Our Heavenly Father, enlarge our faith in Thee and strengthen our faith in each other. With eyes cleansed of self, may we see Thee as our Father, our needy fellows everywhere as our neighbors, and ourselves as our brother's keeper.

May the thoughts of our minds and the sympathies of our hearts, the words of our lips and the decisions of our deliberations be acceptable in Thy sight, O Lord, our strength and our Redeemer.

In Christ's Name.—Amen.”

LEAVES OF ABSENCE GRANTED

Mr. Cannon was granted leave of absence for today on account of a death in his family, on motion of Mr. Wells.

Mr. Cory was granted leave of absence for today on account of a death in his family, on motion of Mr. Crain.

HOUSE JOINT RESOLUTION NO. 27 ON THIRD READING

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

H. J. R. No. 27, House Joint Resolution “Proposing an amendment to Article VI of the Constitution of the State of Texas by adding a new section thereto, Section 2a, to provide for voting on electors for President and Vice-President, and on all state-wide offices, questions or propositions, by persons qualified to vote in this state except for meeting county or district residence requirements, and to provide for voting on electors for President and Vice-President by otherwise qualified United States citizens who have moved into or out of the state preceding a presidential election.”

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

Yeas-131

Adams
Arledge
Arnell
Ball
Barnes
Bass of Bowie
Bass of Harris
Beckham
Berrier
Birkner

Noes-44

Blaine
Boyce
Bridges
Brooks
Brown
Bossier
B. O. Harris
Baker
Call
Caldwell
Canales
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:

S. B. No. 243, An Act amending Chapter 148, Acts of the 42nd Legislature, 1931, as amended (compiled as Article 6081 of Vernon's Texas Civil Statutes), so as to allow cities and counties to acquire historical museums, buildings, sites and landmarks, and sites of archaeological or paleontological interest; and declaring an emergency.

S. B. No. 15, An Act to classify loans and lenders and provide for their regulation; stating legislative intent; providing a short title; defining terms; creating the office of Regulatory Loan Commissioner and providing for his appointment, qualifications, compensation and staff, and prescribing his powers and duties; prohibiting any person from engaging in the business of making loans with cash advances of One Thousand Five Hundred Dollars ($1,500) or less under certain conditions without first obtaining a license, and providing a penalty and loss of all principal and interest for violation thereof; providing for exemptions; prescribing fees and procedures for issuance of licenses, and grounds for denial thereof; prescribing minimum assets of licensees; requiring a license for each place of business and providing for changes of location; limiting licenses to resident citizens of the state and to corporations the majority of whose stock is owned by resident citizens, with certain exceptions; providing grounds and procedures for revocation and suspension of licenses and for surrender of licenses and for reinstatement; providing for examination of licenses' and others' records; granting the power of subpoena and other process on investigations and hearings by the commissioner and providing for cease and desist orders and injunctions; requiring licensees to keep books...
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Acts of the 52nd Legislature, Regular Session, 1963, (compiled as Article 1524a—1, Vernon's Annotated Civil Statutes of Texas), Chapter 17, Acts of the 48th Legislature, First Called Session, 1927, as amended, (compiled as Article 6165a, Vernon's Annotated Civil Statutes of Texas and Article 1129a, Vernon's Annotated Penal Code of Texas), and Subsections (5) and (6) of Article 19.01, Chapter 19, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, and all other laws or parts of laws in conflict herewith to the extent of such conflict carrying into effect the amendment to Article XVI, Section 11 of the Constitution, adopted November 8, 1969, providing for severability; and declaring an emergency.

S. B. No. 101, An Act amending Chapter 75, Acts of the 50th Legislature, 1947 as amended (codified as Article 6165b of Vernon's Texas Civil Statutes), by allowing the accumulation of credits for “creditable service” of an employee employed by two or more participating departments, if certain conditions are met; by providing for the retroactive application of this Act in favor of all persons eligible for benefits under the provisions hereof from and after January 1, 1959; and declaring an emergency.

REQUEST OF SENATE GRANTED

On motion of Mr. Haines of Brazos, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 73.

CONFERENCE COMMITTEE ON SENATE BILL NO. 73 APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 73:

Messrs. Haines of Brazos, Atwell, McLaurin, Schiller and Wilson.

HOUSE BILL NO. 945 ON SECOND READING

Mr. Jamison moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 945.

The motion prevailed by the necessary two-thirds vote.
The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 946, A bill to be entitled “An Act amending Section 1 of Chapter 186, Acts of the 46th Legislature, Regular Session, 1935, as amended, (compiled as Article 1370a, Vernon’s Penal Code of Texas), so as to prohibit owners of livestock or persons responsible for their control from allowing animals to traverse or roam at large on the right-of-way of any numbered Farm-to-Market Road in this State; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1
Amend Sec. 1 of House Bill No. 946 by inserting after the words “numbered Farm-to-Market Road” a comma and the following language:

“Where the said Farm-to-Market Road is enclosed by fences on both sides,”

The amendment was adopted without objection.

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

Committee Amendment No. 2
Amend the caption of House Bill No. 946 to insert after the words “any numbered Farm-to-Market road in this state” the following:

“Where the same is enclosed by fences on both sides;”

The amendment was adopted without objection.

H. B. No. 946 was passed to engrossment.

HOUSE BILL NO. 945 ON THIRD READING

Mr. Jamison moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 945 be placed on its third reading and final passage.

The motion prevailed by the following vote:
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Whitfield  Woods
Wieting

Nays—14

Bass of Bowie  Macke
Cole  Price
Collins  Romson
Cotten  Satterwhite
Crain
Harris of Dallas  Stollenwerck
Lack  Wilson

Absent

Banfield  Pearsy
Cook  Rodrigues
Fairchild

Absent—Excused

Cannon  Cory

The Speaker then laid House Bill No. 945 before the House on third reading and final passage.

The bill was read third time and was passed.

MOTION TO PLACE SENATE BILL NO. 341 ON THIRD READING

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

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

The motion to suspend the rules in order to take up and consider S. B. No. 341 at this time was lost by the following vote, not receiving the necessary two-thirds vote:

Yea—75
Allen
Atwell
Banfield
Bass of Bowie
Berry
Boysen
Brown of Taylor
Butler
Cain
Call
Calloway
Campbell
Carmack
Chapman
Chapman
Clark
Clark
Coachman
Cowles
de la Garza
Daggar
Daggar

No—62

Adams
Alans
Aridge
Ball
Barnes
Bass of Harris
Beckham
Birkner
Blaine
Bridges
Brooks
Brown of Galveston
Carpenter
Carrick
Cavness
Cherry
Clayton
Collins
Cowden
Crow
Drews
Dugas
Duke
Eckhardt
Esquivel
Gibbons
Gladden
Green
Hallmark
Harris
Harris
Heatly
Heads
McDonald
McDonald of Hidalgo
McDonald of Rank
McLaughlin
McNutt
Miller
Moyer
Murray
Muench
Nichols
Parker
Parsley
Pipkins
Quilliam
Rapp
Richards
Richardson

Present—Not Voting

Pendleton
Pettit

Absent

Cotten
Crain

Present—Excused

Cannon  Cory
Mr. Murray moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 753.

(Mr. Caldwell occupied the Chair temporarily.)

(The motion to suspend the rules prevailed.)

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 753, A bill to be entitled "An Act amending Section 5a of Chapter 68, Acts of the 48th Legislature, Regular Session, 1943, as amended (compiled as Article 5172a of Vernon's Texas Civil Statutes), providing for the limiting of hours of labor and prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Section 1. That Section 5a of Chapter 68, Acts of the 48th Legislature, Regular Session, 1943, as amended (compiled as Article 5172a of Vernon's Texas Civil Statutes) be amended to read as follows: "Provided further that no portion of this section shall apply to those employers." The amendment to Committee Amendment No. 1 was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.
H. B. No. 753 was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 753 ON THIRD READING

Mr. Murray moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 753 be placed on its third reading and final passage.

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

Yeas—99

Nays—36
Wheeler  Woods  Hayes of Orange  Bass of Bowie  Bridges  Brown of Galveston  Caldwell  Carpenter  Carr  Cherry  Collins  Cowden  Enckhardt  Finney  Fletcher  Flood  Glen  Goff  Gurley  Haring  Harris  of Galveston  Wilson

Absent—Excused
Cannon  Cory

VOTE RECONSIDERED ON S. B. NO. 375

Mr. Ritter moved to reconsider the vote by which S. B. No. 375 was set as a special order for 11:00 o'clock a.m. tomorrow.

The motion to reconsider the vote prevailed.

SENATE BILL NO. 375 ON SECOND READING

Mr. Ritter moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 375.

The motion prevailed by unanimous consent.

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

S. B. No. 375, A bill to be entitled "An Act amending the Veterans' Land Board-Veterans' Land Fund Act, being Chapter 318, Acts of the Fifty-First Legislature, Regular Session, 1949, as amended, providing for the issuance and sale of Veterans' Land Bonds; providing for certain
moneys and lands to comprise the Veterans' Land Fund; providing for the repayment of the principal and interest due on Veterans' Land Bonds, investments of the moneys of Veterans' Land Fund, certain uses of the moneys of the Fund, for the negotiability of Veterans' Land Bonds, declaring Veterans' Land Bonds to be legal investments under certain circumstances, for the purchase of Veterans' Land Bonds on the open market and cancellation of the indebtedness represented thereby, providing for certain expenses to be paid out of certain moneys of the Veterans' Land Fund; providing for the purchase of lands with certain moneys of the Veterans' Land Fund; providing for the purchase, subdivision and sale or resale of lands by the Veterans' Land Board and the payment of certain expenses out of certain moneys of the Veterans' Land Fund; providing generally for the sale of land acquired by the Veterans' Land Board, for the transfer, sale or conveyance of land by veterans and their heirs or assigns, for leases by veterans and their heirs or assigns, for the prohibition of certain transactions by veterans and their heirs or assigns and exceptions thereto, and for the issuance of deeds by the Chairman of the Veterans' Land Board and the effect thereof, providing a saving and severability clause; making the Act cumulative; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. No. 375, page 8, Sec. 4 by deleting the following language in the first sentence:

"and the expenses of delivering such bonds, including but not limited to the costs of travel, lodging, and meals of any officers or employees of the Board, the State Comptroller, the State Treasurer, and the Attorney General, necessary in the opinion of the Board to effectuate delivery of such bonds."

The substitute amendment was adopted without objection.

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

S. B. No. 375 was then passed to third reading.

SENATE BILL NO. 375 ON THIRD READING

Mr. Ritter moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 375 be placed on its third reading and passed.
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<td>McDonald of Hidalgo</td>
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The Speaker then laid Senate Bill No. 975 before the House on third reading and final passage. The bill was read third time and was passed.

House Bill No. 52

A bill to be entitled "An Act to make available to school districts of Texas applying therefore a summer school educational program partially supported by State aid grants to the extent herein provided, subject to certain duties, requirements and conditions prescribed and the approval of the locally developed program by the Central Education Agency; requiring also financing of such local program from funds of the participating district and required tuition fees; authorizing the payment of the State's share out of the Minimum Foundation School Fund; defining total cost of the district's program for allocation purposes of this Act; making this Act effective for the school year 1963-64 and thereafter; fixing maximum allocations of classroom teacher units for the next biennium only, 1963-64 and 1964-65; and declaring an emergency."

The bill was read second time on May 14, considered on May 20 and further consideration of the bill was postponed until 11:00 o'clock a.m. today.

Mr. Grover raised a point of order on further consideration of H. B. No. 52 on the ground that it is in violation of Joint Rule 9A.

The Speaker sustained the point of order.

House Bill No. 348

A bill to be entitled "An Act making unlawful the hiring of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; providing exemptions; making unlawful the transporting into the state of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; declaring terms; providing further exceptions; repealing all laws in conflict; and declaring an emergency."

The motion to reconsider the vote prevailed.

House Bill No. 548

A bill to be entitled "An Act making unlawful the hiring of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; providing exemptions; making unlawful the transporting into the state of strikebreakers by any person, firm or corporation not directly involved in a labor strike or lockout; defining terms; providing further exceptions; providing penalties; providing for separability; repealing all laws in conflict; and declaring an emergency."
Mr. Grover moved to table H. B. No. 348.

A record vote was requested on the motion to table H. B. No. 348.

The motion to table H. B. No. 348 was lost by the following vote:

**Yeas-53**
- Allen
- Arledge
- Atwell
- Ball
- Barnes
- Boyesen
- Brown of Taylor
- Butler
- Cain
- Canales
- Cavness
- Clayton
- Cotten
- Crain
- Crews
- Davis
- Doke
- Dugan
- Duncan
- Edwards
- Garrison
- Gibbens
- Grover
- Harris of Dallas
- Healy
- Houston
- Hendryx

**Nays-81**
- Adams
- Alaniz
- Alvarado
- Avery
- Beck
- Berry
- Bird
- Bland
- Bridges
- Brooks
- Brown of Galveston
- Caldwell
- Carpenter
- Carr
- Cherry
- Colby
- Collins
- Coughran
- Cowies
- de la Garza
- Eckhardt
- Edsall
- Finney
- Fletcher
- Floyd
- Fouch

A record vote was requested on the passage of H. B. No. 348.

H. B. No. 348 was passed by the following vote:

**Yeas-87**
- Alaniz
- Alvarado
- Avery
- Beck
- Berry
- Bird
- Bland
- Bridges
- Brooks
- Brown of Galveston
- Caldwell
- Carpenter
- Carr
- Cherry
- Colby
- Collins
- Coughran
- Cowies
- de la Garza
- Eckhardt
- Edsall
- Finney
- Fletcher
- Floyd
- Fouch
May 21, 1963

Mr. Weldon moved to reconsider the vote by which H. B. No. 348 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Mr. Jarvis moved that all the necessary rules be suspended for the

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

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

H. B. No. 668, By Gibbens: Equalizing rate of taxation of transfer of shares of stock without designated monetary value; and declaring an emergency.

H. B. No. 524, By Whitfield: Providing for competitive bidding on all purchases over $1,000.00 by a public school; and declaring an emergency. (As amended)

H. B. No. 810, By Floyd: Creating an additional Court of Domestic Relations for Harris County; and declaring an emergency. (As amended)

H. B. No. 991, By Duggan: Authorizing certain counties to issue construction bonds and refunding bonds and declaring an emergency.

H. B. No. 672, By Walker: Relating to salary of official shorthand reporter of the 75th Judicial District; and declaring an emergency.

H. B. No. 757, By Walker: Providing that certain counties may adopt the use of the jury wheel for selection of jurors; and declaring an emergency. (As amended)

S. B. No. 519, By Schwartz: Relating to the Angleton Municipal Utility District; and declaring an emergency.

S. B. No. 521, By Owen: Authorizing certain state agencies to lease a building in El Paso County; and declaring an emergency.

S. B. No. 517, By Cole: Creating Harris County Water Control and Improvement District-Pondren Road; and declaring an emergency.

S. B. No. 327, By Herring: Prohibiting carrying, discharging, etc., of any weapon on lands of LCRA; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

SENATE BILL NO. 135 ON SECOND READING
purpose of taking up and considering at this time Senate Bill No. 138.

The motion prevailed by unanimous consent.

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

S. B. No. 138, A bill to be entitled "An Act amending Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended by House Bill 79, Acts of the 53rd Legislature, Regular Session, 1953, Chapter 242, Page 605, codified in Vernon's as Article 743b, Vernon's Penal Code, and known as the Hairdressers and Cosmetologists Act, so as to authorize the Attorney General or any district or county attorney to institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act; making other provisions relating thereto; authorizing suit for recovery of penalty for violating the Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 138 ON THIRD READING

Mr. Jarvis moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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The Speaker then laid Senate Bill No. 138 before the House on third reading and final passage.
The bill was read third time and was passed.

HOUSE JOINT RESOLUTION NO. 73 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. J. R. No. 73, A Joint Resolution "Proposing an amendment to Section 18 of the Article V of the Constitution of the State of Texas to provide that in certain instances of inequitable distribution of voters among county commissioners precincts, the county commissioners for non-representative precincts shall be elected at large from the county and need not be residents of the precincts for which they are elected."

The resolution was read third time.

