439 of the Revised Civil Statutes of Texas, 1925, so as to permit the courts to suspend visitation at reasonable times and places by the parent not having custody of children, with certain exceptions; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill No. 22 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Article 4632 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 128, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

'Art. 4632. No suit for divorce shall be heard, or divorce granted, before the expiration of sixty (60) days after the same is filed. In divorce suits the defendant shall not be compelled to answer upon oath nor shall the petition be taken as confessed for want of answer, but the decree of the court shall be rendered upon full and satisfactory evidence, upon the judgment of the court affirming the material facts alleged in the petition. Either party may demand a jury trial. If the court determines that the divorce should be granted, an interlocutory judgment shall be entered, unless the court should find upon good cause that a final decree should be entered. When six (6) months have expired after the entry of such interlocutory judgment, the court shall on the motion of the prevailing party enter the final judgment of divorce. Appeals may be taken from the interlocutory judgment.'

Sec. 2. The fact that the large number of broken homes creates a need for reforms in laws of this state relating to divorce and the further fact that the Governor has recommended reforms in the present law create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

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

Amendment No. 1
Amend Article 4632 as quoted in Section 1 of Committee Amendment No. 1 to House Bill No. 22 by striking out the words "the prevailing party" appearing on line 46 and substituting in lieu thereof the words "either party."

The amendment by Mr. Rosson to Committee Amendment No. 1 was adopted.

A record vote was requested on the adoption of Committee Amendment No. 1.

Committee Amendment No. 1 was adopted by the following vote:

Yeas—87

Arledge
Atwell
Baird of Harris
Birker
Boyzen
Brooks
Brown of Galveston
Butler
Carville
Cavness
Clayton
Cole
Cotten
Cowles
Cren
Crews
Duggan
Erickson
Esquivel
Finnis
Floyd
Fondren
Forrest
Garrett
Glaud
Green
Grover
Guffey
Halsen of Brazos
Hallmark
Harding
Haring
Haynes of Oranges
Healy
Heflin
Hollowell
Hughes
Jarnagin
Jarvis
Johnson of Dallas
Kilpatrick
Klag
Kohlmeyer
Lack
Ligard
McDonald of Rusk
McNutt
McElheny
Maces
Mann
Markgraf
Miller
Morgan
Mutchler
Nagengast
Parsley
Pender
Pentland
Phipkin
Price
Rags
Richards
Ritter
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Roberts  Stollenwerck
Rodriguez  Thronmond
Rosson  Townsend
Schiller  Ward
Scottigns  Weldon
Segrest  Wells
Shannon  Whately
Shipley  Whitfield
Slater  Whiting
Stewart  Woods

Nays—28

Allen  Harris of Dallas
Ball  Hendryx
Banfield  Houston
Barnes  Knapp
Bass of Bowie  McClintock
Bekham  McDonald
Blaine  of Hidalgo
Cain  Meyer
Davis  Parker
de la Garza  Pearcy
Dungan  Quismom
Edwards  Satterwhite
Gleam  Simmsom
Harris  of Galveston  Walker

Absent—Excused

Adams  McLaughlin
Alaiz  Niemeyer
Cannon  Richardson
Cory  Smith of Bexar
Gibbons  Smith of Jefferson
Imarks  Thompson
Koliba  Wilson

Mr. Fondren moved to table H. B. No. 22.
A record vote was requested on
the motion to table.

The motion to table H. B. No. 22
prevailed by the following vote:

Yeas—61

Ball  Carmon
Barnes  Cole
Bekham  Davis
Blaine  de la Garza
Bridges  Dugan
Brown  of Galveston  Niquivel
Cain  Floyd

Fondren  Markgraf
Foreman  Morgan
Garrison  Meyer
Gladden  Parker
Glenn  Parsley
Grover  Peary
Hallmark  Peeler
Harris  Phipps
Harris of Galveston  Price
Hayas of Orange  Ritter
Hendryx  Rodrigues
Houston  Satterwhite
Hughes  Scoggins
Jarvis  Shipley
Knapp  Simpson
Lack  Stollenwerck
McClintock  Thronmond
McDonald  Townsend
of Hidalgo  Walker
McDonald of Rusk  Weldon
McClinton  Thurmond
McDonald of Rusk  Weldon
McInery  Wells
Macatee  Whaley
Mann  Woods

Nays—50

Allen  Johnson of Dallas
Arledge  Johnson of Bexar
Banfield  Kilpatrick
Bass of Bowle  Glaser
Bass of Harris  Kothmann
Birkner  Lirarte
Boysen  Miller
Brooks  Mtscher
Butler  Nugent
Carriker  Parker
Clayton  Pendleton
Cotson  Petty
Cowles  Nap
Crain  Richards
Crew  Roberts
Crews  Roberts
Edwards  Rosson
Finney  Schiller
Green  Segrest
Goffey  Shkonn
Haines of Bexar  Sider
Haring  Stewart
Healy  Traeger
Hilton  Ward
Hinson  Whitley
Hollowell  Wisting

Absent

Atwell  Dake
Berry  Dugan
Brown of Taylor  Fairchild
Caldwell  Fether
Canciies  Harding
Cappner  Jamison
Chapman  McGregor
Cherry  McNutt
Collins  Murray
Cook  Shutt
Coughran  Slack
Cowden  Wheeler
The provisions of this Section 1c shall not apply to or include vehicles used exclusively in the stringing of
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The bill was read second time.

Mr. McDonald of Rusk moved that House Bill No. 66 be laid on the table subject to call.

There was no objection offered and it was so ordered.

SENATE BILL NO. 318 ON SECOND READING

Mr. Peary moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 318.

The motion prevailed by unanimous consent.

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

S. B. No. 318, A bill to be entitled "An Act removing the Attorney General from the Board for Lease of Eleemosynary and State Memorial Lands, the Boards for Lease of Lands owned by state agencies, Boards or agencies of the State of Texas, the Board for Lease of Texas Prison Lands, the Board for Lease of State Park Lands, the School Land Boards, the Board to sell judgments which cannot be collected, the State Depository Board, the State Tax Board, the Governor's Committee on Interstate Cooperation, the Executive Committee of the Texas Traffic Safety Council, the State Board of Trustees for the Employee's Retirement System of Texas, the State Banking Board, the State Board of Canvassers, the Council to expand certain license fees and hunting-boat registration fees and certain fees, the Study Committee to study the development of certain Texas beaches, and in lieu thereof substitute a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 120 of subchapter 8 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, relating to the opening of certain beaches and the taking up and consideration of certain election returns by the Secretary of State in the presence of the Governor or Attorney General, a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 4413 of the Revised Civil Statutes)."

The bill was read second time.

Mr. McDonald of Rusk moved that House Bill No. 66 be laid on the table subject to call.

There was no objection offered and it was so ordered.

Mr. Peary moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 318.

The motion prevailed by unanimous consent.

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

S. B. No. 318, A bill to be entitled "An Act removing the Attorney General from the Board for Lease of Eleemosynary and State Memorial Lands, the Boards for Lease of Lands owned by state agencies, Boards or agencies of the State of Texas, the Board for Lease of Texas Prison Lands, the Board for Lease of State Park Lands, the School Land Boards, the Board to sell judgments which cannot be collected, the State Depository Board, the State Tax Board, the Governor's Committee on Interstate Cooperation, the Executive Committee of the Texas Traffic Safety Council, the State Board of Trustees for the Employee's Retirement System of Texas, the State Banking Board, the State Board of Canvassers, the Council to expand certain license fees and hunting-boat registration fees and certain fees, the Study Committee to study the development of certain Texas beaches, and in lieu thereof substitute a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 120 of subchapter 8 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, relating to the opening of certain beaches and the taking up and consideration of certain election returns by the Secretary of State in the presence of the Governor or Attorney General, a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 4413 of the Revised Civil Statutes)."

The bill was read second time.

Mr. McDonald of Rusk moved that House Bill No. 66 be laid on the table subject to call.

There was no objection offered and it was so ordered.

Mr. Peary moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 318.

The motion prevailed by unanimous consent.

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

S. B. No. 318, A bill to be entitled "An Act removing the Attorney General from the Board for Lease of Eleemosynary and State Memorial Lands, the Boards for Lease of Lands owned by state agencies, Boards or agencies of the State of Texas, the Board for Lease of Texas Prison Lands, the Board for Lease of State Park Lands, the School Land Boards, the Board to sell judgments which cannot be collected, the State Depository Board, the State Tax Board, the Governor's Committee on Interstate Cooperation, the Executive Committee of the Texas Traffic Safety Council, the State Board of Trustees for the Employee's Retirement System of Texas, the State Banking Board, the State Board of Canvassers, the Council to expand certain license fees and hunting-boat registration fees and certain fees, the Study Committee to study the development of certain Texas beaches, and in lieu thereof substitute a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 120 of subchapter 8 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, relating to the opening of certain beaches and the taking up and consideration of certain election returns by the Secretary of State in the presence of the Governor or Attorney General, a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 4413 of the Revised Civil Statutes)."
The bill was read second time.

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

Committee Amendment No. 1
Amend Senate Bill No. 318 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. There is hereby created a Board for Lease of Eleemosynary and State Memorial Park Lands. This Board shall keep a complete record of all of its proceedings. A majority of each board for lease shall constitute a quorum for the transaction of business by that particular board. Each board for lease shall select a secretary who shall be nominated by the Commissioner of the General Land Office and approved by a majority of the particular board for lease."

Sec. 2. Section 1 of Chapter 416, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 6205a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. A board is hereby created to consist of the Commissioner of the General Land Office, one citizen of the state, appointed by the Attorney General with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the chairman of the Board of Control, who shall perform the duties hereinafter indicated; the board shall be known as the "Board for Lease of Eleemosynary and State Memorial Park Lands." The term "Board" wherever it appears in this Act shall mean the Board for Lease of Eleemosynary and State Memorial Park Lands. This Board shall keep a complete record in writing of all its proceedings."

Sec. 3. Section 1 of Chapter 419, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 6205a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. A board is hereby created to consist of the Commissioner of the General Land Office, one citizen of the state, appointed by the Attorney General with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the chairman of the State Prison Board, who shall perform the duties hereinafter indicated; the board shall be known as the "Board for Lease of Texas Prison Lands." The term "Board" wherever it appears in this Act shall mean the "Board for Lease of Texas Prison Lands." This Board shall keep a complete record of all of its proceedings."

Sec. 4. Section 1 of Chapter 419, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 6205a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. A board is hereby created to consist of the Commissioner of the General Land Office, one citizen of the state, appointed by the Attorney General with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the chairman of the Parks and Wildlife Commission, who shall perform the duties hereinafter indicated; the board shall be
known as the "Board for Lease of State Park Lands." The term "board" wherever it appears hereafter in this Act shall mean the Board for Lease of State Park Lands. This Board shall keep a complete record in writing of all its proceedings.

Sec. 5. Paragraph 5 of Section 5 of Page 465, Acts of the 46th Legislature, Regular Session, 1939, (codified as Article 5421c-3 of Vernon's Texas Civil Statutes) is amended to read as follows:

"5. There is hereby created a board to be known as the School Land Board, and to be composed of three (3) members, namely: the Commissioner of the General Land Office, who shall be chairman, the Governor and the Commissioner of Education."

Sec. 6. Article 4405 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Art. 4405. Judgments against insolvents. If the principal and sureties upon any judgment held by the state are insolvent, so that under any existing process of law said judgment or any part thereof cannot be collected, there shall be, and is hereby constituted a board consisting of one citizen of the state appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, Comptroller and State Treasurer, who are hereby empowered and authorized by such advertising as they may deem necessary to offer for sale at public outcry, or by private sale, as they may deem to the best interest of the state, all the right of the state to such judgment; and, if by public sale, the amount bid on the same shall not be deemed sufficient, they shall refuse to accept the same, and dispose of the same in any manner deemed by them to the best interest of the state, and upon sale shall make a proper assignment of said judgment to the purchaser."

Sec. 7. Article 2525 of the Revised Civil Statutes of Texas, 1897, as last amended by Chapter 164, Acts of the 46th Legislature, Regular Session, 1937, is amended to read as follows:

"Art. 2525. Depository Board. The State Treasurer, as secretary, together with the Comptroller of Public Accounts and the Banking Commissioner, shall constitute the State Depository Board. Said Board shall have the right and the power to make and enforce such rules and regulations governing the establishment and conduct of State Depositories and the handling of funds therein as the public interest may require, not inconsistent with the provisions of the laws governing such depositories, which rules and regulations shall be in writing and entered upon the minutes of the Board. Said Board shall have the power to determine and designate the amount of state funds deposited by them in State Depositories that shall be "demand deposits" and what amount shall be "time deposits," and may contract with said depositories to regard to the payment of interest on "time or demand deposits" not to exceed such rate as may be lawful under any Acts of Congress and such rules and regulations as may be promulgated by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation. The term "demand deposits," as used herein, shall mean any deposit which is payable on demand, and the term "time deposits," as used herein, shall mean any deposit with reference to which there is in force a contract that neither the whole nor any part of such deposit may be withdrawn by check or otherwise prior to the expiration of the period of notice which must be given in writing in advance of withdrawals. Wherein the word "treasurer" is used in the statutes it shall mean the State Treasurer, and the word "board" shall mean the State Depository Board."

Sec. 8. Article 7098 of the Revised Civil Statutes of Texas, 1925, as last amended by p. 645, Act of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

"Art. 7098. The State Tax Board shall be composed of the Comptroller, the Secretary of State and the State Treasurer. A record of the proceedings of said Board shall be kept at the State Capitol, and shall
be open to the inspection of the public.

Sec. 9. Section 1 of Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, (codified as Article 4413b-1 of Vernon's Texas Civil Statutes) is amended to read as follows:

'Section 1. There is hereby established a committee to be officially known as the Governor's Committee on Interstate Co-operation, and to consist of five (5) members. Its members shall be: The Secretary of State, ex officio; one citizen of the state, appointed by the Lieutenant Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; one citizen of the state appointed by the Speaker of the House of Representatives with the advice and consent of the House, who shall serve for a term of two (2) years; and two (2) other administrative officials or members of existing commissions to be designated by the Governor. The Governor shall appoint one of the five (5) members of this Committee as its chairman. In addition to the regular members, the Governor shall be an ex officio honorary non-voting member of this Committee.'

Sec. 10. Section 4 of Chapter 509, Acts of the 56th Legislature, Regular Session, 1957, (codified as Article 6701j of Vernon's Texas Civil Statutes) is amended to read as follows:

'Sec. 4. Members of the Texas Traffic Safety Council shall be designated by the Governor, except that there shall be an executive committee composed of the Governor as chairman, the Director of the Department of Public Safety as vice-chairman, the State Highway Engineer, one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, the Commissioner of Education and the Director of the Department of Public Welfare. The executive committee shall determine matters of policy and procedure when the Council is not in session. No person shall receive compensation or salary for his service as a member of the Council.'

Sec. 11. Subsection A of Section 6, Chapter 582, Acts of the 56th Legislature, Regular Session, 1947, as last amended by Chapter 498, Acts of the 56th Legislature, Regular Session, 1957, is amended to read as follows:

'A. State Board of Trustees.

1. The General Administration and responsibility for the operation of the Retirement System and for making effective the provisions of the Act are hereby vested in a State Board of Trustees which shall consist of six (6) members as follows:

a. Three (3) members who shall be appointed with the advice and consent of the Senate as follows:

(1) A member who shall be appointed by the Governor to hold office for the term of six (6) years beginning September 1, 1958, and ending August 31, 1964.

(2) A member who shall be appointed by the Chief Justice of the Supreme Court of Texas to hold office for a four-year term beginning September 1, 1958, and ending August 31, 1962.

(3) A member appointed by the Speaker of the House of Representatives who shall hold office for a two-year term beginning September 1, 1966, and ending August 31, 1968.

b. Three (3) trustees shall be employee members of the Retirement System and shall be nominated and elected by the members of the Retirement System for a period of six (6) years each, according to such rules and regulations as the State Board of Trustees shall adopt to cover such nominations and elections and provided however, that the elected employee members of the Board of Trustees on the date of September 1, 1958, shall continue to serve until the expiration of the term for which they were elected. Thereafter elections shall be held on or before July 31, 1958, and biennially thereafter for the purpose of nominating and electing an employee who is a member of the Retirement System to serve as an ex officio member of the Board of Trus-
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Sec. 13. Article 120 of Subchapter S of Chapter 492, Acts of the 52d Legislature, Regular Session, 1951, (codified as Article 3.38 of Vernon's Texas Civil Statutes) is amended to read as follows:

"Art. 120. Such returns counted. On the seventeenth day after the election, the day of election excluded and not before, the Secretary of State in the presence of the Governor and one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, or in case of vacancy or of inability or failure of either to act, then in the presence of either one of them, shall open and count the returns of the elections.'