(Mr. Hinson in the Chair)

H. J. R. No. 73 failed to pass by the following vote: (not receiving the necessary 100 yea votes.)

Year-69

Yeas-69

Adams
Allen
Barnes
Bass of Bowie
Bekham
Berry
Brown of Taylor
Butler
Canales
Carpenter
Clayton
Cotten
Coughran
Craig
Dungan
Edwards
Finney
Floyd
Gibbens
Glen
Glenn
Grover
Guffey
Hallmark
Healy
Hepson
Hendryx
Houston
Isaac
Johnson of Dallas
Kilpatrick
Lan
McDonald of Rusk
McLaughlin
Markgraf
Miller
Moyer
Mutscher
Niemeyer
Pendleton
Perry
Petty
Phipps
Price
Quilliam
Richards
Ritter
Rossen
Satterwhite
Schiller
Sgren
Shannon
Shutt
Shuler
Shipley
Simons
Silver
Smith of Bexar
Stewart
Thompson
Thurmond
Townsend
Wells
Wieting

In The Chair

Hinson

Absent-Excused

Cannon Cory

HOUSE BILL NO. 935 ON SECOND READING

Mr. Shutt moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 935. A record vote was requested on the motion to suspend the rules. The motion to suspend the rules prevailed by the following vote:

Year-198

Yeas-108

Adams
Allen

Wilson
Woods

Nays-65

Adams
Allen
Barnes
Bass of Bowie
Bekham
Berry
Brown of Taylor
Butler
Canales
Carpenter
Clayton
Cotten
Coughran
Craig
Dungan
Edwards
Finney
Floyd
Gibbens
Glen
Glenn
Grover
Guffey
Hallmark
Healy
Hepson
Hendryx
Houston
Isaac
Johnson of Dallas
Kilpatrick
Lan
McDonald of Rusk
McLaughlin
Markgraf
Miller
Moyer
Mutscher
Niemeyer
Pendleton
Perry
Petty
Phipps
Price
Quilliam
Richards
Ritter
Rossen
Satterwhite
Schiller
Sgren
Shannon
Shutt
Shuler
Shipley
Simons
Silver
Smith of Bexar
Stewart
Thompson
Thurmond
Townsend
Wells
Wieting

In The Chair

Hinson

Absent-Excused

Cannon Cory

May 21, 1963
In The Chair

Absten

Banfield

Haynes of Orange

Butler

Kilpatrick

Coldwell

Hage

Fairchild

Townsend

Absent—Excused

Cannon

Cory

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

H. B. No. 935, A bill to be entitled “An Act requiring that any retail store selling goods from a communist country must place a sign with each display of such goods; providing the requirements for said sign and the lettering thereon; providing a penalty for the violation of this Act; and declaring an emergency.”

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 935, by striking all below the Enacting Clause and substituting therefor the following:

Section 1. Any retail store or establishment selling any goods or commodities in this state that have been received from or manufactured in any country ruled by a communist form of government, if designated as such by the U.S. State Department, shall place a sign not less than eight inches (8”) wide and ten inches (10”) long with the display of any such goods or commodities; and there shall be a separate sign for each separate display of the above described goods or commodities. Each separate sign shall read, in letters not less than one-half inch (1/2”) in height, as follows:

“These goods have been manufactured in a communist country.”
Section 2. Any owner or operator of any retail store or establishment who knowingly violates any provision of this Act shall be fined not less than Fifty Dollars ($50) nor more than One Hundred Dollars ($100), for each successive day that the provisions of this Act are violated.

Section 3. The fact that labels required by the Federal Act are difficult to find on some merchandise and the further fact that legislation is needed to complement the Federal Labeling Act to assist the public in determining where the merchandise is manufactured 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.

(Speaker in the Chair.)

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

Amend Committee Amendment to H. B. 935 by including the words "or fascist country" after the words "communist country" anywhere they appear.

Mr. Shutt moved to table the amendment offered by Mr. Wilson to Committee Amendment No. 1.

A record vote was requested on the motion to table.

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

Year—77

Adams Duncan
Aycliffe Edwards
Atwell Finney
Ball Fletcher
Berry Floyd
Blaine Garrison
Brown of Taylor Gibbons
Butler Groover
Canales Hawaii of Brazos
Chapman Hallmark
Clayton Hasting
Collins Harris of Dallas
Coughran Hall
Cowinas Hinson
CRAIN Houston
Crews Jarratt
Davis Knapp
de la Garza Knapp
Dugan Kothmann

McClinton Richards
McDonald Rosson
McDonald of Hidalgo Satterwhite
McLaughlin Slaughter
McNutt Segrest
Mann Shannon
Markgraf Shiple
Miley Shutt
Morgan Simpson
Moyer Black
Murray Sfer
Muscheier Smith of Bexar
Niemeyer Smith of Jefferson
Nugent Stoltenwrech
Perry Thompson
Pendleton Tharmond
Petty Townsend
Pipkin Walker
Rapp Wieting

Nays—57

Alanis Hefon
Allen Hendryx
Barnes Hollowell
Bass of Bowie Imarks
Bass of Harris Jamison
Birkner Johnson of Bexar
Brookes Klander
Brow of Galveston Lacle
Caldwell Ligerde
Carpenter McDermor
Carriker Mcllany
Caruso Manier
Cherry Peeler
Cotton Price
Cowden Quillian
Duke Richardson
Eckhardt Ritter
Esquivel Roberts
Foreman Rodriguez
Glaedden Stewart
Glen Ward
Green Weldon
Guffey Wells
Harding Whirlfield
Hardy Wilson
of Galveston Woods
Haynes of Orange

Absent

Danfield Hughes
Beckham Kilpatrick
Boyson Pears
Cole Traper
Cook Whalen
Fairchild Wheeler
Fondren Woods

Absent—Excused

Cannon Cory
Mr. Parmer offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment to H. B. 935 by adding a new subsection (a) to read as follows:

"(a) A communist country under the definition of this bill shall be any country which maintains a mutual defense treaty with the Union of Soviet Socialist Republics and including the U.S.S.R."

Mr. Shutt moved to table the amendment offered by Mr. Parmer, and the motion to table prevailed.

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

Amend Committee Amendment to H. B. 936 by adding a new section to read as follows:

"The provisions of this Act shall also apply to those countries which are delinquent in their dues payments to the United Nations."

Mr. Shutt moved to table the amendment offered by Mr. Cotten, and the motion to table was lost.

A record vote was requested on the amendment offered by Mr. Cotten. The amendment offered by Mr. Cotten to Committee Amendment No. 1 was adopted by the following vote:

**Yeas—86**

[List of names]

**Nays—56**

[List of names]
ment offered by Mr. Cotten was adopted and to table the motion to reconsider.

The motion to table prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.

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

Amend Committee Amendment to H. B. 935 by adding a new Section which shall add the words: "the Comptroller shall be required to notify all holders of a state store tax permit the names of all countries to which this bill applies.

Mr. Shutt moved that House Bill No. 935 be laid on the table.

The motion prevailed.
storing the same and for the purpose of constructing and operating a complete sanitary sewer system; providing for a Board of Directors for the government of said Authority; providing the means of annexing additional territory to the Authority when annexed by the City; authorizing the Authority and the City of Lake Dallas to enter into a contract under which City employees will perform certain or all administrative duties of the Authority; authorizing the issuance of bonds and providing for the payment and security thereof; providing for the submission to the Texas Water Commission of plans and specifications prior to the issuance of construction bonds; making provision for the levying and assessment of taxes and constituting the City of Lake Dallas tax rolls the tax rolls of the Authority; conferring the power of eminent domain; prescribing other powers and duties of the Authority; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

SENATE BILL NO. 498 ON SECOND READING

Mr. Knapp moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 498.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 498, a bill to be entitled "An Act authorizing the Commissioners Courts of Armstrong, Potter and Randall Counties to pay the District Judge of the 47th Judicial District a reasonable sum not to exceed $6,000 per annum; authorizing the Commissioners Court of Potter County to pay the District Judge of the 108th Judicial District a reasonable sum not to exceed $4,000 per annum; providing that such compensation shall be in addition to other compensation paid or authorized; providing for additional compensation which may be paid visiting judges; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 498 ON THIRD READING

Mr. Knapp moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adams
Alamia
Allen
Ariège
Atwell
Ball
Barnes
Base of Bowie
Base of Harris
Beckham
Berry
Birkner
Blaine
Boyd
Bridge
Brooks
Brown
of Galveston
Brown of Taylor
Butler
Call
Caldwell
Canales
Carpenter
Carriker
Cavness
Chapman
Cherry
Clayton
Cole
Collins
Cook
Cowden
Cowies
Crews
Davis
de la Garza
Dugan
Duke
Edwards
Equivel
Finney
Fletcher
Floyd
Fowden
Faison
Gibbens
Gladden
Glen
Green
Grover
Guiffey
Halne of Bexar
Halling
Harrell
Harris
Hays of Galveston
Haynes of Orange
Heady
Helton
Hendry
Hinsa
Hollowell
Houston
Hughes
Jameison
Jarvis
Johnson
of Dallas
Johnson of Bexar
Klager
Knapp
Lack
Ligarde
McClinton
McDonald
of Hidalgo
McGregor
McHenry
McLaughlin
McMint
Macatee
Mann
Markgraf
Miller
Morgan
Murray
Matescher
Niemeyer
Nugent
Parker
Parmar
Perry
Petty
Piggin
Prime
Rapp
Richards
Richardson
Ritter
Rodrigues
Roeks
Roberts
Rodrigues
The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1078 ON THIRD READING

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1078 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Barnes of Bowie
Bass of Harris
Beckham
Berry
Birkner
Blaine
Boysen
Bridges
Brooks
Brown
Brown of Galveston
Brown of Hidalgo
Brown of Taylor
Buescher
Butler
Cain
Caldwell
Canales
Carpenter
Carriker
Chapman
Clayton
Cole
Collins
Cook
Cowden
Cowles
Crawford
Crawford
Cron
Davis
Dawson
De la Garra
Dugas
Dugan
Dwight
Edwards
Escamcel
Finney
Fitcher
Floyd
Fombran
Garrision
Gladd
Glenn
Green
Greer
Guffey
Haines of Brazos
Haines of Galveston
Hames of Orange
Hendryx
Hinson
Hollowell
Houston
Hughes
Isaacks
Jamison
Johnson of Dallas
Johnson of Hidalgo
Kilpatrick
Knapp
Kothmann
Lack
Ligarde
McClinton
McDonald
McGregor
Mellhany
McLaughlin
McNutt
Macee
Mann
Markgraf
Miller
Morgan
Moyer
Murray
Niemeyer
Nugent
Parker
Peele
Peeler
Pendleton
Quilliam
Townsend
Johnson of Bexar
Kilpatrick
Kotmann
Lack
Ligarde
McClinton
McDonald
McGregor
Mellhany
McLaughlin
McNutt
Macee
Mann
Markgraf
Miller
Morgan
Moyer
Murray
Niemeyer
Nugent
Parker
Peeler
Peele
Pendleton
Quilliam
Townsend
Johnson of Bexar
Kilpatrick
Kotmann
Lack
Ligarde
McClinton
McDonald
McGregor
Mellhany
McLaughlin
McNutt
Macee
Mann
Markgraf
Miller
Morgan
Moyer
Murray
Niemeyer
Nugent
Parker
The Speaker then laid House Bill No. 1078 before the House on third reading and final passage.

The bill was read third time and was passed.

SENATE BILL NO. 289 ON SECOND READING

Mr. Allen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 289.

The motion prevailed by unanimous consent.

The Speaker then laid before the House on its second reading and passage to third reading, S. B. No. 289, A bill to be entitled "An Act amending Article 695C, Section 5A and Section 8B of Vernon's Civil Statutes, 1936, as amended originally from Acts 1929, 46th Legislature, Page 544; Acts 1941, 47th Legislature, Page 914, Chapter 659, 1 as amended Acts 1949, 51st Legislature, Page 743, Chapter 462, relating to appeals from orders of the advisory board as appointed by the State Department of Public Welfare, so as to change jurisdiction and venue on such appeals and making other provisions relating thereto; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill No. 289 by striking out all below the emasculating clause and inserting in lieu thereof the following:

"Section 1. Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended and reenacted by Chapter 659, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended by Chapter 462, Page 743, General and Special Laws of the State of Texas, Fifty-first Legislature, Regular Session, 1949, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, is hereby amended by amending Subsection 8 of Section 8(a) of said Article by amending paragraph (b) to provide that the hearing shall be held in the county of the residence of such person desiring a hearing and by adding a new paragraph (e) which shall hereafter read as follows:

"Subsection 8. Advisory Board.

"(a) In the event that any person, association, agency, corporation, or facility coming within the purview of this Act is denied a license to operate or solicit funds or said license to operate or to solicit funds has been suspended or revoked, said person, association, corporation, agency, or facility shall have the right to appeal within a reasonable time, and upon filing written notice of appeal, said appellant shall be granted a reasonable notice and opportunity for a fair hearing before the Advisory Board created in this Act.

"Within a reasonable time prior to the appellant's appeal hearing,
be, or his authorized agent, shall be fully advised of the information con-
tained in his record on which action was based if a request for such in-
formation is made in writing, and no evidence of which the appellant
is not informed shall be considered by the Advisory Board or the State
Department of Public Welfare as the basis for the decision after the hear-
ing.

"(b) The Advisory Board provided for herein shall consist of five (5) members appointed by the State
Board of Public Welfare. The members shall be appointed at least thirty
(30) days prior to the date set for the hearing and shall be comprised
of the Executive Officers of the institu-
tions coming within the same classification as the appellant, pro-
vised that not more than one (1) member shall be appointed from any
one (1) institution. When the Ad-
visory Board is appointed, the Board
shall immediately select its chair-
man and the chairman of the Board
shall notify the appellant in writing
of the date and place of the hearing,
said hearing to be set within a pe-
riod of not more than forty-five (45)
days after the Advisory Board is
notified of its appointment. Members
of the Advisory Board shall serve
on the Board without salary, but
each member attending the appeal
hearing shall be paid Ten Dollars
($10.00) per day for expenses for each
day in session, said payments being
made by the State Department of Public Welfare out of its funds. The
Advisory Board hearing shall be held
in the county of the residence of
such person desiring a hearing.

"(c) At the hearing all of the evi-
dence shall be recorded verbally,
and a copy of the transcript shall
be made available to the appellan-
t and the State Department of Public
Welfare, in accordance with rules
and regulations promulgated by the
Department of Public Welfare.

"The Advisory Board shall make
written opinions and recomenda-
tions to the State Department of
Public Welfare within a period of
ten (10) days after the hearing if
clash and failure to make the re-
port within the time prescribed may
be considered by the State Board of
Public Welfare as sufficient justifi-
cation for the appointment of a new
Advisory Board. These opinions and
recommendations shall be advisory
only, and shall not be binding upon
the State Department of Public Wel-
fare.

"(d) Nothing in this Article 8
concerning Advisory Boards shall be
interpreted to prevent any party in-
volved from due recourse to the
courts and in case of flagrant viola-
tion of this Act which endangers
the health or welfare of the children in the institution or facility,
the person, association, corporation,
society or facility may be temporarily
enjoined from operation during the
pendency of the appeal.

"(e) Any and all suits filed here-
under shall be filed within twenty
(20) days from the date of the order
of said Advisory Board created in
this Act in a District Court of the
minimum where the person filing such
suit or appeal has his residence, or
in any of the District Courts of
Travis County. In the event that
said Board should file suit against
any of the above named persons
coming within the purview of this
Act, said person shall have a right
to file a plea of privilege and be
enjoined from operation during the
pendency of the appeal.

"(f) The Advisory Board hearing shall be held
in the county of the residence of
such person desiring a hearing.

"(g) At the hearing all of the evi-
dence shall be recorded verbally,
and a copy of the transcript shall
be made available to the appellate
and the State Department of Public
Welfare, in accordance with rules
and regulations promulgated by the
Department of Public Welfare.

"The Advisory Board shall make
written opinions and recomenda-
tions to the State Department of
Public Welfare within a period of
ten (10) days after the hearing if
clash and failure to make the re-
port within the time prescribed may
be considered by the State Board of
Public Welfare as sufficient justifi-
cation for the appointment of a new
Advisory Board. These opinions and
recommendations shall be advisory
only, and shall not be binding upon
the State Department of Public Wel-
fare.
Mr. Allen offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 of Senate Bill 289 on page 2 of the printed page by adding after the period on line 30 this new language, to wit: "Such suit shall not be instituted or maintained in the county of residence of said person unless the County or District Attorney, whichever is appropriate, joins with the Attorney General of the State of Texas in bringing and prosecuting such action.

The amendment was adopted without objection.