Sec. 14. Article 157 of Subchapter S of Chapter 483, Acts of the 52d Legislature, Regular Session, 1951, (codified as Article 5.19 Vernon's Texas Election Code) is amended to read as follows:

"Art. 157. Any person intending to contest the election of any or all of the persons duly declared elected as electors of president and vice-president, shall within ten (10) days from the said fourth Monday in November, file with the Secretary of State a written statement of the ground on which such contestant relies to sustain such contest, and shall within such time, notify the contestant thereof in writing, and deliver to him, his agent or attorney, a copy of said statement. The contestant shall, on receipt thereof, within ten (10) days, file with the Secretary of State his reply thereto in writing. The contestant shall, as soon thereafter as possible, be tried and determined by the State Board of Canvassers, consisting of the Governor, one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and Secretary of State, or any two (2) of them; and their decision shall be final, and certificates of election, to the proper parties. Where not otherwise herein provided, the provisions of law relating to contests for the validity of an election for members of the Legislature shall apply to such contests for presidential electors.'

Sec. 15. Article 996 of the Penal Code of Texas, 1925, is amended to read as follows:
Art. 896. License fees under control of council.

All license fees and hunting-boat regulations fees collected under this Act, and all fines that may be made from this and shall be expended for land or other real estate only upon the authorization of a majority vote of a council composed of Game, Fish and Oyster Commissioner, one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the State Comptroller, who shall act on this council during their respective terms of office.

Sec. 16, Section 7 of Chapter 19, Acts of the 56th Legislature, Second Called Session, 1959, (codified as Article 14416b, Vernon's Texas Civil Statutes) is amended to read as follows:

'Sec. 7. Because of certain problems peculiar to the various beaches of Texas, a study committee is hereby authorized to study the development of those beaches. The committee shall be composed of three (3) Representatives to be appointed by the Speaker of the House of Representatives, three (3) Senators to be appointed by the Lieutenant Governor of the state, and, as ex-officio members, the Land Commissioner of the State of Texas, or a representative appointed by such Land Commissioner, the Chief Engineer of the Highway Department of the State of Texas, or a representative appointed by such Chief Engineer, and one citizen of the state appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years. The expense incurred by the legislative members of the Committee in performing their duty shall be payable one-half out of the Contingent Expense Fund of the House and one-half out of the Contingent Expense Fund of the Senate. Such Interim Committee shall examine into the special conditions prevailing as to the shore line in the various areas and shall, after due consideration, report to the Legislature, whether in Special or General Session, at the earliest time compatible with the performance of its duties. The report shall include recommendations for legislation, including the following subjects:

a. The most practical method of procuring the right-of-way necessary for construction of essential parallel highways and for vehicular parking areas (to facilitate access to the beach) all to be situated landward and above the beach;

b. Method of procuring easements for egress and ingress between such parking areas and the beach;

c. Procedure for negotiation and execution of cooperative agreements between the state and affected landowners for acquisition by gift or purchase of such rights-of-way and easements;

d. Recognition of rights in such landowners to construct works, including groins, for the protection of their property and meeting the standards to be prescribed in such legislation;

e. Method of negotiations with landowners for additional easements or deeds for park areas adjacent to the beach, for the use and pleasure of the public, provided such lands or easements can be obtained without cost to the state;

f. Any change necessary to bring general legislation into conformity with the fixed procedures applicable to National Seashore Areas, to the extent that lands along the coast may be designated to a National Seashore Area; and

g. Such other related matters as in the opinion of the Interim Committee should be included in such report so as to facilitate the development of Texas' beaches as public recreational areas and to further their development as a tourist attraction.'

Sec. 17. Article 4412 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

'Art. 4412. First office assistant.

a. In case of the absence or inability of the Attorney General to act, the first office assistant of the Attorney General shall discharge the duties which devolve by law upon the Attorney General.

b. The Attorney General shall designate one or more assistants who shall attend the meetings of any board or commission upon which
the Attorney General served as an ex officio member as of the effective date of this Act when requested to do so by such board or commission."

Sec. 18. The citizen members replacing the Attorney General on the boards and commissions amended by this Act shall be reimbursed for their actual meals, lodging and incidental expenses when performing their duties as members of their respective boards at all official meetings of the board on the same basis as is provided for members of the Legislature serving on boards, councils, committees or commissions, provided, however, that the travel expense herein provided shall not be paid but for fifteen (15) meetings of such boards per year. Each member shall make out under oath an itemized statement of the number of days engaged in attending official meetings of the board and the amount of expenses when presenting same for payment.

Sec. 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 20. The fact that the primary function of the Attorney General is to represent the state in all matters where legal advice or judicial proceedings may be required, and the fact that his ex officio duties curtail his availability to act as counsel to these boards and in many instances place him in the position of making a particular decision as an ex officio member and then subsequently having to defend such action in court create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."
viding for severability; and de-
claring an emergency.”

The amendment was adopted with-
out objection.

S. B. No. 318 was then passed to
third reading.

SENATE BILL NO. 318 ON
THIRD READING

Mr. Pearcy moved that the con-
stitutional rule requiring bills to be
read on three several days be sus-
pended and that
Senate
Bill
No.
318
be placed on
its
third
reading
and
final passage.

The motion prevailed by the
following vote:

Yeas---102
Allen
Alredge
Bannfield
Barnes
Bass of Bowie
Bass of Harris
Beckham
Birkner
Blaine
Blaylock
Boyle
Jones
Bridge
Brooks
Brown
of Galveston
Butler
Cain
Carriker
Carwile
Cavness
Cole
Cook
Cowles
Crain
Davis
de la Garza
Dugan
Dobbardt
Edwards
Evans
Fogel
Ford
Folds
Foreman
Garrison
Gladney
Grieve
Grove
Hammond
Hans of Brazos
Haller
Harding
Haring
Harries
of Galveston
Scoogtus
Skinner
Shipley
Simms
Sims
Slater
Stewart
Thornburg
Townsend
Troup
Walker
Skelton
Waddleton
Simmons
Walls
Whitney
Whittington
Woods

Nays---9
Ball
Clayton
Cotton
Harris of Dallas
Jarvis

Absent:
Wheeler
Adams
McLaughlin
Alans
McNutt
Almon
Parmer
Anderson
Picquin
Andrews
Pearsall
Anderson
Petty
Anderson
Price
Anderson
Quilliam
Anderson
Richard
Anderson
Ritter
Anderson
Rothfus
Anderson
Sansom
Anderson
Satterwhite
Anderson
Schiller

The Speaker then laid Senate Bill
No. 318 before the House on third
reading and
final passage.

The bill was read third time and
was passed.

HOUSE BILL NO. 96 ON SECOND
READING

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

H. B. No. 96. A bill to be entitled
“An Act to be entitled ‘The Vocca-
tional Rehabilitation Act of Texas’;
providing for vocational rehabilita-
tion of the mentally and physically
handicapped, except the legally blind;
establishing a Texas Vocational Re-
habilitation Council to administer
vocational rehabilitation services and
prescribing its powers and duties;
providing for appointment of a Di-
rector of Vocational Rehabilitation
and prescribing his duties; designating the State Treasurer to receive Federal funds available for vocational rehabilitation services and authorizing him to disburse such funds on the order of the Texas Vocational Rehabilitation Council, except those for rehabilitation of legally blinded; authorizing the acceptance of gifts and donations for vocational rehabilitation purposes, providing for confidentiality of records concerning recipients of vocational rehabilitation services; transferring all personnel, property, and funds of the Division of Vocational Rehabilitation of the Central Educational Agency to the Texas Vocational Rehabilitation Council designating the Council as successor to said Division of Vocational Rehabilitation and providing that it shall assume all statutory duties, obligations and responsibilities of said Division; providing that personnel of the Division of Vocational Rehabilitation, Central Educational Agency, hereby transferred to the Texas Vocational Rehabilitation Council shall have the option of retaining membership in the Teacher Retirement System of Texas or becoming members of the Employees Retirement System of Texas, providing a severability clause; repealing Sections 2, 2-a, and 2-b of Chapter 23, Acts of the 41st Legislature, First Called Session, 1929, as amended by Chapter 99, Acts of the 43rd Legislature, First Called Session, 1933, and all other laws and parts of laws in conflict with this Act; setting an effective date; and declaring an emergency."

The bill was read second time.

(Mr. Cook in the Chair)

Mr. Cotten raised a point of order on further consideration of H. B. No. 96 on the ground that there was not a quorum present when the bill was considered in Committee.

The Chair overruled the point of order.

(Speaker in the Chair)

Mr. Miller moved to table H. B. No. 96, and the motion to table prevailed.

MOTION TO CONSIDER S. B. NO. 255

Mr. Butler moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 255.

A record vote was requested on the motion to suspend the rules.

The motion to suspend the rules to take up and consider S. B. No. 255 at this time was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—56
Barnes Knapp
Blaine McDonald
Butler of Hidalgo
Cahm Matase
Cavness Miller
Cook Morgan
Cran Moyer
Crews Nugent
Davis Parsley
de la Garza Pendleton
Duggan Petty
Edwards Pixton
Finney Quilliam
Floyd Richards
Foreman Ritter
Garrion Schiller
Glenn Shannon
Green Shipley
Groover Simpson
Haines of Brazos Stollence
Hark Hallmark
Hargood Thompson
Harley Thurmond
Hendryx Townsend
Hughes Traeger
Jarvis Ward
Johnson of Dallas Whaley
Klager

Nays—50
Arledge Harris of Dallas
Ball Haynes of Orange
Banfield Hiseon
Bass of Bowie Hollowell
Bass of Harris Jamison
Beckham Johnson of Bexar
Birkner Kilpatrick
Bridges Kothmann
Brooks Laek
Brown of Galveston Lindsay
Carricker McDonald of Rusk
Cola McLain
Cotten Mann
Cowles Markgraf
Crawfish Parker
Eckhardt Parmer
Esquivel Pewer
Fondren Price
Gladden Rapp
Haring Roberts
Harris of Galveston Rodriguez Satterwhite
“Section 1. Article 21.14 of Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as last amended by Chapter 284, Acts of the Fifty-seventh Legislature, Regular Session, 1961 (codified as Article 21.14, Insurance Code, Vernon’s Texas Civil Statutes), is amended by the addition of a new Section 3a to hereafter read as follows:

“Section 3a. Persons other than licensed local recording agents who may share in profits of local recording agent.

'(1) Upon the death of a duly licensed local recording agent who is a member of an agency partnership, the surviving spouse and children, if any, of such deceased partner, or a trust for such surviving spouse and children, may share in the profits of such agency partnership during the lifetime of such surviving spouse or such children, as the case may be, if and as provided by a written partnership agreement, or in the absence of any written agreement, if and as agreed by the surviving partner or partners and the surviving spouse, the trustees, and the legal representative of the surviving child or children. Such surviving spouse and any such surviving children or trusts shall not be required to qualify as a local recording agent on behalf of such partnership without having qualified as a local recording agent; provided, however, that a duly licensed local recording agent agent who is a member of an agency partnership may, with the approval of the other members of the partnership, transfer any act of a local recording agent on behalf of such partnership without having qualified as a local recording agent; provided, however, that a duly licensed local recording agent who is a member of an agency partnership may, with the approval of the other members of the partnership, transfer any act of a local recording agent on behalf of such partnership without having qualified as a local recording agent; provided, however, that a duly licensed local recording agent who is a member of an agency partnership may, with the approval of the other members of the partnership, transfer any act of a local recording agent on behalf of such partnership without having qualified as a local recording agent.

'(2) Upon the death of a duly licensed local recording agent, who is not a member of an agency partnership, unless otherwise provided...
by the last will of such deceased agent, the surviving spouse and children, if any, of such deceased agent or a trust for such spouse or children, if any, shall continue to receive the business of said deceased agent, provided the agency business is continued by a duly licensed local recording agent. Said surviving spouse, trusts or children, may participate in such profits until the expiration of their respective lives. Said surviving spouse, trusts or children may not transfer an interest for their use and benefit; and such children may share in the profits of the agency during their lifetime, and during the lifetime of such surviving spouse and said children. Said surviving spouse, trusts or children shall not be required to qualify as local recording agents in order to participate in the profits of such agency, but shall not do or perform any act of a local recording agent in connection with the continuance of such agency business without first having been duly licensed as a local recording agent. (3) Except as provided in Subsections (1) and (2) above, and as may be provided in Section 6a, Article 21.14 of the Texas Insurance Code, no person shall be entitled to perform any act of a local recording agent in connection with such agency business without first having been duly licensed as a local recording agent.

"Sec. 2. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

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

HOUSE BILL NO. 104 ON SECOND READING

The Speaker laid before the House the following committee amendment to the bill:

Committee Amendment No. 1
Amend House Bill No. 104 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. For the purpose of promoting the health, safety and general welfare of the community, the Legislative bodies of cities and incorporated villages in counties having a population of more than one million (1,000,000), according to the last preceding Federal census are hereby empowered to enforce restric-
The Speaker sustained the point of order.

Mr. Duggan moved that House Bill No. 104 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 111 ON SECOND READING

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

"An Act relating to use of voting machines and other types of automatic ballot-tabulating equipment at elections in this State; amending Article 79 of the Election Code of the State of Texas (compiled as Article 114 of Vernon's Texas Election Code) to authorize use of additional types of voting and ballot-tabulating equipment and to provide procedures for their use; providing for approval of such equipment by the Secretary of State and for adoption of approved equipment by county commissioners courts; prescribing requirements for approval; revising provisions regulating the elections at which voting equipment is to be used after adoption; revising provisions relating to appointment and duties of election officers and watchers, procedures for the conduct of absentee voting at polling places, and procedures for the conduct of absentee voting at elections where voting machines are used; adopting present provisions to make them applicable to the conduct of elections where other types of voting equipment are used, and making additional provisions relative to use of other types of voting equipment; making other provisions to effectuate the purposes of the Act; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. Bilder offered the following committee amendment to the bill:
Committee Amendment No. 1

Be It Enacted by the Legislature of the State of Texas:

Section 1. Definitions. As used in this Act, unless the context clearly requires otherwise:

(a) The term "ballot" means in its relation to marking devices and tabulating equipment, one or more cards containing the name of the candidate, party designation, or a statement of a Constitutional Amendment, bond issue or other proposition with the word "yes" or "no" for voting for or against the Constitutional Amendment, bond issue or other proposition, and which is voted by the process of punching.

(b) The term "marking device" means an apparatus in which ballots are inserted, containing a magnifying lens and an apparatus for the piercing of ballots by the voter.

(c) The term "automatic tabulating equipment" means one or more devices which automatically examine and count punch holes in ballot cards.

(d) The term "central counting station" means one or more locations selected by the Commissioners Court for the automatic counting of ballot cards.

The words "ballot" and "ballot card(s)" are used interchangeably.

Sec. 2. Any person, firm or corporation being the owner or agent of the owner of any marking device or automatic tabulating equipment and desiring to have the same adopted for use in the State of Texas, may apply to the Secretary of State to have such device or equipment examined. Before the examination the applicant shall pay to the Secretary of State the sum of Four Hundred and Fifty Dollars ($450.00). The Secretary of State shall cause such device or equipment to be examined as hereinafter provided and shall make and file and keep on file in the office of the Secretary of State a report of such examination, which shall show whether the kind of device or equipment so examined can safely be used by the voters at an election or primary election, under the conditions hereinafter provided. If the report states that the device or equipment can be so used, it shall be deemed approved, and devices or equipment of its kind may be adopted for use at elections and primary elections as herein provided. Before making and filing such report, the Secretary of State shall require such marking device to be examined by three (3) examiners to be appointed by the Secretary of State for such purpose, one of whom shall be expert in patent law, and the other two (2) mechanical experts, and shall require from them a written report on such machine and which report shall be attached to the Secretary of State's report and kept on file. Each examiner shall receive the sum of One Hundred and Fifty Dollars ($150.00) as his compensation and expenses in making an examination and report as to each device or equipment examined by him. Neither the Secretary of State nor any examiner shall have any pecuniary interest in any marking device or automatic tabulating equipment. When the device or equipment has been approved, any improvement or change that does not impair its accuracy, efficiency, or capacity, shall not make necessary a reexamination or reapproval thereof. Any form of marking device or automatic tabulating equipment not approved as herein set out, or which has not been examined by the examiners and reported on pursuant to law and its use specifically authorized by law, cannot be used at any election or primary election in the State of Texas.

Sec. 3 (a). A marking device shall be constructed to provide facilities for voting for candidates at both primary and general elections, or at a nonpartisan, and also at a combination of a nonpartisan and partisan primary election or general election, and for voting a straight ticket at a general election by a single operation.

(b) A marking device shall:

(1) Insure voting in absolute secrecy,

(2) Permit a voter to vote for any person or on any proposition for whom or on which he is entitled to vote.

(3) Be durably constructed of material of good quality in a neat and
workmanlike manner, and in a form which shall make it safely transportable.

(4) Be so constructed that a voter may readily learn the method of operating it and may expeditiously cast his vote for his choice of candidates for all offices and any Constitutional Amendment, bond issue or other proposition.

(5) Contain a magnifying lens capable of magnifying the type on a ballot to substantially the same size as required on paper ballots.

(c) A marking device may contain means for transmission of data from the ballot to tabulating equipment at or away from the polling place.

Sec. 4. Tabulating equipment shall be capable of adjustment so as to examine and count only those ballot cards which are punched according to the instructions posted in the voting booth and to count the punch holes on ballots accurately for each candidate, Constitutional Amendment, bond issue or other proposition.