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

S. B. No. 289 was passed to third reading.

SENATE BILL NO. 289 ON THIRD READING

Mr. Allen moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

YEAS--124


Sett Boyen Cherry Collins Harris of Dallas Houston Johnson of Bexar

McMillan Macklin Morgan Murray Mutchler Neymeyer Parker Farmer Farnley Fondast Petty Findley Flippin Price Quillian Richards Richerdea Ritter Rodrigo Rossom Satterwhite Schiller Segrest Shibley Shutt Simpson Slack Silker Smith of Bexar Smith of Jefferson

Stewart Thompson Thurmond Townsend Traeger Walker Ward Weldon Wells Wells Wheeler Whitfield Wilson Woods

The Speaker then laid Senate Bill No. 289 before the House on third reading and final passage.
The bill was read third time.

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

Committee Amendment No. 2

Amend Senate Bill No. 289 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended and re-enacted by Chapter 563, Page 514, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended by Chapter 462, Page 749, General and Special Laws of the State of Texas, Fifty-first Legislature, Regular Session, 1949, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, is hereby amended by amending Subsection 8 of Section 8(a) of said Article by amending (b) to provide that the hearing shall be held in the county of the residence of such person desiring a hearing, and by adding a new paragraph (e) relating to suits filed as a result of final action of revocation or denial of a license by the State Department of Public Welfare as to change jurisdiction and venue on such suits; providing a repealing clause, a saving clause; and declaring an emergency."

The amendment was adopted without objection.

S. B. No. 289 was then passed.

HOUSE BILL NO. 783 WITH SENATE AMENDMENTS

Mr. Smith of Jefferson called up with Senate Amendments for consideration at this time.

H. B. No. 783. A bill to be entitled "An Act authorizing the creation of a Public Hospital District in a portion of Jefferson County; providing for a Petition by qualified taxpaying voters defining said District, and requesting an election for the creation of such Hospital District, and for the levy of a tax and assumption of outstanding indebtednesses of cities and towns located in said District, and of Counties, incurred for Hospital purposes, and providing for the issuance of bonds and a levy of a tax for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; providing for the canvassing of returns of such election or elections by the Commissioners Court and orders declaring the results thereof; etc., and declaring an emergency."

On motion of Mr. Smith of Jefferson, the House concurred in the Senate Amendments to H. B. No. 783.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 783

Senate Amendment No. 1

Committee Substitute for H. B. No. 783.

An Act authorizing the creation of a Public Hospital District in a portion of Jefferson County; providing for a Petition by qualified taxpaying voters defining said District, and requesting an election for the creation of such Hospital District, and for the levy of a tax for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospitalization purposes and for maintenance and operation of same and providing limitations therewith, and assumption of outstanding indebtednesses of cities and towns located in said District, and of Counties, incurred for hospital purposes, and providing for the issuance of bonds, within certain limitations and levying of a tax within certain limitations for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; providing for the canvassing of returns of such election or elections by the Commissioners Court and orders declaring the results thereof; providing that such Public Hospital District shall be governed by a Board of nine (9) Trustees, six (6) of whom shall be elected by the qualified voters of the District, and two (2) of whom shall be Doctors of Medicine and shall be appointed by the Beaumont Academy of Medicine,
If in existence, but if not then in existence then they shall be appointed by Jefferson County Medical Association, and if said Association is then not in existence, then, they shall be appointed by the County Commissioners Court of Jefferson County, Texas, and one (1) of whom shall be a minister, rabbi or priest and shall be appointed by the other (8) Trustees of said Hospital District, and providing for the term of office of such Trustees and the manner of their election; constituting such Trustees a body corporate, with power to hold title to real and personal property, enter and be sued and perform other acts for the promotion of health in said District, and providing for the filling of vacancies on said Board; requiring an oath of office of such Trustees and a bond conditioned upon the faithful performance of their duties; providing the organization of such Trustees; providing the manner in which such Trustees shall be compensated and defining a quorum for the transaction of business; providing for the appointment by said Board of Trustees of a Public Hospital District Administrator, and such other officers as may be necessary, and empowering the Board of Trustees to fix their compensation; prescribing the duties of such Administrator; providing for the issuance of bonds and for the issuance of additional bonds in the event the original issue shall be insufficient; prescribing the maximum amount of bonds that may be outstanding at any time, and; providing the maximum maturity date of such bonds; providing for changes in proposed Hospital additions and extensions or equipment therefor, which will not increase the cost beyond the amount of bonds authorized; providing for a notice of such change or changes to be published in a newspaper of general circulation within the County; providing that the Secretary of said District shall keep accurate records of all such bond transactions; providing the manner in which bonds shall be issued, the denomination of same, the maximum interest rate and the maximum maturity date thereof; providing that the Attorney General shall certify the validity of such bonds; providing that upon approval of said bonds by the Attorney General said bonds shall be held prima facie valid; providing for the registration thereof by the Comptroller; providing that the Chairman of said Board of Trustees shall advertise and sell such bonds, and that the Treasurer of the District shall maintain the funds of the District; providing that such funds shall be deposited with the District Depository under the same conditions as are provided by Statute for County Depositories; and; providing that all interest earned from such Hospital funds shall belong to the Public Hospital District; providing for the levy, assessment and collection of taxes upon all property within the District, sufficient to pay the interest on the bonds, and redeem same at maturity; providing that an annual report be filed with the Trustees of said District, which shall include an estimate of proposed expenditures; providing for the levying, assessment and collection of taxes to maintain and operate such Public Hospital District; providing that any bonds not required for the purpose to which they were voted may, with the consent of the Trustees of said District, and upon a majority vote of the qualified taxpayers of said Hospital District be used for maintenance and operation purposes; prescribing the powers and duties of the Tax Assessor and Collector hereunder; providing the taxes authorized hereunder shall constitute a lien upon all property assessed therefor, and providing penalty for failure to pay such taxes; providing that the taxes of said District shall be assessed and collected by the County Tax Assessor-Collector in such amounts as determined and levied and assessed by the Board of Trustees of said District; under the same rules, regulations and provisions as provided for the assessments and collection of State and County taxes, and; providing that the Commissioners Court shall constitute a Board of Equalization for such Hospital District, and all laws governing Boards of Equalization for State and County taxing purposes shall govern such Board of Equalization; providing records for the use of the Assessor and Collector of taxes and prescribing that the Board of Trustees shall approve all tax levies; providing for the compensation of such Tax Assessor and Collector; authorizing the Trustees...
to require additional bond or security from such Tax Assessor and Collector; providing that the Collector shall certify all delinquent property in the District, and that said Tax Assessor and Collector shall proceed to collect said taxes, and if necessary to the suit to foreclose the tax lien of such Public Hospital District on such properties, providing for the manner in which the Treasurer shall disburse District funds; providing for the proper disbursement of moneys in the construction and maintenance fund and the interest and sinking funds, and prescribing the manner in which such funds may be invested; providing for the compensation of the Treasurer; providing for the powers of such Public Hospital District; providing for the manner in which contracts shall be let; providing for the refunding and paying off of bonded indebtednesses; providing for the lands, buildings and equipment of the County and Cities located within the boundaries of said Hospital District, and that title thereto shall vest in the Hospital District, providing for pro rata payment for lands, buildings and equipment of the County and Cities and Towns located within the Hospital District where all of such county, cities and towns are not within the boundaries of the Hospital District; providing for the assumption of outstanding indebtedness and bonds of such City and County by the Hospital District, and providing for the assumption of all legally incurred liabilities of any such City or County for Hospitalization purposes prior to the creation of said Hospital District, being assumed by said Hospital District; providing for pro rata assumption of indebtednesses and bonds of cities, towns and counties where all of such cities, towns and counties are not within such Hospital District and providing for pro rata payment of funds of cities, towns and counties for hospital and care of the indigent persons where all of the cities, towns and counties are not located within the Hospital District; providing that no county, any portion of which has been constituted a Hospital District, and no city, any portion of which is within the boundaries of said Hospital District, shall thereafter levy any tax for hospital purposes on any properties within said Hospital District, and such Hospital District shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent persons residing in said Hospital District; providing for the collection of delinquent taxes; and providing that portion of such delinquent taxes owed cities and counties on levies for city and county hospital systems, shall be paid to the Hospital District by the city and county collecting the same, and in the same proportion that a portion of a city and/or county is included in the Hospital District; providing for inspection of the Hospital District by the State Board of Health and any State Board of Charities; providing for the medical and hospital care of the needy and indigent persons residing in said Hospital District; empowering the Trustees of said District to accept donations, gifts and endowments for the Hospital District; making inquiry into ability of patients to pay for hospitalization, and providing for liability of relatives of hospital patients to pay for the care of said patients; providing for the Board of Trustees of such Public Hospital District having the power to annex adjacent territory to said Public Hospital District in Jefferson County, and in any county contiguous to Jefferson County; providing for an election by the qualified taxpaying voters of such territory approving the annexation of such territory to such Public Hospital District, and for the property owners of such annexed area assuming a proportionate part of the outstanding bonds and debts of such District; providing for deannexation of properties constituting a part of such Hospital District; providing that the said de-annexed property shall continue to be liable for the pro rata share of the outstanding bonds and debts of said Public Hospital District; providing that should any Section, sentence, clause or part of this Act be held unconstitutional, such decisions shall not affect the remaining portions thereof; and declaring an emergency.

Be It Enacted By The Legislature of The State of Texas:
Establishing of District; Powers of District;

Section 1. Under and pursuant to the provisions of Section 3, of Article IX of the Constitution of the State of Texas, there is hereby created a Hospital District within Jefferson County, including all of Jefferson County except those portions comprising the Jefferson County Drainage District No. 7, the Port Arthur Independent School District and the Sabine Pass Independent School District, as said boundaries existed on January 1, 1957, and are of record in the County Clerk's office of Jefferson County, Texas, and/or of record in the records of the Board of County School Trustees of Jefferson County, Texas, the boundaries of which Hospital District shall be set forth in a petition to the Commissioners Court of Jefferson County as hereinafter provided, with the power to issue bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and further, the power to levy a tax for an amount not to exceed seventy-five cents (75¢) on the one hundred dollar property valuation within such District for the purpose of meeting the requirements of the District bonds, the indebtedness assumed by it, and its maintenance and operating expenses, provided that such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year, and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year and providing that the portion of such tax to 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Sec. 2. The Hospital District shall be created in the following manner: upon the motion of the Commissioners Court of Jefferson County, the Commissioners Court may order an election to be held within said Hospital District to approve the creation of such District, or upon the petition of not less than one hundred (100) resident qualified property taxpayers within the boundaries of said District, to the Commissioners Court of Jefferson County, upon receiving such petition bearing such signatures, the said Commissioners Court shall hold a hearing therefore as provided for in Section 4 hereof, and shall upon finding said petition to contain not less than one hundred (100) signatures of qualified taxpayers residing in said District, order an election to be held within said District to approve the creation of said District. Said Commissioners Court shall order such election within ten (10) days after said motion finding said petition to contain the necessary signatures is made and carried by the Commissioners Court of Jefferson County, and the election shall be held in said District within thirty (30) days after it is ordered by the Commissioners Court of Jefferson County. At said election there shall be submitted to the qualified property taxpayers of such District, the proposition of whether or not a Public Hospital District shall be created within said portion of Jefferson County, and a majority vote of the qualified property taxpayers voting in said election in favor of the proposition shall be necessary.

The ballots shall have printed thereon:

“FOR the creation of a Hospital District; providing for the levy of a tax not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation of the properties of said District; and

AGAINST the creation of a Hospital District; providing for the levy of a tax not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation of the properties of said District; and

If such county, or any city, located wholly or in part within the said District, either, or all of them, have any outstanding indebtedness therefore incurred for hospital purposes which by the provisions of Section 9 of Article IX of the Con-
situation of the State of Texas are required to be assumed by the Hospital District, then the ballots of such election shall instead of the foregoing have printed thereon:

"FOR the creation of a Hospital District; providing for the levy of a tax not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation of the properties of said District for all purposes in any one year and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year on the One Hundred Dollar ($100) valuation of the properties of said District; and providing for the assumption by such District of all outstanding indebtedness incurred by Cities, Towns, and Counties for hospital purposes prior to the creation of this District, if said Cities, Towns, and Counties are located wholly within the boundaries of said District, and a pro rata portion of such indebtedness based upon the then last approved tax assessment rolls of the included Cities, Towns, and Counties, if less than all the territory thereof is included within the said District boundaries;" and

"AGAINST the creation of a Hospital District; providing for the levy of a tax not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation of the properties of said District for all purposes in any one year and providing that the portion of such tax to meet the requirements of the bonds of said District shall not exceed twenty cents (20¢) in any one year on the One Hundred Dollar ($100) valuation of the properties of said District; and providing for the assumption by such District of all outstanding indebtedness incurred by Cities, Towns, and Counties, if less than all the territory thereof is included within the said District boundaries;" and

Cash Deposit With Petition For Election For The Creation of Hospital District; Disposition

Sec. 3. The petition to the Commissioners Court; for the calling of an election to create the Hospital District herein provided for, shall be accompanied by two hundred dollars ($200) in cash, which shall be deposited with the Clerk of the said Court, and be used in defraying the costs of said election and any portion thereof not so used shall be refunded to petitioners, their agent or attorney.

Hearing On Petition; Time For Hearing; Notice

Sec. 4. At the same session when said petition is presented, the Court shall set said petition down for hearing at some regular or special session called for the purpose, not less than thirty (30), nor more than sixty (60) days from the presentation of said petition, and shall order the Clerk to give notice of the date and place of said hearing by posting a copy of said petition and other order of the Court thereon for twenty (20) days prior to the hearing in five (5) public places in said County, one at the courthouse door, and four (4) within the limits of the District.

Board of District Hospital Trustees; Election, Powers and Duties

Sec. 5. Such Public Hospital District shall be governed, administered and controlled by and under the direction of a Board of nine (9) Public District Hospital Trustees, six (6) of whom shall be elected at large from the Public Hospital District by qualified voters of said District, and two (2) of whom shall be Doctors of Medicine and shall be appointed by the Beaumont Academy of Medicine, or in the event the said Beaumont Academy of Medicine should cease to exist then said two (2) Trustees shall be appointed by the Jefferson County Medical Society, and in the event there is no such Jefferson County Medical Society, then said two (2) Trustees shall be appointed by the County Commissioners Court of Jefferson County, and one (1) of whom shall be a minister, rabbi or priest and
shall be appointed by the other eight (8) Trustees, said appointees to serve for the (2) years and said three (3) appointed Trustees to be subject to the approval of the elected members of said Board of Trustees. All of said Trustees must have been residents of the area comprising said Hospital District for at least (5) months and must be twenty-one (21) years of age or older. Whenever an election is ordered for the creation of such District at the same election at which there shall be determined the creation of such District, there shall also be submitted and voted upon by the qualified voters of such District, the question of who shall be the Public District Hospital Trustees in the event such District is created. The six (6) candidates for Public District Hospital Trustees receiving the highest number of votes at such election shall be declared the elected Trustees of such Public Hospital District; such Trustees so elected and the three (3) appointed Trustees when duly qualified hereunder shall be the legal and rightful Hospital District Trustees for such District within the full meaning and purpose of this law. The three (3) Trustees receiving the highest number of votes shall serve until the first Saturday of April of the second year following their election, when the (3) Trustees shall be elected for two (2) year terms and the other three (3) Trustees shall serve until the first Saturday in April of the year following their election at which time three (3) Trustees shall be elected for two (2) year terms. Thereafter there shall be an annual election on the first Saturday in April of three (3) Trustees in continuing sequence. Any candidate desiring to be voted upon as such first Trustee shall present a petition to the Commissioners Court no later than three (3) days before the order authorizing the election is issued by the Court, and shall be accompanied by a petition of not less than one hundred (100) of the qualified voters of such proposed District, requesting that his name be placed on the ticket as candidate for such Trustee. Said Board of Trustees shall adopt such rules, regulations and by-laws as they may deem proper, and they shall have the exclusive right to manage and govern said Hospital District. The Hospital District created under the provisions of this Act under the name of North Jefferson County Hospital District shall be, and is declared to be a political subdivision of the State of Texas, and as a governmental agency may sue and be sued in any and all courts in this State in the name of such District, and may receive bequests and donations or other moneys and funds coming legally into its hands and may perform other acts for the promotion of health in said District.

All vacancies in the office of elected Trustees shall be filled by appointment by the Board of Trustees for the unexpired term. All vacancies in the office of appointive Trustees shall be filled by appointment of the body which originally appointed such Trustee or Trustees if such body is still in existence, and if not, then by the applicable body set forth in Section 5 hereof, and such appointment shall be subject to approval by the elected Trustees.

In the event the number of elected Trustees cumulatively, shall be reduced to less than four (4), then the remaining Trustee or Trustees shall call a special election to fill said vacancies, and if they shall fail to do so within fifteen (15) days after said vacancies occur, the County Judge of Jefferson County, Texas, upon petition of any voter or creditor thereof shall order the holding of such election, fixing the date thereof and order the publication of notice thereof by any county officer, and name the officers to hold such election. In any such election held by order of the County Judge, the returns of such election shall be made to and filed in the office of the Clerk of the Court, and said Judge shall declare the results thereof. The officers elected shall furnish bond and qualify in the manner provided herein with reference to Trustees first elected for said District upon its organization.

Oath of Trustees

Sec. 6. Before entering upon his duties each Trustee shall take and subscribe to an oath faithfully to discharge the duties of his office without favor or partiality and to render a true account of his activities to the Board of Trustees of
said District whenever requested to do so. Such oath shall be filed with the Secretary of said District and preserved as a part of the District records.

Bond of Trustees

Sec. 7. Each Trustee shall give a good and sufficient Bond of Five Thousand Dollars ($5,000) payable to the Hospital District for the use and benefit of the District, conditioned upon the faithful performance of his duties.

Compensation of Trustees; Expenses; Organization; Quorum; Seal

Sec. 8. The trustees shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties hereunder. The Trustees shall organize by electing one of their number chairman, and one secretary, and one treasurer, and such other officers as they may deem fit. Five (5) Trustees shall constitute a quorum which shall be sufficient in all matters pertaining to the business of said District. All proceedings of the Board of Trustees shall be by motion or resolution recorded in a book or books kept for such purpose which shall be public records. The Board of Trustees shall adopt an official seal.

Administrator and Other Officers

Sec. 9. The Board of Trustees of said Hospital District shall appoint an Administrator and such other officers, including Medical Director, as they may deem necessary and fix the salary or other compensation to be paid by each of them. All such appointments shall be for an indefinite time and may be removable at the will of the Board of Trustees. The Administrator shall have control of administrative functions of said Hospital District, including the hiring and discharges of employees under his supervision. He shall be responsible to the Board of Trustees for the official administration of all affairs of the Hospital. In case of the absence or temporary disability of the Administrator, a competent person shall be appointed by the Board of Trustees. The Administrator shall be entitled to attend all meetings of the Board of Trustees and its committees and to take part in the discussion of any matter pertaining to the duties of his department, but shall have no vote. Such Hospital District Administrator shall have power, and it shall be his duty:

1. To carry out the orders of the Board of Trustees and to see that all of the laws of the State pertaining to the matters within the functions of his department are duly enforced;

2. To keep the Board of Trustees fully advised as to the financial condition and needs of the District. To prepare each year an estimate for the ensuing fiscal year of the probable expenses of his Department and to recommend to the Board of Trustees what development work should be undertaken and what extensions and additions, if any, should be made during the ensuing fiscal year, with an estimate of the cost of such development work, extensions and additions.

To certify to the Board of Trustees all of the bills, allowances and payrolls, including claims due contractors of public works. To recommend to the Board of Trustees salaries of the employees of his office and a scale of salaries or wages to be paid for the different classes of services required by the District.

Sec. 10. The Medical Director shall be in charge of all matters of a medical nature in said Hospital District subject to such rules and regulations as the Board of Trustees may adopt, and shall be entitled to attend all meetings of said Board of Trustees and take part in all discussions of said Board, but he shall have no vote.

Sec. 11. The Board of Trustees shall have the power and authority to issue and sell as the obligations of the Hospital District, and in the name and upon the faith and credit of the Hospital District, bonds for the purchase, including lands, construction, acquisition, including lands, repair or renovation of buildings and improvements and equipping the same for hospital purposes and for any and all such purposes, provided that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and
principal as same matures, provided said tax shall not exceed twenty cents ($0.20) in any one year on the One Hundred Dollar ($100) valuation of the properties of said District, and that said tax together with any other taxes levied for said District, shall not exceed seventy-five cents (75¢) in any one year on the one hundred dollar ($100) valuation of the properties of said District. Such bonds shall be executed in the name of the Hospital District, and on its behalf signed by the Chairman of the Board of Trustees, and countersigned by the Secretary of the Board of Trustees and shall be subject to the same requirements in the matter of approval thereof by the Attorney General of the State of Texas, and the registration thereof by the Comptroller of Public Accounts of the State of Texas, as are now by law provided for such approval and registration of bonds of such county. Upon the approval of such bonds by the Attorney General of Texas, the same shall be insurable for any cause. No bonds except refunding bonds, unless authorized by a majority vote of the legally qualified property taxing voters residing in the Hospital District, voting at an election called and held for such purpose. Such election may be called by the Board of Trustees of its own motion, and shall specify the place or places where the election shall be held, the date of the election, the purpose for which the election shall be held within such district at an early time. The outstanding bonds and additional bonds so ordered shall not exceed an amount of six percent (6%) of the assessed value of the real property in such District as shown by the latest annual assessment thereof made for the State and County taxation.

Changes in Proposed District Hospital: Procedure; Notice

Sec. 13. After the issuance of bonds is authorized, the Trustees may make changes in said proposed District Hospital, additions, or betterments thereto, extensions thereof, or equipment thereof, which will be of advantage to the District Hospital, which changes will not increase the cost of such proposed project beyond the amount of bonds authorized. Such changes may be made by the Trustees by entering on the minutes a notation of such changes. Notice of such change or changes shall be given by publication of notation with the book and page number of the minutes for two successive weeks in some newspaper of general circulation published in the English language within Jefferson County.

Record Book For Bonds; Inspection

Sec. 14. Before issuing any bonds hereunder, the Trustees shall provide a well-bound book in which a record shall be kept by the Secretary of said District of all bonds issued with their number, amount, rate

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of interest, and date of issue, when
due, where payable, and the amount
received for the same and the an-
nual rate of assessment made each
year to pay the interest on said
bonds and provide a sinking fund
for their payment, and upon the pay-
ment of any bond an entry thereof
shall be made in said book. Said
book shall at all times be open to
inspection of all parties interested
in said District, either as taxpayers
or bondholders.

Sec. 15. All bonds issued here-
under shall be issued in the name
of the District, signed by the Chair-
man of the Board of Trustees and
attested by the Secretary with the
seal of said District affixed thereto.
Such bonds shall be issued in the
denominations of not less than One
Hundred Dollars ($100) nor more
than One Hundred Thousand Dollars
($100,000) each and shall bear in-
terest not exceeding six per cent
(6%) per annum, payable annually
or semiannually, such bonds by their
terms provide the time, place, man-
ner and conditions of their payment
and the rate of interest thereon as
may be determined by said Board of
Trustees. No bond shall be made
payable more than thirty (30) years
after the date thereof.

Sec. 16. Before any bonds are
offered for sale the District shall
forward to the Attorney General a
copy of the bonds to be issued, certified
copy of the order of the said Board of
Trustees levying the tax to pay the
interest and providing a sinking fund
and a statement of the total bonded
indebtedness of such District as such,
including the series of bonds proposed
and the assessed value of the property
for the purpose of taxation as shown
by the latest official assessment of the
County with such other information
that the Attorney General may re-
quire. Such officer shall carefully
examine said bonds, and if he shall
find that they are issued in conformity
with the Constitution and laws
and that they are valid and binding
obligations upon such District, he
shall so officially certify.

Registration of Bonds By Comptroller; Prima-Facie Evidence
of Validity

Sec. 17. When said bonds have
been so approved they shall be regis-
tered by the Comptroller in a book
to be kept for that purpose and the
certificate of their approval shall
be preserved of record for use in
the event of litigation. Thereafter
said bonds shall be held prima-facie
valid and binding obligations in
every action, suit, or proceeding in
which their validity is brought in
question. In every suit to enforce
the collection of said bonds, the certi-
ficate of the Attorney General or a
duly certified copy thereof shall be
admitted and received in evidence
as prima-facie proof of the validity
of such bond, together with the
vouchers attached thereto.

Sale Of Bonds; Disposition Of
Proceeds Of District Fund

Sec. 18. When the bonds have
been registered, the Chairman of the said
Board of Trustees shall under the
direction of the said Board of Trus-
tees advertise and sell such bonds
on the best terms and for the best
price possible, but for not less than
the par value and accrued interest.
All money received from said sale
shall be turned over as received
by the Chairman of such Board of
Trustees to the Treasurer of said
Board of Trustees and shall be by
him placed to the credit of the Dis-
trict in the proper funds of said Dis-
trict in accordance with the purpose
or purposes for which said bonds
were voted. Said fund shall be dis-
bursed by said Secretary only by
vouchers drawn and signed by the
Chairman of the Board of Trustees
or such other officer of the District
as may be selected and designated
by the Board of Trustees. The Treas-
urer shall maintain in the name of
the said Hospital District such funds
as may be received by the Board of
Trustees and into which shall be
placed such money as the Board of
Trustees may by its resolution di-
rect. All such Hospital District funds
shall be deposited with the District
Depositories under the same resolu-
tions, contracts, and securities as
are provided by Statute for County
Depositories and all interest collected
on said Hospital funds shall belong
to such Hospital District.
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Tax Levy To Pay Bonds And Interest; Sinking Fund

Sec. 18. When bonds have been voted, the Board of Trustees of said Hospital District shall annually levy and cause to be assessed and collected by the County Tax Assessor-Collector and Commissioners Court of Jefferson County, Texas, taxes upon all property within the District, whether real, personal or otherwise, sufficient in amount to pay the interest on such bonds as it falls due, and to redeem such bonds at maturity. Such taxes when so collected shall be placed in the operation and maintenance fund.

Annual Report By Trustees

Sec. 20. The Trustees shall annually on or before the first day of June prepare and file with the Secretary of said Board of Trustees a full detailed report of the condition of the District Hospital with an estimate of the probable cost of maintenance, operation and needed repairs during the current year and the organization of said Hospital District and for such ensuing years together with an inventory of all funds, effects, property and accounts belonging to such District, and a list of all taxable; demands, debts and obligations against the District. Such report shall be verified by the Trustees and carefully investigated and considered before any levy of taxes is made under the succeeding section.

Assessment And Collection Of Taxes; Maximum Rate; Disposition

Sec. 21. Following the investigation and consideration of said above reports, the Board of Trustees of said Hospital District shall cause to be assessed and collected by the County Tax Assessor-Collector and the County Commissioners Court of Jefferson County, Texas, taxes for the current year of its organization for each year thereafter, upon all property in the District, whether real, personal or otherwise, sufficient to pay all lawful debts, damages and obligations against such District during the current year and each succeeding year thereafter. Such taxes when so collected shall be placed in the operation and maintenance fund.

Sale of Bonds Not Required For Purpose For Which Voted

Sec. 22. If any bonds remain which are not required for the purposes for which they were voted, then with the consent of the Board of Trustees duly made of public record, and upon a majority vote of the qualified voting voters of said District, such bonds or a part thereof may be sold and the proceeds of the sale thereof may be placed in the appropriate fund as directed by the Board of Trustees and used for the purpose stated in the Section next preceding.

Tax Assessor; Powers and Duties; Board of Equalization

Sec. 23. In the assessment and collection of the taxes authorized hereunder and in all matters pertaining thereto or connected therewith, the Board of Trustees of said Hospital District shall determine the amount of taxes required for its various purposes and the tax rate required to raise such amount of tax revenue and shall assess such taxes and such tax rate. The valuations of the properties in said Hospital District for taxation purposes for said Hospital District shall be the same valuations as determined by the Jefferson County officials for State and County tax purposes. Said taxes shall then be assessed and collected by the County Tax Assessor and Collector who in such event shall have the same powers and shall be governed by the same rules, regulations and proceedings as provided for the assessment and collection of State and County Taxes and shall be entitled to such fees as may be provided by law for such services. And if there is no such fee provided by law, then said fee shall be determined by agreement between the Board of Trustees of said Hospital District. The Commissioners Court of Jefferson County shall constitute a Board of Revaluation for said Hospital District, and shall be entitled to such fees, if any, as is provided by law therefor, and if no fee for said services is provided by law, then such fee may be negotiated by said Commissioners Court and said Board of Trustees of said Hos-
pital District, and all laws governing Boards of Equalization for State and County taxing purposes shall govern such Board of Equalization.

Lien and Due Date of Taxes; Penalty for Nonpayment
Sec. 24. The taxes authorized hereunder shall be a lien upon all property assessed therefor. Said taxes shall become due and payable at the same time as State and County taxes. Upon the failure to pay such taxes when due the penalty provided by law for failure to pay State and County taxes at maturity shall in every respect apply to taxes hereunder.

Additional Books Provided; Assessment; Compensation of Assessor
Sec. 25. The Board of Trustees shall provide all necessary additional books for the use of the Administrator, Secretary and Treasurer of such District and charge the cost of the same to the said District. The District Tax Assessor and Collector shall assess all property within the District and list the same for taxation in the books or rolls furnished him by said Board of Trustees for said purpose and return said books or rolls when the State and County rolls are returned for correction and approval and shall furnish a true and correct copy thereof to the Board of Trustees of said Hospital District. If said Board of Trustees find them correct, it shall approve the same and direct the Tax Assessor-Collector of said District to levy and collect said taxes on all of the taxable properties within said Hospital District.

Duties of District Tax Collector; Additional Bond
Sec. 26. The Tax Assessor-Collector shall be charged by the Board of Trustees with the assessment of the District. The Board of Trustees may require said Tax Assessor-Collector to give a bond or security in such sum as they deem proper and safe to secure the collection of said taxes.

Certified List of Tax Delinquent Property; Tax Sale
Sec. 27. The collector shall make a certified list of all delinquent property upon which the Hospital District tax has not been paid and return a true and correct copy thereof to the Board of Trustees of said District. The District Tax Assessor-Collector shall proceed to have the same collected by the sale of such property in the same manner provided by law for the sale of property for the collection of State and County Taxes. The Trustees of said District may purchase any property so sold for the benefit of the District.

The General Laws relating to the assessment, collection and equalization of taxes insofar as applicable shall apply to the assessment, collection and equalization of the Hospital District taxes.

District Treasurer's Duties
Sec. 28. The Treasurer of said District shall open an account for the District and keep an accurate account of all moneys received by him belonging to such District and of all amounts paid out by him. He shall pay out no money except upon a voucher signed by any two (2) of the following: The Chairman, Secretary, Treasurer, or Administrator. The Treasurer shall carefully preserve on file all orders for payment of money, and as often as required by the Trustees he shall render a correct account to them of all matters pertaining to the financial condition of the District.

Compensation of Treasurer
Sec. 29. The Treasurer shall not be allowed any pay for his services as such, but shall be reimbursed for any expenses he incurs in the performance of his duties as Treasurer.

Payment of Obligations Incurred in Establishing District; Sources
Sec. 30. After the establishment of the Hospital District all legal and just expenses, debts and obligations other than bonds and interest thereon arising and created after the filing of the original petition, and necessarily incurred in the creation, establishment and operation and maintenance of such Hospital District shall be paid out of the construction and maintenance fund or the operation and maintenance fund of such District, which funds shall consist of all money, effects, property and proceeds received by such District from all sources, except that
portion of the tax collected which shall be necessary to pay the interest on the bonded indebtedness as it falls due and the payment of bonded indebtedness. Said tax collections shall be placed in and paid out of the interest and sinking funds of such district for such purposes, and such funds may be invested for the benefit of the district in such bonds and securities as the attorney general may approve. Such funds shall be held for the respective purposes for which they were created and if money is improperly paid out of either, the board of trustees of said district shall cause the treasurer to make the necessary transfer of such amount in the district account to restore the funds so improperly used.

Powers of District

Sec. 31. The said hospital district organized as herein provided shall have the following power:

(a) To construct, condemn and purchase, purchase and acquire, lease, add to, maintain, operate, develop, and regulate, sell and convey, all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same, or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the board of trustees and consummated in the same manner and by the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Texas in the acquisition of property rights. It is provided, however, that said hospital district shall not have the right of eminent domain and the power of condemnation against any hospital, clinic or sanatorium operated as a charitable nonprofit establishment or against a hospital, clinic or sanatorium operated by a religious group or organization or against any privately owned or operated hospital or clinic, corporate or otherwise in said district; (b) To lease existing hospitals and equipment and/or other property used in connection therewith and to pay such rental therefor as the trustees shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district by contract or in any other manner said trustees may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district on the cost basis per patient set forth below, and they may further receive in said hospital and furnish proper and adequate services for all persons not residents of said district at such reasonable and fair compensation as may be considered proper by the board of trustees of said hospital district which compensation shall in no event be less than this hospital district's cost for patient per day plus the pro rata share per patient per day of retiring the outstanding bonds of this hospital district; provided that it must at all times make adequate provisions for the needs of the district and the residents of said district shall have prior right to the available facilities of said hospital, at rates set by the district trustees. By the term "resident" as used herein shall mean a minimum of six months residence in this hospital district.

c) For the purpose aforesaid it shall be lawful for any district so organized to take, condemn and purchase, lease or acquire, any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital, except as herein duly excepted in paragraph (a) of this section;

(d) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals of said district and to issue bonds as herein provided;

(e) To enter into any contract with the United States government or any state, municipality or other
hospital district, or any department of those governing bodies for carrying out any of the powers authorized by this Act;

(f) To sue and be sued in any court of competent jurisdiction; provided that said Hospital District shall not be liable for negligence for any act of any officer, agent or employee of said District; and provided that all suits against said Hospital District shall be brought in the county in which said Hospital District is located;

(g) To make contracts, employ administrator, attorneys and other technical or professional assistants and all other employees; to print and publish information or literature and to do all other things necessary to carry out the provisions of this Act;

(h) To set up whatever schools and educational training programs as are deemed advisable.