Sec. 5. (a) The Commissioners Court of any county in the State of Texas may adopt for use in elections and primary elections any marking device and automatic tabulating equipment approved by the Secretary of State, the court at any time may rescind or modify its previous order or orders adopting voting machines, and may discontinue use of voting machine altogether; and thereupon the marking device and automatic tabulating equipment may be used at any or all primaries and elections for voting, recording and counting the votes cast.

(b) A Commissioners Court may provide for the experimental use of marking devices in one or more polling places without a formal adoption thereof, and its use at the election in as valid as if the marking devices and automatic tabulating equipment had been formally adopted.

Sec. 6. At all state, district, county, or municipal elections and primary elections and all school, local option and bond elections, ballots or votes may be cast, recorded and counted by marking devices and automatic tabulating equipment, as provided in this Act, except questions voted on at the election which are unsuitable for marking devices and automatic tabulating equipment.

Sec. 7. The County Commissioners of a county which has adopted marking devices and automatic tabulating equipment for that county or any portion thereof, shall as soon as practicable, and in no case later than six (6) months after adoption thereof, provide for each voting precinct designated one or more approved marking devices in complete working order, and shall thereafter preserve and keep them in repair. The Commissioners Court of any county in the State of Texas, which has adopted marking devices for that county or any portion thereof may, if they deem it proper, at each August term of court, divide their respective counties, and counties attached thereto for judicial purposes, into convenient election precincts, containing any number of qualified electors each of which precinct shall be differently numbered and described by natural, or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three (3) consecutive weeks. If there be no newspaper in the county, then such copy of such order shall be posted in some public place in each precinct in the County. No election precinct shall be formed out of two (2) or more Justice Precincts nor out of the parts of two (2) or more Justice Precincts. The Commissioners Court shall cause it to be made out and delivered to the County Tax Assessor and Collector, before the first day of each September, a certified copy of such last order for the year following. The Commissioners Court, in establishing new election precincts shall divide any city or town into as many election precincts as they may see proper. Cities and towns and towns and villages incorporated under the general laws shall not necessarily constitute election precincts. No precinct shall be made out of parts of two (2) wards.
such marking devices or a part thereof be the property of the county, it shall be the property of the county paying for same and/or counties so to do. Devices and tabulating equipment provided by law wherein the rentals of may be applied on the purchase of any county is hereby authorized. Chases made by such county for leasing equipment after advertising to accept proposals of rental paid by such county for the use of county purposes provided and except, however, the Commissioners Court may renew and/or extend same for a term of not more than two (2) years in the event a runoff election or primary runoff election is held, such lease price shall be paid to the county, for each day such devices are used for voting purposes in such elections, and the Commissioners Court in fixing such lease price shall fix a lease price, and payment for same shall be received by the county, for each day such devices are for the purpose of payment of marking devices in the same manner and with the same authority as provided for the issuance of warrant, bond, certificates of indebtedness, or other obligations, to be used for the purpose of pay­ment of marking devices in the same manner and with the same authority as provided for the issuance of warrants, bonds, certificates of indebted­ness, or other obligations, by the General Laws of this State. The necessary tax shall be set aside at the time of creating such obligation so as to meet the debt provisions of the Constitution; provided, how­ever, that should the Commissioners Court or any county deem it for the best interest of such county, said Commissioners Court is hereby au­thorized to contract for the rental of marking devices by such county for use in elections for a term of not more than two (2) years in any one contract of rental. Upon the expiration of such terms of con­tract of rental such Commissioners Court may renew and/or extend same from time to time. Such contracts shall be made only after advertising for bids in the manner provided by the General Laws controlling the purchase, rental, or sale of marking devices and tabulating equipment. In general elections, the head of the first column on the front side of the ballot shall be print­ed the names of the candidates in the order provided for parties. Independent candidates shall follow in an order to be determined.
by a drawing as provided for paper ballots. The name of the political party of each candidate shall appear beneath the name of the candidate. A blank space shall be provided under the title of each office for writing in votes when authorized by law. In lieu of using an additional card for listing the ballot, uncontested races may be placed in a separate column or on a separate card headed "Uncontested Races," with the name of each candidate appearing under the title of the office for which he is a candidate, and if the election be one for which he is a candidate, and if the election be one at which party appear on the ballot, the party affiliation of the candidate shall be indicated by printing the name of the party which nominated him (or the word "Independent" if he be an independent candidate) after or beneath the candidate's name; and all such uncontested races shall be voted on as a block and the requirement of this article that the ballot in general elections be so arranged that the voter may be able to vote a straight ticket for all candidates of one political party, shall not apply to candidates appearing in the area for uncontested candidates. When presidential electors are to be voted upon, their names shall not appear on the official ballot, but the names of the candidates for President and Vice President, respectively, of the political parties, as defined in the law, shall appear immediately following spaces for voting a straight ticket, printed as one race, and the votes for presidential electors of the various parties shall be canvassed, counted, and returns made in accordance with Section 171 and Section 172 of this Code. When Constitutional Amendment or other propositions are to be voted on, they shall appear in uniform style and type.

Each official ballot in every general, special, or primary election shall have attached to the top a detachable stub of the width of the ballot. The date and designation of the election, the consecutive number of the ballot, instructions for voting, and the words "Note: Voter's signature to be affixed on the reverse side" shall be printed on the face of the stub. Nothing in this Act shall prohibit the placing of a Constitutional Amendment, bond issue or other proposition to be voted on by a voter upon the stub, except that the space for voting for or against such issue or for any candidate shall appear below the stub. The Commissioners Court may provide for a ticket, the ballot part, the county, city or town identification and precinct designation or other punch holes necessary for placing the ballot in correct reading position in the automatic tabulating equipment, pre-punched on each ballot card. If more than one ballot card is used at an election, different tints of paper, other than yellow, or other suitable means may be used for each type or part of the ballot to facilitate the sorting of ballots.

All ballots prepared for an election shall be numbered consecutive ly beginning with No. 1 in each county and the identical number that appears on the stub shall also appear on the ballot. Those identical numbers on the stub and on the ballot shall be printed or stamped in consecutive order on all the ballots, at the time of printing and before they are divided up and delivered to the election judges.

On each official ballot or stub where officers are to be elected or nominated there shall be printed the following instruction: "Vote for the candidate of your choice in each race by placing a punch hole in the space provided at the left of the name of such candidate." On each official ballot or stub on which party tickets appear, the following shall be added to the instruction note: "You may vote for all the candidates of a party by placing a punch hole at the left of the name of that party."

Sec. 10. The vote at all primary elections shall be by official ballot, which shall have a detachable stub as described in Section 9 of this Act. The official ballot may be divided into parts and printed upon two or more ballot cards or a part thereof provided all candidates for a single office shall appear on a single card or single part thereof. If parts of more than one ballot are printed on a single card, the ballots shall be separated by a heavy line. The name of the party shall be printed at the head of the ballot, and under such head shall be printed the names of all candidates, those for each nomination being arranged in
the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought. An appropriate space for a write-in candidate when authorized by law shall be provided under the title of each office. The ballot shall also contain the instruction note prescribed in Section 9 of this Act.

Beneath the name of each candidate for state and district offices there shall be printed the county of his residence. The ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least as many of such official ballots plus ten per cent (10%) as there are poll taxes paid for such precinct, as shown by the tax collector’s list.

Where two (2) or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county or judicial precinct, each candidate shall be voted for and nominations made separately and all such nominations shall be separately designated on the official ballots by numbering the same “Place No. 1,” “Place No. 2,” etc. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the office of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath the title of the office and the number so designated. Each voter shall vote for only one candidate for each nomination.

Sec. 11. In counties in which marking devices are adopted for use, the authorities charged with holding an election may provide ballot cards for absentee voting, permit such ballots to be marked with pencil, and count such ballots by automatic tabulating equipment.

Sec. 12. The authorities charged with providing ballots for a polling place, where marking devices are used shall provide sample ballots and instructions for voting with the marking devices. The voter shall be instructed to vote his election ballot with a punch mark opposite the name of the party if he wishes to vote a straight ticket or a punch mark opposite the name of each candidate for whom he wishes to vote. Appropriate instructions shall be included for voting for a person whose name is not printed on the ballot, voting a primary ballot, and for voting on any Constitutional Amendment, bond issue, or other proposition submitted at the election. Such sample ballots and instructions shall be posted in each precinct voting place throughout the time the polls are open and attention shall be especially called to them before each voter uses the device.

Sec. 13. Not less than three (3) days before an election or primary election, the authority charged with holding the same, shall cause to be held a public school of instruction for those who will actually conduct the election or primary election for the polling places, such school to be open to any interested person and notice of such meeting being given to the public press at least forty-eight (48) hours before same is to be held. No election officer shall serve at any election or primary election unless he has received such instruction and has received a certificate to that effect.