Contracts Exceeding Two Thousand Dollars ($2,000); Competitive Bidding; Bond of Contractor

Sec. 32. Any contract of any nature whatsoever entered into by the Board of Trustees on behalf of said Hospital District in excess of Two Thousand Dollars ($2,000) shall be let to the lowest bidder after advertising the same in one or more newspapers of general circulation in this State for four (4) consecutive weeks, and by posting notices thereof for at least twenty-five (25) days in four (4) public places in the County, one at the courthouse door and at least two (2) within the District. Any person, firm or corporation desiring to bid on any such contract, shall, upon application to the Trustees, be furnished with a copy of the plans and specifications or other data necessary to make the said bid. All bids shall be in writing and sealed and delivered to the Chairman of the Board of Trustees, with a certified check for at least five per cent (5%) of the total amount bid, which shall be forfeited to the District in case the bidder refuses to enter into a proper contract if his bid is accepted. Any bid may be rejected if deemed too high. The contractor shall give bond in the amount of the contract price, payable to the Trustees, conditioned that he will faithfully perform the obligations, agreements and covenants of the contract and that in default thereof, he will pay to said District all damages sustained by reason thereof. Said bond shall be approved by the Board of Trustees of said Hospital District.

Refunding and Paying Off of Bonded Indebtedness

Sec. 33. In the manner hereinabove provided, the bonds of such Hospital District may, without the necessity of any election therefor, be issued for the purpose of refunding and paying of any bonded indebtedness theretofore assumed by such Hospital District, and any bonds therefore issued by such Hospital District, such refunding bonds may be sold and the proceeds thereof applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with recognized standard bond interest cost tables, shall not exceed the average interest cost per annum on the bonds so to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, if less than the total interest cost so computed on the bonds so to be discharged out of such proceeds. In the foregoing computations any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity date shall be taken into account as an addition to the net interest cost to the Hospital District of the refunding bonds. If the city or the county or either of them has voted bonds to provide hospital facilities, but such bonds have not been sold at the date of the creation of the Hospital District, the authority for such bonds shall be cancelled, and they shall not be sold.

County or City Property or Funds; Transfer to District

Sec. 34. Any lands, building or equipment that may be jointly or
separately owned by such County and City and be located within the boundaries of said Hospital District; and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the City and County shall become the property of the Hospital District; and title thereto shall vest in the Hospital District; and any funds of the City and County, or either, which are the proceeds of any bonds issued by the Hospital District as herein provided shall become the funds of the Hospital District, and title thereto shall vest in the Hospital District; and there shall vest in the Hospital District, and become the funds of the Hospital District the unspent portion of any funds therefore set up or appropriated by budget or otherwise by the City or the County or either of them for the support and maintenance of the Hospital facilities for the year within which the Hospital District comes into existence, thereby providing such Hospital District with funds with which to maintain and operate such facilities for the remainder of such year. All obligations legally incurred by the City or County or either of them, for the building of, or the support and maintenance of, hospital facilities, prior to the creation of said District, but outstanding at the time of creation of said District shall be assumed and discharged by it without prejudice to the rights of third parties, provided that the management and control of the property and the affairs of the present Hospital system shall continue in the present governing body of such system until election and organization of the Board of Trustees of the Hospital District, at which time the governing body of the present Hospital system shall turn over all records, property and affairs of said Hospital systems to the Board of Trustees of the Hospital District and shall cease to exist as a Hospital system governing body.

Any outstanding bonded indebtedness incurred by the City or County, either of them, in the acquisition of such lands, buildings and equipment, or in the construction and equipping of such Hospital facilities, together with any other outstanding bonds issued by either of them for Hospital purposes, shall be assumed by the Hospital District and become the obligation of the Hospital District; and the City or County, either or both of them, that issued such bonds, shall be, by the Hospital District released of any further liability for the payment thereof or providing interest and sinking fund requirements thereon; provided that nothing herein contained shall limit or affect any of the rights of any of the holders of such bonds against the City or the County as the case may be, in the event of default in the payment of the principal or interest on any of such bonds in accordance with their respective terms.

The Commissioners Court; and the City where a hospital or hospital system is jointly operated for the Commissioners Court; where the County owns the hospital or hospital system, or the City where the City owns the hospital or hospital system, as the case may be, as soon as the Hospital District is created and authorized at the election hereinafter provided, and a board of Trustees have been elected and qualified, shall execute and deliver to the Hospital District, in-wit:

To its said Board of Trustees, an instrument in writing conveying to the said Hospital District the hospital property, including lands, buildings, and equipment, and shall transfer to said Hospital District the funds hereinafter provided to become vested in said Hospital District upon being furnished a certificate by the Chairman of the Board of the fact that a depository for the District funds has been selected and is qualified; which funds shall in the hands of the Hospital District and of its Board of Hospital Trustees, be used for all or any of the same purposes as and for no other purposes than, the purpose for which the County or City transferring such funds could lawfully have used the same had they retained the property and funds of such County or City.

In the event less than all the territory of said Cities, Towns and Counties is included within the said Hospital District boundaries, then said Hospital District in acquiring the lands, buildings and/or equipment that may be jointly or separately owned by such County, Town or City and be located within the
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boundaries of said Hospital District, and by which medical services or hospital care including geriatric care are furnished to the indigent or needy persons of the City, Town or County, shall negotiate with the governing body of such City, Town or County, for the acquisition of said lands, buildings and equipment. In the event such governing body of such City, Town or County and the Trustees of said Hospital District fail to reach an agreement within thirty (30) days after the election of the Hospital District Trustees, who are to be elected as herein provided, then the Hospital District shall be entitled to acquire said lands, buildings and equipment by paying to such City, Town or County the market value thereof, or if said properties have no market value, then the true value thereof, less a pro rata portion of said value based upon the then last approved tax assessment rolls of the said Cities, Towns and Counties, as the said value of all the taxable properties of said Hospital District to be the total taxable value of all the taxable properties of said City, Town or County and such payments to said Cities, Towns and Counties by said Hospital District may be made by said Hospital District allowing such Cities, Towns, and Counties credit for such amount of future hospital care by the said Hospital District for the indigent of said Cities, Towns and Counties who do not reside within the boundaries of the Hospital District.

In the assuming of the indebtednesses of bonds of said Cities, Towns and Counties by the Hospital District, where less than all of the territory of such Cities, Towns and Counties are within the Hospital District, the Hospital District shall, based upon the then last approved tax assessment rolls of said Cities, Towns and Counties, assume the pro rata portion of said indebtednesses and bonds of said Cities, Towns and Counties as the value of all the taxable properties of said Hospital District to be the total taxable value of all the taxable properties of said City, Town or County.

In receiving the funds of such Cities, Towns and Counties by the Hospital District which are the remainder of bond issues of such Cities, Towns and Counties and in receiving the unspent portion of any funds therefore set up or appropriated by budget or otherwise by such Cities, Towns and Counties for the support and maintenance of the hospital facilities for the year within which the Hospital District comes into existence, where less than all the territory of such Cities, Towns and Counties are within the Hospital District, the Hospital District shall, based upon the then last approved tax assessment rolls of said Cities, Towns, and Counties, be entitled to the pro rata portion of said funds of said Cities, Towns and Counties as the value of all taxable properties of said Hospital District is to the total taxable value of all the taxable properties of said City, Town or County.

Sec. 35. The Hospital District established or maintained under the provisions of this Act shall be subject to inspection by any duly authorized representative of the State Board of Health or any State Board of Charities (or Public Welfare) now existing or as may hereafter be created, and resident officers shall admit such representatives into all Hospital District facilities and give them access on demand to all records, reports, books, papers and accounts pertaining to the Hospital District.

Medical and Hospital Care Assumed By The District: Delinquent Taxes Owed To The Cities and Counties: Sec. 36. No county, any portion of which has been constituted a Hospital District, and no City, any portion of which is within the boundaries of said Hospital District, shall thereafter levy any tax for hospital purposes on any properties within said Hospital District and such Hospital District shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent persons residing in said Hospital District from the date that taxes are collected for the Hospital District. That portion of the delinquent taxes owed by Cities and Counties on levies for present city and county hospital systems under Acts, Fortieth Legislature, 1943, Chapter 883, page 461, shall continue to be paid to the Hospital District by the
Donations, Gifts And Endowments For District

Sec. 38. Said Board of Trustees of the Hospital District is authorized on behalf of said Hospital District to accept donations, gifts and endowments for the Hospital District, to be held in trust and administered by the Board of Trustees for such purposes and under such directions, limitations and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of this Hospital District.

Annuity Of Additional Territory To Hospital District;

Sec. 39. The Board of Trustees of the Hospital District may by order duly adopted annex any adjacent property to said Hospital District, provided that an election is called by the Board of Trustees of the Hospital District, such election to be confined to the area to be annexed to the Hospital District, and upon the approval of a majority of the qualified property taxpayers of said area proposed to be annexed the said property shall become a part of and portion of the said Hospital District and shall be liable for its pro rata share of the indebtedness of said Hospital District, and to the levying of taxes upon the properties in said District for the payment of said obligations and debts of said Hospital District.

De-Annexation Of Properties Constituting A Part Of Said Hospital District;

Sec. 40. The Board of Trustees of the Hospital District may de-annex any portion of the said Hospital District provided that a majority of the qualified property taxpayers of said area proposed to be de-annexed shall at an election called by the Board of Trustees of said Hospital District vote for such de-annexation and provided further that such property so de-annexed shall continue to be proportionately responsible for all of the outstanding bonds and debts of said Hospital District as of the date of said de-annexation.

Severability Clause And Saving Clause

Sec. 41. Nothing in this Act shall be construed to violate any provision of the Federal and State Constitutions and acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any Court to be violative of either of such Constitutions, the District shall have the power by resolution...
May 21, 1963 HOUSE JOURNAL 2327

Sir: I am directed by the Senate to inform the House that the Senate has adopted Conference Committee report on Senate Bill 85 by viva voce vote.

The Senate has adopted Conference Committee Report on House Bill 863 by viva voce vote.

The Senate has adopted Conference Committee Report on Senate Bill 73 by viva voce vote.

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

H. B. No. 1067, By Fletcher: Relating to Hays County Wimberley Water Supply District; and declaring an emergency.

H. B. No. 1138, By McLain: Relating to prospecting for minerals on State lands; and declaring an emergency.

H. B. No. 412, By McLain: Authorizing appointment of official shorthand reporter of 31st Judicial District; and declaring an emergency.

H. B. No. 729, By Clayton: Providing for employment of one juvenile officer for 69th Judicial District; and declaring an emergency.

H. B. No. 811, By McLain: Authorizing appointment of an official shorthand reporter of 100th Judicial District; and declaring an emergency.

H. B. No. 589, By Caldwell: Relating to salary of county judges serving as county superintendents; and declaring an emergency. (As amended).

H. B. No. 974, By Caldwell: Relating to a reclamation and drainage...
district in Brazoria County; and declaring an emergency. (As amended).

H. B. No. 372, By Bass of Harris: Amending the Harris County Road Law; and declaring an emergency. (As amended).

H. B. No. 747, By Brooks: Relating to automobile allowance of County Tax Assessor and his deputies; and declaring an emergency.

H. B. No. 888, By Cook: Providing for appointment of bailiff for the 26th and 135th Judicial District; and declaring an emergency.

H. B. No. 1044, By Haynes: Amending the Texas Shrimp Conservation Act; and declaring an emergency.

H. B. No. 1046, By Grover: Relating to Pension Systems for policemen in certain cities; and declaring an emergency. (As amended).

H. B. No. 1050, By Jarvis: Regulating the taking of deer and squirrel in Smith County; and declaring an emergency.

H. B. No. 1062, By Brooks: Providing for the use of various colors of ink in printing ballots in certain counties; and declaring an emergency.

H. B. No. 723, By Arledge: Providing school districts same remedies for collection of taxes as provided for cities and towns; and declaring an emergency.

H. B. No. 634, By Miller: Providing for appeal from County Court to District Court in cases of lunacy trials; and declaring an emergency.

H. B. No. 524, By Munn: Making it unlawful to misrepresent place of residence when applying for medical aid from State or County hospital; and declaring an emergency.

H. B. No. 1020, By Wieting: Placing regulation of wildlife resources of San Patricio County in Game and Fish Commission; and declaring an emergency. (As amended).

H. B. No. 1021, By Wieting: Placing regulation of wildlife resources of Aransas County in Game and Fish Commission; and declaring an emergency. (As amended).

H. B. No. 1014, By Arledge: Raising salary of Court Reporter of 60th Judicial District; and declaring an emergency.

H. B. No. 655, By Lack: Prescribing allotment of principal units, in certain types of school districts; and declaring an emergency.

H. B. No. 766, By Lack: Providing for the salary of the official shorthand reporter of the 88th Judicial District; and declaring an emergency.

H. B. No. 1025, By Wilson: Outlawing indiscriminate shooting of fox in Angelina County; and declaring an emergency.

H. B. No. 771, By Dungan: Providing for appointment of shorthand reporter for the 16th Judicial District; and declaring an emergency.

H. B. No. 888, By Holcomb: Fixing maximum salary of official shorthand reporter for the 15th Judicial District; and declaring an emergency.

H. B. No. 642, By Moyer: Providing that a school district may employ a person or firm to assist the Board of Equalization; and declaring an emergency. (As amended).

H. B. No. 558, By Simpson: Validating warrants and refunding bonds authorized by certain counties or cities; and declaring an emergency.

H. B. No. 909, By Knapp: Authorizing a county to employ special assistants to the Board of Equalization; and declaring an emergency. (As amended).

H. B. No. 1024, By Thompson: Relating to creation of Booker Hospital District in Lipscomb County; and declaring an emergency.

H. B. No. 671, By Fendren: Relating to judgment in divorce cases as to child custody and support; and declaring an emergency. (As amended).

H. B. No. 992, By Chapman: Providing Retirement System for aged and incapacitated State employees; and declaring an emergency. (As amended).

H. B. No. 906, By Canales: Authorizing County Judge and County
Attorney of Jim Hogg County to employ a secretary; and declaring an emergency.

H. B. No. 1027, By Canales: Relating to salary of District Judges of the 49th Judicial District; and declaring an emergency.

H. B. No. 975, By Caldwell: Relating to a reclamation and drainage district in Brazoria County; and declaring an emergency. (As amended).

H. B. No. 1028, By Caldwell: Creating the "Pearland Municipal Utility District of Brazoria County:" and declaring an emergency. (As amended).

H. B. No. 1030, By Caldwell: Creating "Oak Manor Municipal Utility District of Brazoria County:" and declaring an emergency. (As amended).

H. B. No. 1037, By Caldwell: Providing for compensation of Grand Jury Bailiffs in certain counties; and declaring an emergency.

H. B. No. 665, By Johnson of Bexar: Relating to institutions of higher learning located partly in two adjacent cities; and declaring an emergency.

H. B. No. 968, By Esquivel: Relating to local maintenance school fund assignments in Bexar County; and declaring an emergency. (As amended)

H. B. No. 1039, By Smith of Bexar: Relating to offense of obtaining board or lodging by trick or deception; and declaring an emergency.

H. B. No. 806, By Chapman: Extending selection of jurors by jury wheel system to additional counties; and declaring an emergency.

H. B. No. 389, By Jarvis: Clarifying child adoption procedure and safeguarding confidentiality of certain records; and declaring an emergency.

H. B. No. 514, By Guffey: Relating to offense of obtaining board or lodging by trick or deception; and declaring an emergency.

H. B. No. 1064, By Atwell: Providing for the period of notice stipulation in contracts between federal prime contractors and their subcontractors; and declaring an emergency.