Sec. 14. Every marking device shall be furnished with a light sufficient to enable the voters to read the ballot labels when inserted in the marking device and shall be provided with a curtain or other equipment or be so arranged as to completely conceal the voter and his action while voting.

Sec. 15. The authority in charge of an election or primary where marking devices are used shall provide adequate facilities for instruction of voters prior to the election or primary, and shall cause to be placed in one or more convenient public places a marking device together with sample ballots for the purpose of instructing voters in the operation of the marking device.

Sec. 16. Before the time set for opening the polls, the election officers shall inspect the marking device to ascertain whether it is in good working condition.

One election officer shall attend the marking device and the other
Sec. 17. (a) The election officers shall admit only one voter to the marking device at one time and only after it has been ascertained that he is entitled to vote.

(b) Voting with the marking device shall be secret except as provided by law governing the use of paper ballots.

Sec. 18. If a marking device being used at an election becomes out of order, at an election, it shall be repaired if possible or another marking device substituted as promptly as possible. If repair or substitution cannot be made, the ballots may be marked with a pencil.

Sec. 19. (a) Unless otherwise ordered by the Commissioners Court, two (2) election officers previously determined by lot of different political parties shall be designated as counting officers. At the expiration of one hour after voting has begun, or at stated times to be determined by the Commissioners Court, the receiving officers shall deliver ballot box No. 1 to said counting officers, who shall at once deliver in their place ballot box No. 2, which shall again be opened and examined and securely closed and locked; and thereafter the voters shall deposit their ballots in box No. 2. The election officials designated as counting officials shall in the presence of Watcher proceed as follows:

1. Remove the voted ballots from the ballot container and from the envelopes and sort them according to types or parts of ballots. If two (2) or more identical ballot cards are found in a single envelope and appearing as a single ballot, or if a ballot is unnumbered, they shall not be counted. If a voted ballot with a signed stub undetached is found in the ballot box the stub shall be detached and the ballot sorted for counting; if it appears that any ballot is torn, bent or otherwise so torn, bent or otherwise damaged as to make it impossible to count, the ballots may be counted by the automatic tabulating equipment, the election officers shall segregate such ballots and place them separately in the container for delivery of ballots to the counting station.

2. If write-in votes have been cast they shall be canvased and balled.

3. All voted ballots which are to be counted by automatic tabulating equipment, a certification of the number of ballots enclosed, and the tally sheets for write-in votes shall be enclosed and sealed in strong envelopes or other containers provided for that purpose. Each sealed envelope or container shall be signed by each election officer and shall be delivered to the central counting sta-
tion by the two (2) election officers, unless otherwise ordered by the Commissioners Court.

Ballot boxes No. 1 and No. 2 shall be used by receiving officers and the counting officers alternately, or above provided, as often as the counting officers have exhausted the ballots in either box.

(b) As soon as the polls are closed and the last ballot has been deposited in the ballot box, the election officers shall in the presence of watchers proceed as follows:

1. Count the number of names on the poll lists.
2. Count the unused ballots without removing stubs.
3. Count the spoiled ballots returned by a voter.
4. Insert the totals of paragraphs 1, 2, and 3 on the report forms provided therefor.
5. Count and secure or inactivate all marking devices in the polling place so that no device may be used or operated by any unauthorized person.
6. Remove the remaining voted ballots from the ballot containers and from the envelopes and proceed as in (a) above.
7. List and total the number of voted ballots delivered to the counting officials and certify the total vote cast at the election. One or more copies of this certification shall be enclosed with remaining ballots delivered to the counting station.

(c) All other election supplies, records and stub boxes shall be delivered by the designated election officials to the authority in charge of the election.

Sec. 20. (a) The Commissioners Court shall establish one or more counting stations to receive voted ballots and other election supplies and records. A counting station shall be under the supervision and control of the Commissioners Court of the county or counties in which the counting station is located. All officers in charge of a counting station shall be deputized by the Commissioners Court.

(b) Each envelope or container shall be opened and its contents removed. The ballot cards shall be checked to ascertain if they are properly grouped and shall be arranged so that all similar cards from the same precinct are together.

If it appears that a ballot card is partially invalid, or is so torn, bent or otherwise defective that it cannot be counted by the counting device, the officials in charge of the counting station shall cause a duplicate of the valid portion of each such card to be punched in the presence of the watchers and substituted for the defective card which shall be preserved. All duplicate cards shall be clearly labeled by the word "Duplicate" and shall bear a serial number, which shall also be recorded on the defective cards.

Upon completion of the count, the officials in charge shall add to the results as so determined, the results of the write-in votes as canvassed and tallied by the precinct election officers and shall thereupon make a written return of the election.

(c) Processing and counting of voted ballots and the preparation of statement for each precinct, statements of canvass shall be done in the presence of witnesses designated by the Commissioners Court and watchers who shall sign the statements of canvass. The election authority shall cause a copy of the precinct returns to be posted conspicuously on the outside of the polling place.

Sec. 21. The authorities charged with holding an election or primary election are directed wherever possible, in the naming of election officers, to name for each precinct in which only one marking device is used, a presiding officer and three (3) clerks for such precinct of opposed interest in that election or primary election and in each precinct, in which two (2) or more marking devices are used, a presiding officer and four (4) clerks for such precinct of opposed interest in that election or primary election. If additional devices are used above two (2), an additional clerk may be employed for each additional two (2) devices. The number of judges and clerks herein authorized to be appointed, in all counties in which elections are conducted by the use of marking devices, shall be controlling.
and shall apply regardless of the provisions of Sections 15 and 16.

However, the authorities charged with holding the election may name additional election judges and clerks if deemed necessary. But each political party concerned in an election is entitled to name one watcher for each receiving official and one watcher for each counting official for each voting precinct where marking devices are used and one watcher for each central counting station, said watcher to be recognized by the presiding officer of that precinct or the official in charge of the central counting station, upon the presentation of a certificate signed by the County Chairman of that political party, and any candidate for a State office, the State Senate, any candidate for Representative in the House of the Legislature of Texas, or any candidate for District Judge, or any one-fifth (1/5) of the candidates for any counting office, or any one-fifth (1/5) of the candidates for precinct office; or any candidate for mayor, or any candidate for city commissioner in municipalities, or any three (3) candidates in a school election, or the proponents or the opponents of a bond issue, may name one watcher for each receiving official and one watcher for each counting official for each precinct in an election or primary election for each precinct where marking devices are used. Any candidate for the United States Senate or Representative in the House of the United States Congress may name one watcher of each receiving official and one watcher for each counting official in each election precinct where a marking device is used. The candidate desiring representation by a watcher shall sign a certificate setting out the name of the person, the number of the precinct where such watcher is to serve, such certificate to bear the signature of the candidate or candidates entitled to representation, together with the signature of the bearer. The presiding officer of the election must require a counter-signature and preserve the certificate of the bearer to the extent that it is the identical person referred to in the certificate but cannot for any other reason refuse to permit such watcher to serve.

For their services election officials and employees shall be paid a sum to be set by the authority charged with holding the election or primary election, but not less than the amount set now by law and not more than Ten Dollars ($10) per day, provided, however, that no election official shall be paid more than the pro-rata part of two (2) hours overtime after the polls are closed. Watchers may be paid by the interest they represent, but not to exceed Ten Dollars ($10) per day, provided, however, that the authority holding such election shall not pay for the services of such watchers.

Sec. 32. Except as otherwise provided in this Act, the provisions of all other laws relating to the conduct of elections or primary elections, shall so far as practicable, apply to the conduct of elections or primary elections where marking devices and automatic tabulating equipment are used.

Sec. 33. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 34. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 35. The fact that there is an immediate need to provide an expedited, economical and safe means for all citizens of the State of Texas to exercise their elective franchise, the provision for which will be expedited by the passage of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Section 23 of Committee Amendment No. 1 to House Bill No. 111 by adding to the end thereof the following:

"Recount of the returns of any election shall be by manual tabula-
tion upon written request by any candidate of the election. Such request shall be by registered mail.

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

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

Amend Section 1 of Committee Amendment No. 1 to H. B. No. 111 by inserting "or other positive identification," between the words "name" and "of" on line 35 page 1 and between the words "to" and "for" on line 33 page 1 of the printed bill, and by striking the words "a magnifying lens and" on line 42 page 1 of the printed bill.

The amendment was adopted without objection.

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

Amend Sec. 2 of Committee Amendment No. 1 to H. B. No. 111 by striking the words "under the conditions hereinafter provided," on lines 58 and 59 page 1 of the printed bill, and by striking the words "as herein provided" on line 61 page 1 of the printed bill, and by inserting the words "or electronic" between the words "mechanical" and "experts" on line 3 page 2 of the printed bill.

The amendment was adopted without objection.

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

Amend Section 3 of Committee Amendment No. 1 to H. B. No. 111 by striking lines 34 and 35 on page 2 of the printed bill.

The amendment was adopted without objection.

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

H. B. No. 111 was passed to engrossment.

Mr. Bass of Harris moved to reconsider the vote by which H. B. No. 111 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

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

The motion to adjourn until 10:00 o'clock a.m. tomorrow prevailed by the following vote:

Yea-39

Atwell
Jumson
Ball
Jarvis
Banfield
Johnson of Dallas
Barnes
Kippatrick
Bass of Harris
Knapp
Beckham
Birkner
Blaine
Kothmann
Bridges
Légerde
Brooks
McClintock
Brown of Galveston
McD. McDonald of Rust
Butler
Mann
Cavness
Markgraf
Coke
Miller
Cook
Morgan
Crews
Moyer
de la Garza
Negent
Duggan
Parker
Dickhardt
Parsley
Eqvivel
Peeler
Finney
Phipkin
Floyd
Price
Fondren
Rapp
Garrison
Rodriguez
Glaudon
Ratterwhite
Glen
Schiller
Grover
Segrest
Guffey
Shannon
Haines of Brazos
Shipley
Hallmark
Simpson
Haring
Stewart
Harris of Galveston
Thompson
Harris of Dallas
Townsend
Haynes of Orange
Walker
Healy
Widson
Hendryx
Weils
Hinson
Whaley
Houston
Whitfield
Hughes of Hidalgo
Woods

Nays-35

Allen
Davis
Arledge
Edwards
Bass of Bowie
Foreman
Boyson
Green
Cain
Harding
Carriker
Hefton
Clayton
Hollowell
Cotlen
Johnson of Bexar
Cowles
McDonald
Crain
of Hidalgo
The Benediction was offered by the Honorable Jack Crain, as follows:

"Our gracious Heavenly Father, we give thanks unto Thee for the many blessings of life. We pray that we shall always conduct ourselves so that we will be acceptable to Thee. These things we ask in Jesus’ Name. Amen."

In accordance with the motion to adjourn, the House, at 10:12 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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


Claims and Accounts: H. B. No. 804.

Conservation and Reclamation: H. B. No. 961.

Counties: H. B. No. 449, H. B. No. 1686.

Insurance: S. B. No. 476.


Labor: H. B. No. 179.

Military and Veteran’s Affairs: S. B. No. 481.

Municipal and Private Corporations: S. B. No. 483.

State Affairs: S. B. No. 352.

State Hospitals and Special Schools: S. J. R. No. 10.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 180, An Act to establish the County Criminal Court No. 3 of Tarrant County, Texas, to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Tarrant County, the County Criminal Court of Tarrant County and the County Criminal Court No. 1 of Tarrant County providing for the transfer of pending appeals of convictions had under the laws of the State of Texas and municipal ordinances of the municipalities located in Tarrant County, Texas from the County Criminal Court of Tarrant County and the County Criminal Court No. 1 of Tarrant County to the County Criminal Court No. 3 of Tarrant County; declaring the invalidity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; providing for the practice and procedure in said Court, for the terms of said Court, for the election, qualification and appointment of a judge thereof, and for the execution of a bond and oath of office; providing for the removal of said judge; providing for a clerk of said Court and for the duties of said clerk and the duties of the sheriff as to such Court; providing a seal for said...
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Court; establishing the fees and compensation to be paid the judge thereof and providing for the payment of such compensation; providing for the appointment, qualifications and compensation of an official shorthand reporter for said Court; conferring upon the judge of the County Criminal Court of Tarrant County and the judge of the County Criminal Court No. 1 of Tarrant County the power and authority to transfer matters and proceedings from their respective Courts to the said County Criminal Court No. 3 of Tarrant County; conferring upon the judge of the County Criminal Court of Tarrant County, the judge of the County Criminal Court No. 1 of Tarrant County and the judge of the County Criminal Court No. 3 of Tarrant County the authority to sit and act as judge of any of the other's Court; providing that hereafter the County Criminal Court No. 1 of Tarrant County shall be referred to as the County Criminal Court No. 1 of Tarrant County, and the County Criminal Court No. 2 of Tarrant County respectively; providing a severability clause; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 347, An Act creating two (2) County Courts of Dallas County at Law to be known and designated as County Court of Dallas County at Law Number 3, and County Court of Dallas County at Law Number 4, providing for the term and jurisdiction of said Courts; amending the jurisdiction of County Courts of Dallas County at Law Numbers 1 and 2 to make the same concurrent and coextensive with the jurisdiction of these Courts hereby created; provided that each of the Judges of the respective County Courts at Law of Dallas County, Texas, may sit for each other in all administrative matters in eminent domain proceedings and civil cases coming before them; providing the designation and transfer of cases to said Courts; providing for the power of said Courts to issue writs and other processes; providing for the qualifications, election and compensation of the Judges of said Courts; providing for the qualifications, appointment, and compensation of other officers of said Courts; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 488, An Act amending Section 10 of Chapter 76, Acts of the Forty-third Legislature, 1933, as amended (compiled as Section 7607d, Vernon's Texas Civil Statutes), relating to Board of Directors of Water Power Control Districts and the terms of such Directors, to provide that Directors shall receive compensation for their services in the sum of Twenty-five Dollars ($25) for each and every day taken in the discharge of their duties plus actual expenses of travel, food, lodging and incidentals in the discharge of such duties; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.
Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 512, An Act making it unlawful to take or catch, or attempt to take or catch, any white perch, crappie, or bass of any kind by use of a set net or seine in Morris County; providing a penalty for violations; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 527, An Act amending Section 3 of Acts 1959, Nineteenth Legislature, Regular Session, as amended by Acts of the Eighty-third Legislature, Regular Session, page 3, Section 2, to provide additional compensation for the sale of the General Fund of Nueces County to be paid out of the General Fund; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 572, An Act amending Chapter 402, Acts of the Fifty-fifth Legislature, Regular Session, as heretofore amended (Vernon's Texas Civil Statutes, Article 6228b), pertaining to the Employees Retirement System of Texas; amending Section 5, Subsection C, to provide for the calculation of occupational disability retirement benefits; repealing Section 1, Subsections 1 and 2, pertaining to the definition of regular and current interest; amending Section 5, Subsection D, Paragraph 8, by providing for the payment of occupational death benefits allowance to surviving spouse; amending Section 7, Subsection B, so as to provide for allocation of interest; amending Section 9, by providing for the exemption of annuity payments, contributions, optional benefit payments, and the moneys in the various funds of the System from any State, county, or local taxes, or any legal process whatsoever, and prohibiting assignment, except as specifically provided in the Act; providing an effective date; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 627, An Act amending Section 2 of Acts 1959, Fifty-sixth Legislature, page 56, to provide additional compensation for the sale to whom was referred the House of Representatives.

Hon. Byron M. Tunnell, Speaker of the House of Representatives. Austin, Texas, May 16, 1963

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 612, An Act making Section 2180 HOUSE JOURNAL

Austin, Texas, May 16, 1963

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

Your Committee on Enrolled Bills to whom was referred

SHANNON, Chairman. Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 579, An Act amending Chapter 6 of Title 13 of the Penal Code of Texas, 1935, by adding there­to a new Article 978e-1; permitting the sale in El Paso County, Texas, of black bass imported from without the United States, which were caught in Inland waters of a foreign country but not from international waters of the United States and such foreign country, so long as the taking of these fish for sale is permitted in the country from which they are im­ported, and so long as the fish are tagged according to the provisions of this Act; providing a penalty for the sale of black bass not properly tagged; repealing Section 4 of Chap­ter 178, Acts of the Thirty-ninth Legislature, Regular Session, 1923 (compiled as Article 933a of Vern­on's Texas Penal Code), which Ar­ticle is identical to Article 978e of the Penal Code of Texas, 1935; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 578, An Act amending Chapter 409, Acts of the Fifty-fifth Legislature, Regular Session, as heretofore amended (Vernon's Texas Civil Statutes, Article 6228b), pertaining to the Employees Retirement System of Texas; amending Section 5, Subsection C, to provide for the calculation of occupational disability retirement benefits; repealing Section 1, Subsections 1 and 2, pertaining to the definition of regular and current interest; amending Section 5, Subsection D, Paragraph 8, by providing for the payment of occupational death benefits allowance to surviving spouse, and pro­viding for payment to the dependent children in the absence of a sur­viving spouse; amending Section 7, Subsection B, so as to provide for allocation of interest; amending Sec­tion 9, by providing for the exemp­tion of annuity payments, contribu­tions, optional benefit payments, and the moneys in the various funds of the System from any State, county, or local taxes, or any legal process whatsoever, and prohibiting assign­ment, except as specifically provided in the Act; providing an effective date; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.
May 17, 1963