H. B. No. 538, By Wilson: Relating to per diem for members of the Texas State Board of Medical Examiners; and declaring an emergency.

H. C. R. No. 50, Authorizing acceptance of certain Federal land.

H. C. R. No. 83, Granting Jessie Herring Johnson, et al, permission to sue the State.

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

H. C. R. No. 33, By Richards: Granting Lon Ed Sowell permission to sue the State.

H. C. R. No. 48, Granting Elgean Shield permission to sue the State.

H. B. No. 939, By Crews: Providing compensation of official shorthand reporter of the 9th Judicial District; and declaring an emergency. (As amended)

H. B. No. 940, By Crews: Providing compensation of official shorthand reporter of Second 9th Judicial District; and declaring an emergency.

H. B. No. 1033, By Gibbens: Authorizing election of school trus-
H. B. No. 517, By Townsend: Regulating the minnow industry, repealing all special minnow laws; and declaring an emergency.

H. B. No. 1053, By Nugent: Providing for election of Board of Directors of Upper Guadalupe River Authority; and declaring an emergency.

H. B. No. 1074, By Townsend: Relating to deer in San Saba County; and declaring an emergency.

H. B. No. 1060, By Butler: Making it unlawful to hunt deer in La Salle County until January 1, 1966; and declaring an emergency.

H. B. No. 144, By Gladden: Establishing an office of Medical Examiner in certain counties; and declaring an emergency. (As amended)

H. B. No. 452, By Gladden: Limiting maximum working hours for women and peace officers in certain counties; and declaring an emergency. (As amended)

H. B. No. 148, By Gladden: Allowing guardian of a deceased ward to pay all funeral expenses out of estate of deceased ward; and declaring an emergency. (As amended)

H. B. No. 778, By Birkner: Relating to oyster dredging in head waters of Matagorda Bay; and declaring an emergency.

H. B. No. 780, By Birkner: Granting Game and Fish Commission authority to regulate taking of alligators in Matagorda County; and declaring an emergency.

H. B. No. 921, By Mutschler: Relating to open season on doe in Austin County; and declaring an emergency. (As amended)

H. B. No. 987, By Pipkin: Relating to advertising for bids by navigation districts; and declaring an emergency.

H. B. No. 1051, By Pipkin: Providing for certain authority of Regents of public junior colleges to relate to libraries, library buildings, etc.; and declaring an emergency.

H. B. No. 1056, By Petty: Authorizing certain counties to furnish an automobile to each county commissioner for official business; and declaring an emergency.

H. B. No. 516, By Hinson: Abolishing office of County Attorney and creating the office of Criminal District Attorney of Upshur County; and declaring an emergency.

H. B. No. 1075, By Hinson: Authorizing the National Guard Armory Board to convey certain lands in Wood County; and declaring an emergency.

H. B. No. 1076, By Townsend: Relating to deer in San Saba County; and declaring an emergency.

H. B. No. 1061, By Pipkin: Providing for certificated authority of Regents of public junior colleges in relation to libraries, library buildings, etc.; and declaring an emergency.

H. B. No. 1073, By Hinson: Authorizing the National Guard Armory Board to convey certain lands in Wood County; and declaring an emergency.

H. B. No. 1031, By Carriker: Creating Rotan Municipal Water Authority; and declaring an emergency.

H. B. No. 951, By Mutschler: Relating to open season on doe in Austin County; and declaring an emergency. (As amended)

H. B. No. 1048, By Smith: Providing for interim committee to study use and development of bays, inlets, etc.

S. C. R. No. 60, By Cole: Providing for interim committee to study use and development of bays, inlets, etc.

H. B. No. 1064, By Butler: Making it unlawful to hunt wild turkey in Wilson County until January 1, 1966; and declaring an emergency.

H. B. No. 1058, By Butler: Fixing open season for killing quail in Atascosa County; and declaring an emergency.

H. B. No. 1049, By Butler: Making it unlawful to hunt wild turkey in Wilson County until January 1, 1966; and declaring an emergency.

S. C. R. No. 59, By Blanchard: Granting Earnest Tadlock of Lubbock permission to sue the State.
Teacher Retirement System with verification of retirement status; and declaring an emergency.

H. B. No. 629, By Pipkin: Providing for the retaining of a fee by issuing agents not employees of the Game and Fish Commission for issuing Commercial Fisherman’s Licenses, etc.; and declaring an emergency.

H. B. No. 854, By Rothmann: Increasing bond required for a vegetable dealer’s license; and declaring an emergency.

H. B. No. 861, By Murray: Relating to temporary registration of foreign commercial vehicles; and declaring an emergency. (As amended)

S. C. R. No. 88, By Rogers: Granting permission to suspend the Joint Rules to take up and consider House Bill No. 149.

S. C. R. No. 89, By Rogers: Granting permission to suspend the Joint Rules to take up and consider House Bill No. 139.

H. B. No. 309, Making it unlawful to willfully convey false information concerning the presence of a bomb; and declaring an emergency.

H. B. No. 1070, By Grover: Providing for voting places held by certain independent school districts in certain counties; and declaring an emergency.

S. B. No. 514, By Herring: Amending the Texas Miscellaneous Corporation Laws Act; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

SENATE BILL NO. 100 ON SECOND READING

Mr. Gibbens moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 160.

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

The vote of the House was taken on the motion to suspend the rules and the vote was announced Yeas 95, Nays 47.

A verification of the vote was requested and was granted.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nay</th>
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</thead>
<tbody>
<tr>
<td>90</td>
<td>40</td>
</tr>
</tbody>
</table>

Arledge Jarvis
Ball Johnson of Dallas
Barnes Johnson of Bexar
Berry Knapp
Bilson McLain
Boyse McDonald
Brown of Taylor of Hidalgo
Caldwell McLaughlin
Canales McNutt
Carr andca Markgraf
Cavness Murray
Chapman Mutchler
Clayton Niemeyer
Cole Nugent
Coughran Nix
Cowden Parfrey
Cowles Pendleton
Greys Patty
de la Garza Pipkin
Doke Price
Dungan Rupp
Edwards Richardson
Finnar Ritter
Fletcher Rosson
Fondren Satterwhite
Foreman Schiller
Gibbens Sorgins
Gladden Segret
Glenn Shannon
Grover Shutt
Guffey Simpson
Hatines of Brazos Black
Hallmark Smith of Bexar
Harding Stewart
Harris of Dallas Thompson
Haynes of Orange Thurgood
Helton Townsend
Hendryx Traeger
Hollowell Ward
Houston Walls
Hughes Wheeler
Isaacks Wieting
Jamison

<table>
<thead>
<tr>
<th>Nays</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td></td>
</tr>
</tbody>
</table>

Adams Collins
Allen Cotten
Allen Drain
Allen Davis
Allen Duggan
Bass of Bowie Beckhardt
Bass of Harris Beuel
Beckham Eppled
Bridges Floyd
Brown Green
Brown of Galveston Heasty
The Speaker stated that the motion to suspend the rules to take up and consider S. B. No. 100 prevailed by the above vote.

The bill was read second time.

Mr. Rapp offered the following amendment to the bill:

Amend Senate Bill No. 100 by re-numbering Sections 2, 3, and 4 as Sections 3, 4, and 5 respectively and inserting a new Section 2, reading as follows:

"Section 2. Section 1. (a) No person shall enter or attempt to enter upon the enclosed land of another without consent of the owner, proprietor, lessee, or person in charge thereof, and hunt or attempt to hunt with firearms, bow and arrow, cross-bow, or any other instrument capable of being used in the hunting of any animal or bird.

(b) No person shall enter or attempt to enter upon the enclosed land of another without consent of the owner, proprietor, lessee, or person in charge thereof, and catch or attempt to catch fish from any pond, lake, tank, stream or any body of water therein.

(c) No person shall enter or attempt to enter upon the enclosed land of another without consent of the owner, proprietor, lessee, or person in charge thereof, and camp or attempt to camp or in any manner encroach upon or damage such land.

(d) For the purpose of this Act enclosed land shall mean such lands as are used for agriculture and grazing purposes or for any other purpose, and enclosed by structure for fencing either of wood or iron or combination thereof or wood and wire, or partly by water and stream, canyon, rock or rocks, bluffs or islands.

(e) For the purpose of this section proof of ownership or lease of such enclosed lands may be made by parol evidence."

The amendment offered by Mr. Rapp was lost.

Mr. Collins offered the following amendment to the bill:

Amend S. B. 100, page 1, line 50, by adding the following after the word "Warden":

"compensated under the State classification plan."

Mr. Gibbens moved to table the amendment offered by Mr. Collins, and the motion to table prevailed.

S. B. No. 100 was then passed to third reading.

Mr. Gibbens moved to reconsider the vote by which S. B. No. 100 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.
May 21, 1963  HOUSE JOURNAL  2333

HOUSE BILL NO. 902 WITH SENATE AMENDMENTS

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

H. B. No. 902. A bill to be entitled "An Act amending an Act to carry into effect Section 62a of Article XVI of the Constitution; to provide for a Retirement System for aged and incapacitated State employees as created by Acts of 1947, Chapter 352, Page 697, Regular Session, and amendments thereto; providing a saving clause; and declaring an emergency."

Mr. Chapman moved that all the necessary rules be suspended for the purpose of taking up and considering the Senate Amendments to H. B. No. 902.

The motion to suspend the rules and to consider the Senate Amendments to H. B. No. 902 prevailed by the necessary two-thirds vote. Mr. Chapman moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 902 and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTES

The following Members requested to be recorded as voting nay on the motion to concur in the Senate amendments to H. B. No. 902:

Messrs. Cotten, Bynum, Shannon, Johnson of Dallas, Hollowell, Crain, Hughes, Nogent, Collins, Markgraf, Parsley, Townsend, Hefton, Thurmond, Jarvis, Gibbens, Petty, Pendleton, Brown of Taylor, Wells, Morgan, Macatee, H. B. No. 902, to which was added a retirement provision for members of the Legislature. The vote was on accepting the Conference Committee report on H. B. 902.

Traeger, Allen, Doke, Pendleton

REASON FOR VOTE

I voted to concur in Senate amendment to H. B. 902 without knowing it contained provisions for legislators' retirement. Such provision was not explained to the House by the author. I hereby record my dissent to this amendment and wish to be shown as one who would have voted "No" had this amendment been properly explained.

Allen Glenn

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 902

Amend House Bill 902 by striking all above the enacting clause and substituting in lieu thereof the following:

"A Bill To Be Entitled

An Act amending an Act to carry into effect Section 62a of Article XVI of the Constitution, providing..."
Amend House Bill 902 by striking all below the enacting clause and substituting in lieu thereof the following:

Article I. That Chapter 352, Acts of the Regular Session of the Fiftieth Legislature, as amended, shall be and the same is hereby amended so as to hereafter read as follows:

"Section 1. Definitions."

The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

"A. 'Retirement System' shall mean the Employees Retirement System of Texas as defined in Section 2 of this Act.

"B. 'Employer' shall mean the State of Texas.

"C. 'Member' shall mean any officer or employee included in the membership of the System as provided in Section 3 of this Act.

"D. 'State Board of Trustees' shall mean the Board, provided for in Section 6 of this Act, to administer the Retirement System.

"E. 'Accumulated Contributions' shall mean the sum of all the amounts deducted from the compensation of a member, and credited to his individual account in the Employees Saving Fund, together with all interest credits thereto.

"F. 'Earnable Compensation' shall mean the full rate of the compensation that would be payable to a member if he worked the full normal working time. In cases where compensation includes maintenance, the State Board of Trustees shall fix the value of that part of the compensation not paid in money.

"G. 'Actuarial Equivalent' shall mean a benefit of equal value when computed upon a basis of such mortality tables as shall be adopted by the State Board of Trustees and interest.

"H. 'Actuarially Reduced' shall mean the present worth value of the reserve required to pay a service retirement allowance plan, as provided and set forth in this Act, calculated at age sixty (60) under factors established by the Board of Trustees and divided by the factor of the attained age of the beneficiary and/or the retirement optional plan selection factor of the attained age of the beneficiary and nominee, and said reduced allowance shall be applicable in all instances where the beneficiary is less than age sixty (60) at time of retirement, or in the event of death where an optional plan selection has been made under the provisions as set forth in this Act.

"Section 2. Establishment, Name, Powers and Purpose.

"A. The Employees Retirement System of Texas heretofore established under the laws of this State is hereby continued in corporate existence, but rights of membership in such System, retirement privileges and benefits thereunder, and the management and operation of said System from the effective date of this Act shall be governed by the provisions of this Act.

"B. Said System shall continue to be known as the Employees Retirement System of Texas, and by such name all of its business shall be transacted, all its funds invested, and all its cash, securities and other properties shall be held.

"C. The Retirement System hereinafter provided for shall be maintained and administered in accordance with the provisions of this Act, to provide for the payment of retirement annuities and other benefits to members and their beneficiaries.

"D. The Retirement System shall have the powers and privileges of a corporation and shall have also the powers, privileges and immunities hereinafter conferred.

"Section 3. Membership.

"A. The membership of said Retirement System as an appointive officer or employee of any department, commission, institution or
agency of the State Government of the State of Texas shall be composed as follows:

"1. All persons who on the effective date of this Act are members of the Employees Retirement System of Texas shall continue to be members of this System subject to the provisions of this Act. The following persons shall, however, not be eligible for participation in the Retirement System:

"a. Persons who are covered by the Teachers Retirement System or the Judicial Retirement System of the State of Texas.

"b. Persons employed on a piecework basis or operators of equipment or drivers of teams whose wages are included in the rental rate paid the owners of said equipment or team.

"c. Employees who are employed in a position normally requiring less than nine hundred (900) hours per year.

"Notwithstanding any other provisions of this Act, it is expressly provided herein that the Texas Public Employees Association of Texas shall be designated as a State agency, for retirement purposes only. This association was formed and supported by contributions of employees of the State of Texas for the purpose of increasing efficiency in the State government and therefore it is further expressly provided herein that the employees of this association shall be members of the Retirement System as such shall be governed by the same restrictions, privileges, and benefits as other employees members.

"2. Any person who becomes an elective State official by reason of election or appointment after January 1, 1963, shall within six (6) months from the month in which he takes the Oath of Office or October 1, 1964, whichever date is later, execute an election to become a member of the Retirement System or not to become a member of the Retirement System. This election to become a member or not to become a member shall be filed with the State Board of Trustees on a form provided by the Board. The election not to become a member will include a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the System. Contributions shall be due and payable for the month in which January, 1963, and each month thereafter, and membership service shall begin as of January 1, 1963.

"3. Any person who becomes an appointive officer or employee on or after the effective date of this Act shall become a member of the Retirement System on the first day of the month in which he is employed as a condition of his employment. Contributions by such a member under this Act shall begin with the first monthly payroll period following the month in which he is employed and creditable service shall then begin to accrue. Any person elected or appointed to an elective office shall become a member of the Retirement System as an elective official in the Judicial, Legislative, and Executive branches of the State Government.
D. Should any member who was an appointive State official or employee in any period of six (6) consecutive years after becoming a member be absent from service more than twenty (20) consecutive months, or if he has less than fifteen (15) years creditable service; if an elective State official eight (8) years; or should any member withdraw his accumulated contributions, or become a beneficiary, or upon death, he shall thereupon cease to be a member; however, during the time the United States was or is involved in organized conflict whether in a state of war or in a police action involving conflict with foreign forces, or for reason of a crisis within this country, and within a period of twelve (12) months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States of America and their auxiliaries and/or in the Armed Forces Reserve of the United States of America and their auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted therein to, or (2) in war works as a direct result of having been drafted and/or conscripted into said war work shall not be construed as absent from service. Insofar as the provisions of this Act are concerned, the Board of Trustees shall determine by order the period or periods which shall be recognized as involving organized conflict or crisis within the contemplation of this Act.

Section 4. Creditable Service.

"A. Creditable service shall be the total of prior service plus membership service. For appointive officers and employees of the State, prior service shall be granted for eligible service rendered prior to the establishment of the Retirement System on September 1, 1947, and membership service shall be granted for eligible service rendered on and after September 1, 1947. Service as an elected State official as defined in this Act may be claimed as creditable service as an appointed officer or employee.

"B. Creditable service shall be the total of prior service plus membership service. For elective State officials, prior service shall be granted for eligible service rendered prior to January 1, 1963, and membership service shall be granted for eligible service rendered on and after January 1, 1963.

"C. Under such rules and regulations as the Board of Trustees shall adopt, each appointive officer or employee, as defined in Section 2 of this Act, at any time prior to September 1, 1947, and who becomes an appointive officer or employee and continues as such for a period of five (5) consecutive years, or who was a member at the beginning of the System, shall file a detailed statement of all service, as an appointive officer or employee, rendered by him prior to the date of the establishment of the Retirement System, for which he claimed credit.

"D. Should any member who was an appointive State official or employee in any period of six (6) consecutive years after becoming a member be absent from service more than twenty (20) consecutive months or if he has less than fifteen (15) years creditable service; if an elective State official eight (8) years; or should any member withdraw his accumulated contributions, or become a beneficiary, or upon death, he shall thereupon cease to be a member; however, during the time the United States was or is involved in organized conflict whether in a state of war or in a police action involving conflict with foreign forces, or for reason of a crisis within this country, and within a period of twelve (12) months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States of America and their auxiliaries and/or in the Armed Forces Reserve of the United States of America and their auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted therein to, or (2) in war works as a direct result of having been drafted and/or conscripted into said war work shall not be construed as absent from service. Insofar as the provisions of this Act are concerned, the Board of Trustees shall determine by order the period or periods which shall be recognized as involving organized conflict or crisis within the contemplation of this Act.

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"B. Creditable service shall be the total of prior service plus membership service. For elective State officials, prior service shall be granted for eligible service rendered prior to January 1, 1963, and membership service shall be granted for eligible service rendered on and after January 1, 1963.

"C. Under such rules and regulations as the Board of Trustees shall adopt, each appointive officer or employee, as defined in Section 2 of this Act, at any time prior to January 1, 1963, and who becomes an appointive officer or employee and continues as such for a period of five (5) consecutive years, or who was a member at the beginning of the System, shall file a detailed statement of all service, as an appointive officer or employee, rendered by him prior to the date of the establishment of the Retirement System, for which he claimed credit.

"D. Should any member who was an appointive State official or employee in any period of six (6) consecutive years after becoming a member be absent from service more than twenty (20) consecutive months or if he has less than fifteen (15) years creditable service; if an elective State official eight (8) years; or should any member withdraw his accumulated contributions, or become a beneficiary, or upon death, he shall thereupon cease to be a member; however, during the time the United States was or is involved in organized conflict whether in a state of war or in a police action involving conflict with foreign forces, or for reason of a crisis within this country, and within a period of twelve (12) months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States of America and their auxiliaries and/or in the Armed Forces Reserve of the United States of America and their auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted therein to, or (2) in war works as a direct result of having been drafted and/or conscripted into said war work shall not be construed as absent from service. Insofar as the provisions of this Act are concerned, the Board of Trustees shall determine by order the period or periods which shall be recognized as involving organized conflict or crisis within the contemplation of this Act.

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can be made, such elective State official must pay all such contributions and fees required of an appointive State officer or employee, for such benefits. It is also provided that if such transfer is filed by an elective State official and this election is made, that State matching contributions from the State shall be provided in the same manner as set forth in the provisions of the Employees Retirement Act herein.

"It is expressly provided in this Act that any elective State official may claim such service as an appointive State officer or employee, to be included with his elective service, for benefits under this Act; and that further, such service must be claimed by the elective State official and after verification by the State Board of Trustees shall be granted.

"C. The State Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one (1) year of service, but in no case shall more than one (1) year of service be creditable for all service in one (1) year.

"D. Subject to the above restrictions and to such other rules and regulations as the State Board of Trustees may adopt, the State Board of Trustees shall verify and adjust, as soon as practicable after the filing of such statements of service, the service therein claimed.

"E. Upon adjustment and verification of the statement of service, the State Board of Trustees shall issue prior service certificates certifying to each member the length of Texas service rendered prior to the date of the establishment of the Retirement System, with which he is credited on the basis of his statements of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one (1) year from the date of issuance or modification of such certificate, request the State Board of Trustees to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should he again become a member, such person shall enter the System as a member not entitled to prior service credit except as provided elsewhere in this Act.

"F. Each appointed officer or employee, as defined in this Act, who has heretofore withdrawn his contributions and canceled his accumulated creditable service for retirement purposes, may, if he returns to State employment and continues as such for a period of five (5) consecutive years, or if an elective State official, upon taking the Oath of Office, be entitled to deposit in the Retirement System in a lump sum payment the amount withdrawn with a penalty interest of two and one-half (2½%) per cent per annum from the date of withdrawal to the date of re-deposit plus any membership fees due, and have his creditable service reinstated for retirement purposes; however, it is provided that the amount withdrawn by the person and deposited with the System shall be placed in his individual account in the Employees' Savings Fund and the two and one-half per cent (2½%) per annum penalty interest shall be placed in the State Accumulation Fund. The amount to be deposited shall be determined in each case by the Employees' Retirement System and no event shall any such person be granted retirement upon such former service credits until the amount so determined shall have been paid in full.

"Each appointed officer or employee as defined in this Act, who heretofore executed a waiver of membership in the Retirement System may, if he has been employed from the date he executed the waiver of membership, or in the event such person left employment and returned to State employment and continues as such for a period of five (5) consecutive years, or if an elective State official, upon taking the Oath of Office, shall have the privilege of electing to receive credit for all previous creditable State service provided such person shall deposit with the Employees' Retirement System in a lump sum all back deposits, assessments and dues which he would have paid or deposited had he been a member of the System during each of the years and months employed commencing with the State fiscal year September 1, 1947, if an appointive officer or employee, and
work shall count towards creditable work as a direct result of service, provided, however, that the equal to the number of months in employment and further that said service shall not be creditable time so credited shall be limited to two (2) years and further provided that such service shall not be credited unless the member enters into such service directly from State employment without other intervening employment and further that said member contributes to the Employees Retirement System a sum equal to the number of months in active service as set forth herein times the rate of his last contribution prior to entering such service. The funds so contributed shall be deposited to the credit of the member's individual account in the Employees Saving Fund, and shall be treated in the same manner as funds contributed by the member while he was employed by the State. Any person employed or holding an elective State office who entered directly into military service prior to the establishment of the Retirement System either by induction or by enlistment shall be entitled to prior service credit for the time prior to establishment of the System. The State Board of Trustees shall determine and by order define the period or periods which shall be recognized as organized conflict or crisis within the contemplation of this Act.

G. Credit for Military Service.

"During the time the United States was or is involved in organized conflict whether in a state of war or a police action involving conflict with foreign forces or for reason of a crisis within this country, and within a period of twelve (12) months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States of America and its auxiliaries and/or in the service of the American Red Cross as a result of having volunteered or having been drafted and/or conscripted thereto, or (2) in war work as a direct result of having been drafted and/or conscripted into war work shall count towards creditable service, provided, however, that the time so credited shall be limited to two (2) years and further provided that such service shall not be credited unless the member enters into such service directly from State employment without other intervening employment and further that said member contributes to the Employees Retirement System a sum equal to the number of months in active service as set forth herein times the rate of his last contribution prior to entering such service. The funds so contributed shall be deposited to the credit of the member’s individual account in the Employees Saving Fund, and shall be treated in the same manner as funds contributed by the member while he was employed by the State. Any person employed or holding an elective State office who entered directly into military service prior to the establishment of the Retirement System either by induction or by enlistment shall be entitled to prior service credit for the time prior to establishment of the System. The State Board of Trustees shall determine and by order define the period or periods which shall be recognized as organized conflict or crisis within the contemplation of this Act.

"Section 5. Benefits.

"A. Service Retirement Benefits for Appointive State Officers or Employees.

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days or more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of a calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed ten (10) or more years of creditable service. It is provided further, however, that a member who has completed ten (10) or more years of creditable service as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, Game and Fish Commission, Liquor Control Board, or as a custodial employee of the State Board of Corrections of the State of Texas and who has attained the age of fifty-five (55) years shall be eligible for retirement.

3. Any member may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least fifteen (15) years of creditable service and shall become entitled to a service retirement allowance upon his attainment of the age of sixty (60) years, or at his option, at any date subsequent to his attainment of said age provided that such member was then living and had not withdrawn his contributions.
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"3. Any member may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least thirty (30) years of creditable service and shall become entitled to a service retirement allowance provided that such member has attained the age of fifty-five (55) and provided further that his retirement allowance shall be actuarially reduced from age sixty (60) to the earlier retirement age. It is further provided that a member who has completed twenty (20) or more years of creditable service as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, Game and Fish Commission, Liquor Board, or as a custodial employee of the State Board of Corrections of the State of Texas, may withdraw from service prior to the attainment of the age of fifty-five (55) years and shall become entitled to service retirement allowance provided such member has attained the age of fifty (50) and provided further that his retirement allowance shall be actuarially reduced from age fifty-five (55) to the earlier retirement age.

"4. A custodial employee of the State Board of Corrections shall be defined as an employee whose duties require supervision of or frequent contact with the inmates of the State Board of Corrections, including any employee who is subject to call at the risk of life to suppress riots.

"B. Allowance for Service Retirement.

"1. The allowance for service retirement shall be computed on the basis of the average monthly compensation of the member for the sixty (60) highest consecutive months of compensation during the last one hundred and twenty (120) months of creditable service. The rate of benefits shall be based upon the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Rate of Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>First ten (10)</td>
<td>1.00% per year</td>
</tr>
<tr>
<td>Second ten (10)</td>
<td>1.25% per year</td>
</tr>
<tr>
<td>Third ten (10)</td>
<td>1.50% per year</td>
</tr>
<tr>
<td>All subsequent</td>
<td>1.75% per year</td>
</tr>
</tbody>
</table>

It is provided however, that if the retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Thirty Dollars ($30) per month, then the benefits shall be increased to equal the sum of Thirty Dollars ($30) per month.

"It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

"It is further provided that the Rate of Benefits schedule as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1958; provided, however, that nothing herein shall be construed as authorizing an increase in the minimum service retirement annuity where the original annuity calculated at less than the minimum allowance, unless such original annuity, after the application of the Rate of Benefits schedule as provided herein exceeds the minimum service retirement annuity provided by law.

"It is expressly provided, however, that where the Board of Trustees determines that sufficient funds are available from the interest transferred to the State Accumulation Fund, the Board, as of August 31st each year, may supplement minimum retirement annuities by providing for the payment, from such fund, a sufficient sum to equal a minimum retirement annuity subject to the following provisions.

"For service retirement annuities calculated at less than Forty Dollars ($40) per month, the Board may establish a minimum retirement annuity not to exceed Forty Dollars ($40) per month. For service retirement annuities calculated at Forty
Dollars ($40) or more per month, the Board may establish a minimum retirement annuity not to exceed Fifty Dollars ($50) per month. For dividends in retirement annuities, the Board may establish a minimum annuity of twenty-five per cent (25%) of the compensation, as provided by law, or Sixty Dollars ($60) per month, whichever is the greater.

"2. It is expressly provided that no annuity being paid to a beneficiary of the Retirement System who retired prior to September 1, 1938, shall be decreased by the provisions of this Act.

"2. Optional Allowances for Service Retirement.

"With the provision that no selection shall be effective in case a beneficiary dies during the month after retirement, and that such beneficiary shall be considered as an active member at the time of death, until the first payment on account of any service benefit becomes normally due, any member may elect to receive his annuity in an annuity payable throughout life, or he may elect to receive the actuarial equivalent at that time, or his annuity in a reduced annuity payable throughout life with the provisions that:

"Option (1) Upon his death, his reduced annuity shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at the time of his retirement; or

"Option (2) Upon his death, one-half (1/2) of his reduced annuity shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at the time of his retirement; or

"Option (3) In the event of his death before sixty (60) monthly payments of such annuity have been made, such payments shall be continued to such person as he may nominate in writing, or to the administrator of his estate, until the remainder of the sixty (60) payments have been made; or

"Option (4) In the event of his death before one hundred and twenty (120) monthly payments of such annuity have been made, such payments shall be continued to such person as he may nominate in writing, or to the administrator of his estate, until the remainder of the one hundred and twenty (120) payments have been made; or

"Option (5) Such other benefit arrangement as may be approved by the Board of Trustees and the whole of which benefit is certified by the Actuary to constitute the reduced actuarial equivalent of the retirement benefit to which the member is entitled.

"4. Re-employment of Retired Appointive Officers or Employees.

"Any retired appointive officer or employee may return to State Employment as an appointive officer or employee, on a temporary basis, provided, however, that such re-employment shall not be for a longer period than nine (9) months within any one (1) year. It is provided that in the event a retired State appointive officer or employee resumes temporary employment with a State department, commission, institution or agency, he shall notify the Retirement System in writing prior to resuming actual employment, and further, it shall be mandatory upon the head of any State department, commission, institution or agency of the State to likewise notify the Retirement System in writing before employment of a retired State appointive officer or employee and shall furnish the Retirement System the name of said retired appointive officer or employee and the dates of employment. During the time a retired appointive officer or employee is so employed, retirement benefit payments that would otherwise have been paid to said member, shall be suspended and shall be resumed when said member leaves said employment, provided that the said payments so suspended shall be paid into the State Accumulation Fund. Part month employment shall constitute a full month, and any portion of a month employed shall void a retirement benefit payment for said month of employment. It is provided further that if the retired member had elected to receive an annuity in a guaranteed payment for a certain number of years or
C. Disability Retirement Benefits for Appointive Officers or Employees.

1. Upon the application of a member or his employer or his legal representative acting in his behalf, any member, under age sixty (60), who has had ten (10) or more years of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, on a nonoccupational disability retirement allowance, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

2. Upon the application of a member or his employer or his legal representative acting in his behalf, any member regardless of age and regardless of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application on an Occupational Disability Retirement Allowance, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and such person should be retired.

3. Upon retirement for disability (nonoccupational) a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise, he shall receive a disability retirement allowance computed at one and one-fourth per cent (1 1/4%) per year of service, multiplied by the average monthly compensation for the sixty (60) highest consecutive months during his last preceding one hundred and twenty-five (125) months of creditable service, provided, however, that in no event will his disability retirement allowance be less than twenty-five per cent (25%) of his average compensation so computed, nor his maximum benefit exceed fifty per cent (50%) of his average compensation so computed.

4. Once each year during the first five (5) years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the State Board of Trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or any other place mutually agreed upon, by a physician or physicians.
designated by the State Board of Trustees. Should any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one (1) medical examination in any such periods by a physician or physicians designated by the State Board of Trustees, his allowance shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his allowance shall be revoked by the State Board of Trustees.

5. Should the Medical Board report and certify to the State Board of Trustees that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, or that such disability beneficiary is engaged in or is able to engage in gainful occupation, and should the State Board of Trustees by a majority vote concur in such report, then the amount of his allowance shall be discontinued or reduced to an amount by which the amount of the last year's salary of the beneficiary, as a member, exceeds his present earning capacity. Should his earning capacity be later changed, the amount of his allowance may be further modified; provided that the revised allowance shall not exceed the amount of the allowance originally granted, nor shall it exceed an amount which, when added to the amount earnable by the beneficiary, equals the amount of his compensation for the last year prior to retirement.

6. Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and the balance of his retirement reserve shall be transferred to the Employees Saving Fund and to the State Accumulation Fund, respectively, in proportion to the original sum transferred to the Retirement Annuity Reserve Fund at retirement. Upon restoration to membership, any prior service certificates on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition upon his subsequent retirement he shall be credited with all his membership service. Should a disability beneficiary die or be removed from the disability list for any cause other than restoration to active service, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of his retirement exceed the annuity payments received by such beneficiary under his disability allowance, if any such excess exists, shall be paid from the Retirement Annuity Reserve Fund to such beneficiary if living; otherwise, such amount shall be paid as provided by the laws of descent and distribution of Texas unless the beneficiary has directed such amount to be paid otherwise.

7. Should a disability beneficiary who has not yet attained the age of sixty (60) years refuse to subserve Fund to such beneficiary if living; otherwise, such amount shall be paid as provided by the laws of descent and distribution of Texas unless the beneficiary has directed such amount to be paid otherwise.

8. It is provided, however, that if the disability beneficiary has been retired for occupational disability and should such beneficiary die while receiving such occupational disability benefit, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of occupational disability retirement, plus an amount equal to the annual salary of the disability beneficiary at the rate of pay at the time of the occupational disability retirement, exceeds the annuity payments received by such beneficiary under his occupational disability allowance, if any such excess exists, shall be paid as provided by the laws of descent and distribution of Texas, unless the beneficiary has directed such amount to be paid otherwise, and provided further, that this refund as set forth herein shall be made only if the cause of the death of the beneficiary is from or connected with the occupational injury or disability resulting in the occupational disability retirement; otherwise, the provisions above set forth in this paragraph shall apply.