H. B. No. 580, An Act applying only to Jasper, Newton, Tyler, Hardin, Polk, San Jacinto, Trinity, Orange and Matagorda Counties; making it unlawful to use dogs in hunting game during open season in said Counties; providing a fine and jail sentence for any person who allows or knowingly allows, depending upon the County involved, any dog under his control to hunt, pursue, chase or molest any wild deer during closed season, or who possesses the carcass or part of any freshly killed deer during closed season; exempting Game Wardens from such provisions as to possession, as provided in Article 897 of the Texas Penal Code; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 587, An Act amending Article 1522 of the Penal Code of Texas, 1925, relating to refusal to allow reportedly diseased livestock to be examined by the Texas Animal Health Commission; amending Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, as amended, which relates to the eradication of diseases among livestock and domestic fowls, by inserting a new Section 1 (a) so as to include dead carcasses or parts thereof within the scope of the terms "livestock," "domestic animals" and "domestic fowls;" and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 590, An Act applying only to Sabine County, Texas; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said area; providing that the open season or period of time when it shall be lawful to hunt, take, kill or possess any game bird or game animal in Sabine County shall be the same as the open season provided in Jasper, Newton and Tyler Counties; providing a penalty for violation of the Act; suspending the operation of all laws providing open seasons in Sabine County; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 621, An Act amending Article 1899 of the Revised Civil Statutes of Texas, 1925, to provide that Commissioners' Courts may contract with private libraries in certain cases to furnish county free library services in areas not adequately served by the county free library; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 626, An Act permitting the taking of nutria in Marion and Morris Counties; amending Section 1 of Chapter 72, Acts of the Fifty-sixth Legislature, Regular Session, 1959, which permits the killing of nutria in Morris County, so as to place Marion County within the scope of that Act; repealing Chapter 91, Acts of the Fifty-second Legislature, Regular Session, 1951, which prohibits the taking of nutria in certain waters in Harrison and Marion Counties; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.
Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 616, An Act establishing open and closed seasons, setting bag and possession limits, prescribing means of taking and otherwise comprehensively regulating the taking of certain game animals, game birds, fur-bearing animals and fish in Red River County; providing penalties; repealing all laws in conflict; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 736, An Act to validate independent school districts created under the provisions of Article 2767, Revised Civil Statutes of Texas of 1925, as amended, having less than two hundred (200) scholarships and located in counties having two or more artificial lakes constructed by the United States of America, under the direction of the United States Army Corps of Engineers, validating the boundaries of such independent school districts and providing that no changes in boundaries shall be made by order of the County School Board unless previously approved by the Board of Trustees of such independent school districts; excepting certain districts in litigation; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 713, An Act amending Section 4 of Chapter 247, Acts of the Fifty-sixth Legislature, 1969, to change the period of time during which Black Drum Fish may be taken from such waters with nets under permit, and to limit such netting to the portion of such waters lying east of the intracoastal canal; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 734, An Act validating certain levies for ad valorem taxes heretofore made by the governing bodies of certain cities and towns in this State; making other provisions relating thereto; providing that this Act shall not affect any suit pending in any court of this State on the effective date of this Act; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 720, An Act declaring State Policy on the interstate character of goods, wares and merchandise and respecting the taxable status thereof; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 777, An Act amending Section 9 of Chapter 520 of Acts of the Fifty-first Legislature, 1949 (Section 9 of Article 1970-110a, Vernon's Texas Civil Statutes), to provide for the execution of a bond in the sum of One Hundred Thousand Dollars ($100,000), by the Probate Judge of Harris County, Texas, and the taking of the oath as provided for the County Judge of Harris County, Texas; and declaring an emergency.
Hon. Byron M. Tunnell, Speaker of the House of Representatives,

May 16, 1963

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

SHANNON, Chairman.

Austin, Texas, May 16, 1963

H. B. No. 786, An Act authorizing the creation of a Hospital District comprising all of Titus County, Texas, and the assumption of all outstanding indebtedness of Titus County incurred for hospital purposes; providing said District shall assume responsibility for medical and hospital care for the needy residing within the District; providing that such District shall not be created until authorized by a majority vote of the qualified property taxpayers in said District at an election called by the Commissioners Court on its own motion or upon petition; prescribing the form of the ballot for said election; authorizing the levy of a tax by said District not exceeding seventy-five cents (75¢) on the One Hundred Dollar valuation of taxable property for the purpose of maintaining and operating a hospital or hospitals in Titus County, and making additions and improvements thereto; providing the method of assessing and collecting taxes; authorizing the issuance of bonds by the District and prescribing the procedure therefor; prescribing the form of the bonds; providing that its bonds are payable from the sales of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

May 17, 1963

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

SHANNON, Chairman.

Austin, Texas, May 16, 1963

H. B. No. 937, An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "River Plantation Municipal Utility District of Montgomery County, Texas;" prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions as to its taxes and its tax assessor and collector; containing provisions relating to addition of land; providing that its bonds are legal and authorized investments; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

May 17, 1963

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

SHANNON, Chairman.

Austin, Texas, May 16, 1963

H. B. No. 970, An Act creating and establishing Bowie County Road District No. 1-A, in Bowie County, Texas, under Article III, Section 52 of the Constitution of Texas for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included thereunder; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds and prescribing the procedure therefor; directing the levy, assessment and collection of a tax
An Act authorizing the creation of a Hospital District in Brazoria County, to be known as the West Columbia-Brazoria and Damon Hospital District: providing for an election in Brazoria County to create a county-wide Hospital District; providing for the purpose of maintaining and operating the District, paying Indebtedness assumed by such District and bonds issued by the District; providing for the issuance of bonds by the District for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by a District shall be lawful investments and collateral for certain funds; providing for the selection of a governing body of such Hospital District; prescribing limitations on such power; providing for the making and disbursement of the funds of the District; providing that the same existing laws shall not affect the District hereby created or its powers hereby granted; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 995, An Act abolishing Junior College Districts which have conveyed all or substantially all of their property to a State supported Senior College or University, and which have no outstanding bonded indebtedness; providing for the continued collection and disposition of delinquent taxes in said Junior College Districts; repealing all laws and parts of laws in conflict herewith; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 1013, An Act providing for the creation of West Coke County Hospital District with boundaries coextensive with the boundaries of Commissioner's Precincts 1 and 2 of Coke County, pursuant to authority granted by Section 8 of Article IX of the Texas Constitution; providing for elections on the questions of the creation of such District and the levy of a tax not to exceed twenty-five cents ($0.25) on the One Hundred Dollar ($100) valuation for the payment of principal of and interest on said bond; providing for the custody and disbursement of the funds of the District; providing that the same existing laws shall not affect the District hereby created or its powers hereby granted; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.
its maintenance, support, the indebtedness assumed, and the payment of bonds issued by it; providing for the transfer of hospital facilities and assets; providing the District with power to issue bonds, and methods for authorizing same, for the purpose of the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping same for hospital purposes, and for any and all such purposes, and for the refunding of such bonds; providing that bonds issued by the District shall be lawful investments and security for certain funds; providing a governing body for such District, its powers and duties and the tenure of its members; withdrawing authority for the sale of bonds or levy of taxes for hospital purposes within the District by Coke County or any other municipality or political subdivision therein; enacting other provisions incident and germane to the subject and purpose of this Act; providing a severance clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 16, 1963

H. B. No. 180.
H. B. No. 228.
H. B. No. 287.
H. B. No. 488.
H. B. No. 512.
H. B. No. 572.

H. B. No. 579.
H. B. No. 580.
H. B. No. 587.
H. B. No. 590.
H. B. No. 621.
H. B. No. 626.
H. B. No. 626.
H. B. No. 713.
H. B. No. 734.
H. B. No. 736.
H. B. No. 760.
H. B. No. 777.
H. B. No. 736.
H. B. No. 937.
H. B. No. 970.
H. B. No. 962.
H. B. No. 996.
H. B. No. 1013.
H. C. R. No. 37.

SEVENTY-FIRST DAY
(Saturday, May 18, 1963)

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

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

Mr. Speaker
Adams
Allen
Arledge
Ball
Banfield
Bass of Bowie
Bass of Harris
Beckham
Birkner
Boyse
Brown of Galveston
Butler
Cain
Caldwell
Carpenter
Cavnas
Cherry
Cole
Coot
Cotlin
Cowden
Cowles
Crain
Crews
Cotton
Davis
de la Garza
Dugan
Edwards
Esquivel
Fleming
Foreman
Garriola
Gibbons
Gladden
Glenn
Green

May 18, 1963

H. B. No. 572.