10. It is expressly provided here in that an appointive officer or employee who applies for Occupational Disability Retirement benefits shall be required to furnish the Board of Trustees all information and data requested by the Board of Trustees and provided further that the head and all employees of the department in which the member applying for Occupational Disability Retirement is employed shall be required to furnish all information and data concerning the application for Occupational Disability Retirement of the member and further, the Board of Trustees shall have the right to
inquire and require any additional data concerning the application for occupational disability in order that the Board may have all information necessary to act upon said application for occupational disability. In the event that such information is withheld or denied, then the Board of Trustees may refuse to accept the application for Occupational Disability Retirement and shall consider the application only for Non-occupational Disability Retirement benefits. It is expressly provided herein that the Board of Trustees shall act upon the facts and its decision regarding Occupational Disability Retirement herein applied for, shall be final.

D. Service Retirement Benefits for Elective State Officials

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of a calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service.

The Regular Maximum Service Retirement allowance with not less than eight (8) years or more than ten (10) years of service and with an attained age of sixty (60) years or over shall be One Hundred Dollars ($100.00) per month. Each additional year of service in excess of ten (10) years shall increase the Regular Maximum Service Retirement allowance Ten Dollars ($10.00) per month.

2. Any member who has accumulated a minimum of eight (8) years of service as provided herein and who does not withdraw his account from the Retirement System prior to the attainment of age sixty (60) shall remain an active member and shall be entitled to a service retirement allowance upon attaining age sixty (60).

3. It is provided herein that for service retirement elective State officials shall be eligible to select any of the Optional allowance plans as provided for appointive officers and employees members as set forth in Section 5, Subsection B, Paragraph 3, of this Act.


"Upon the application of a member or his employer or his legal representative acting in his behalf, any member under age sixty (60), who has eight (8) or more years of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, provided the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. The benefit to be paid by the Retirement System shall be the same as that set forth for service retirement without reduction for reason of age, provided, however, that no optional plan may be selected, and further provided that should the disabled retired member die before the full amount of contributions standing to his credit shall have been paid, then the remainder of his account shall be paid to the beneficiary of such disabled retired member. It is provided herein that additional provisions after disability retirement applicable for appointive officers and employee members as set forth in Section 5, Subsection C, Paragraphs 4, 5, and 6, will be applicable also to disability retirement for elective State officials.

E. Return of Accumulated Contributions.

1. Should a member with less than fifteen (15) years of creditable service cease to be employed, except by death or retirement, under the provisions of this Act he shall be paid in full the amount of accumulated contributions standing to the credit of his individual account in the Employees Saving Fund.

2. Should a member die before retirement the amount of his accumulated contributions standing to the credit of his individual account shall be paid as provided by the laws.
of descent and distribution of Texas unless he has directed the account to be paid otherwise.

"3. Provided, however, in the event that the death of the appointive officer or employee member is an occupational death, there shall be refunded, in addition to any other benefit or payment authorized by this Act, an amount equal to the full annual salary of the deceased appointive officer or employee member based upon his rate of pay at the time of death, but such additional refund shall be paid only to the surviving spouse, and if no surviving spouse, then payment shall be made to the dependent children. If any, and provided that such additional death benefit shall be paid from the State Accumulation Fund. The Board of Trustees shall determine if the death is an occupational death, and its decision shall be final.

"4. After such cessation of service if no previous demand has been made, any accumulated contributions of a contributor shall be returned to him or to his heirs. If the contributor or his heirs cannot be found after seven (7) years, his accumulated contributions shall be forfeited to the Retirement System and credited to the State Accumulation Fund.

"5. It is provided that any member who has completed thirty (30) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement, and which shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, that it is required that said member be actively employed or on temporary sick leave or on workman's compensation at the time of his death. Unless such a member having completed twenty (20) creditable years of State service in Texas shall have selected both a nominee and an optional allowance herein, the provisions of the preceding Subsection B, Paragraph 2, pertaining to the death benefit shall apply upon the death of the member.

"Section 6. Administration.

"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, 1958, and ending August 31, 1960.

"It is provided that appointments of Trustees provided for after ex-
pensation of such original term as provided herein shall be made for a term of six (6) years.

(b) Three (3) Trustees shall be employees 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, 1938, 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, 1961, 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 Trustees for a period of six (6) years, and said employee after being elected shall take the oath and begin his term as an ex officio member on the first day of September next following the election. It is further provided that all elections held for the nomination and election of an ex officio employee member trustee shall be on ballots made available to the members by the Board of Trustees. It is further provided that it shall be the additive and cumulative duty of every employee who is a member of the Employees Retirement System to serve as an ex officio member of the Board of Trustees after being nominated and elected as provided in this Act.

"2. Vacancies of elected ex officio employee members of the Board of Trustees shall be filled by the Board from among members of the System. Provided, however, that no employee of a department shall be eligible to serve as an elected ex officio employee member of the Board of Trustees during the term of an elected ex officio employee member of the Board of Trustees who is also employed by the same department.

"3. The Trustees shall serve without compensation, but they shall be reimbursed from the Expense Fund for all necessary expenses that they may incur through service on the Board.

"4. Each Trustee shall, within ten (10) days after his appointment, in addition to the Constitutional Oath, subscribe to the following Oath of Office: "I do solemnly swear that I will, to the best of my ability, discharge the duties of a Trustee of the Employees Retirement System and will diligently and honestly administer the affairs of the Board of Trustees of said Retirement System and that I will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to said Retirement System." This oath shall be subscribed to by members making it before any officer qualified to administer Oaths in Texas, and duly filed in the office of the Secretary of the State.

"5. Each Trustee shall be entitled to one (1) vote in the Board. A majority of the State Board of Trustees shall constitute a quorum and a majority vote of those present shall be necessary for a decision by the Trustees at any meeting of said Board.

"6. Subject to the limitations of this Act, the State Board of Trustees shall, from time to time, establish rules and regulations for eligibility of membership and for the administration of the funds created by this Act and for the transaction of its business.

"7. The State Board of Trustees shall elect from its membership a Chairman and shall by a majority vote of all its members appoint an Executive Secretary who shall not be one of its members. The Executive Secretary appointed shall have been a citizen of Texas three (3) years immediately preceding his appointment, shall have executive ability and experience to carry out the duties of the office and shall hold his position until removed by the Board. He shall recommend and nominate to the State Board of Trustees such salaried and other service as shall be required to transact the business of the Retirement System. The compensation of all persons engaged by the State Board of Trustees, and all other expenses of the Board necessary for the operation of the Retirement System, shall be paid at such rates and in such amounts the State Board of Trustees shall approve, provided that in no case
shall be thoroughly qualified to act as technical adviser of the State Board of Trustees on matters relating to the operation of the funds created by the provisions of this Act and shall perform such other duties as are required in connection therewith.

"2. Immediately after September 1, 1963, the Actuary shall make such investigation of the mortality, service, and compensation experience of the members of the System as he shall recommend and the State Board of Trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the State Board of Trustees such tables and such rates as are required. The State Board of Trustees shall adopt tables and certify rates, and as soon as practicable thereafter, the Actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this Act.

"3. At least once in each five-year period following September 1, 1963, the Actuary shall make, under the direction of the Board, an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the Retirement System, and shall make a valuation of the assets and liabilities of the funds of the System, and taking into account the result of such investigation and valuation, the State Board of Trustees shall adopt for the Retirement System such mortality, service and other tables as shall be deemed necessary.

"4. On the basis of such tables as the State Board of Trustees shall adopt, the Actuary shall make an annual valuation of the assets and liabilities of the funds of the System created by this Act.

"Section 7. Management of Funds.

"A. The State Board of Trustees shall be the Trustees of the several funds as herein created by this Act and shall have full power to invest and reinvest such funds subject to the following limitations and restrictions.

"All retirement funds as are received by the Treasury of the State of Texas as deposits from contributions of members or employer as herein provided, or the mortgaged only in bonds and other evidences of indebtedness of the United States, and all other bonds or evidences of indebtedness which are guaranteed as to principal and interest by the
B. The State Board of Trustees, annually, on August 31st, shall transfer from the Interest Fund an amount as shall be determined by the Board to be necessary for the payments of expenses of the Retirement System in excess of the amount available to be paid from the Expense Fund to cover the expenses as estimated for the succeeding year. The Board annually, on August 31st, shall transfer to the Retirement Annuity Reserve Fund from the Interest Fund an amount equal to three and one-half (3 1/2) per cent interest on the mean amount in the Retirement Annuity Reserve Fund for the year then ending. The Board annually, on August 31st, shall transfer interest to the Employees Saving Fund at a rate not to exceed three (3) per cent per annum on the amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit of each member of the System on August 31st of each year, and further, that such transfer of interest to said Fund shall be made before funds are transferred for Service Retirements effective August 31st of each year. The Board annually, on August 31st, after making transfer from the Interest Fund, as above provided, shall transfer all remaining interest in the Interest Fund to the State Accumulation Fund.

C. The Treasurer of the State of Texas shall be the custodian of all bonds, securities, and funds. All payments from said fund shall be made by him on warrants drawn by the State Comptroller of Public Accounts supported by vouchers signed by the Secretary of the Retirement System and the Chairman of the State Board of Trustees. A duly attested copy of a resolution of the State Board of Trustees designating such persons shall be filed with said Comptroller as his authority for issuing such warrants.

D. For the purpose of meeting disbursements for annuities and other payments there may be kept available cash, not exceeding ten (10%) per cent of the total amount in the several funds of the Retirement System on deposit with the State Treasurer.

E. No trustee and no employee of the State Board of Trustees shall have any direct or indirect interest in the gain or profits of any investment made by the State Board of Trustees, nor as such receive any pay or emolument for his services other than his designated salary and authorized expenses, except such interest as such person or persons may have in the retirement funds as a member in the Retirement System.

F. The assets and moneys of the Retirement System, from whatever source derived, shall be invested as a single fund, and all securities hereafter acquired, as well as those heretofore purchased, shall be held collectively for the proportionate benefit of all funds and accounts of the Retirement System.

Section 8. Method of Financing.

A. The amount contributed by each member to the Retirement System shall be five (5%) per cent of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year five (5%) per cent of compensation of all members provided the total amount contributed by the State during any one (1) year shall at least equal the

May 21, 1963  HOUSE JOURNAL  2347  United States; in bonds and other evidences of indebtedness, both general and special obligations, of the State of Texas and any of its agencies, in bonds or other evidences of indebtedness of municipal corporations or political subdivisions of the State of Texas both general and special obligations, which have been approved as to legality by the Attorney General of the State of Texas; and in securities in which the State Permanent School Fund or the Permanent University Fund of the University of Texas may be invested under present or hereafter enacted laws. The Board of Trustees shall have full power by proper resolution to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds credited herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds, provided that any moneys on hand shall be subject to the State Depository Laws of Texas.

"B. The State Board of Trustees, annually, on August 31st, shall transfer from the Interest Fund to the Expense Fund an amount as shall be determined by the Board to be necessary for the payments of expenses of the Retirement System in excess of the amount available to be paid from the Expense Fund to cover the expenses as estimated for the succeeding year. The Board annually, on August 31st, shall transfer to the Retirement Annuity Reserve Fund from the Interest Fund an amount equal to three and one-half (3 1/2) per cent interest on the mean amount in the Retirement Annuity Reserve Fund for the year then ending. The Board annually, on August 31st, shall transfer interest to the Employees Saving Fund at a rate not to exceed three (3) per cent per annum on the amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit of each member of the System on August 31st of each year, and further, that such transfer of interest to said Fund shall be made before funds are transferred for Service Retirements effective August 31st of each year. The Board annually, on August 31st, after making transfer from the Interest Fund, as above provided, shall transfer all remaining interest in the Interest Fund to the State Accumulation Fund.

"C. The Treasurer of the State of Texas shall be the custodian of all bonds, securities, and funds. All payments from said fund shall be made by him on warrants drawn by the State Comptroller of Public Accounts supported only upon vouchers signed by the Secretary of the Retirement System and the Chairman of the State Board of Trustees. A duly attested copy of a resolution of the State Board of Trustees designating such persons shall be filed with said Comptroller as his authority for issuing such warrants.

"D. For the purpose of meeting disbursements for annuities and other payments there may be kept available cash, not exceeding ten (10%) per cent of the total amount in the several funds of the Retirement System on deposit with the State Treasurer.

"E. No trustee and no employee of the State Board of Trustees shall have any direct or indirect interest in the gain or profits of any investment made by the State Board of Trustees, nor as such receive any pay or emolument for his services other than his designated salary and authorized expenses, except such interest as such person or persons may have in the retirement funds as a member in the Retirement System.

"F. The assets and moneys of the Retirement System, from whatever source derived, shall be invested as a single fund, and all securities hereafter acquired, as well as those heretofore purchased, shall be held collectively for the proportionate benefit of all funds and accounts of the Retirement System.

"Section 8. Method of Financing.

"A. The amount contributed by each member to the Retirement System shall be five (5%) per cent of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year five (5%) per cent of compensation of all members provided the total amount contributed by the State during any one (1) year shall at least equal the
total amount contributed during the same year by all members of the Retirement System, provided further that all contributions made by the State shall be from and charged to the respective funds appropriated, allocated, and provided to pay the salary or compensation of the member for whose benefit the contribution is made. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of five (5) funds, namely, the Employees Saving Fund, the State Accumulation Fund, the Retirement Annuity Reserve Fund, the Interest Fund, and the Expense Fund.

"1. The Employees Saving Fund. The Employees Saving Fund shall be a fund in which shall be accumulated five (5%) per cent contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a.) Beginning on the effective date of this Act, each department of State may consider the rate of annual compensation upon the basis of one (1%) of his earnable compensation, and payment of such compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(b.) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(c.) Interest on member's contributions shall be credited annually as of August 31st and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of (6) consecutive years, the Employees Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said members shall receive no interest on the amount due them under this section, and the amount shall be held in a non-interest-bearing account to be set up for such purpose.

(d.) Upon the retirement of a member, his accumulated contributions shall be transferred from the Employees Saving Fund to the Retirement Annuity Reserve Fund.

"2. State Accumulation Fund. The State Accumulation Fund shall be the fund in which shall be accumulated all contributions made to the Employee Retirement System of the State of Texas. Contributions to and payments from this fund shall be made as follows:

(a.) The State of Texas shall pay each year in equal monthly install-

b.1. The Employees Saving Fund shall be a fund in which shall be accumulated five (5%) per cent contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a.) Beginning on the effective date of this Act, each department of State may consider the rate of annual compensation upon the basis of one (1%) of his earnable compensation, and payment of such compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(b.) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(c.) Interest on member's contributions shall be credited annually as of August 31st and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of (6) consecutive years, the Employees Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said members shall receive no interest on the amount due them under this section, and the amount shall be held in a non-interest-bearing account to be set up for such purpose.

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b.1. The Employees Saving Fund shall be a fund in which shall be accumulated five (5%) per cent contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a.) Beginning on the effective date of this Act, each department of State may consider the rate of annual compensation upon the basis of one (1%) of his earnable compensation, and payment of such compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(b.) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The department head of the State shall certify to the State Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(c.) Interest on member's contributions shall be credited annually as of August 31st and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of (6) consecutive years, the Employees Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said members shall receive no interest on the amount due them under this section, and the amount shall be held in a non-interest-bearing account to be set up for such purpose.

(d.) Upon the retirement of a member, his accumulated contributions shall be transferred from the Employees Saving Fund to the Retirement Annuity Reserve Fund.

"2. State Accumulation Fund. The State Accumulation Fund shall be the fund in which shall be accumulated all contributions made to the Employee Retirement System of the State of Texas. Contributions to and payments from this fund shall be made as follows:

(a.) The State of Texas shall pay each year in equal monthly install-
ments into the State Accumulation Fund an amount equal to the contributions of the members during such year. The State Board of Trustees shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so ascertained, and such an amount shall be paid each year in equal monthly installments in the manner hereinafter provided into the State Accumulation Fund by the Comptroller from the funds appropriated as contributions to the Employees Retirement System by the State of Texas.

(b.) Upon the retirement of a member, an amount equal to the difference between the total reserve at present worth reserve value of the retirement annuity of the member and the amount standing to the credit of the individual account of the member who retires shall be transferred from the State Accumulation Fund into the Retirement Annuity Reserve Fund as a part of the reserve requirements for the annuity to be paid to the retired member.


The Retirement Annuity Reserve Fund shall be the fund in which shall be held all reserves for annuities granted and in force and from which shall be paid all annuities payable as provided in this Act. This fund shall be made up of the transfers as follows:

(a.) At the time of service or disability retirement the accumulated contributions of a retiring member shall be transferred from the Employees Saving Fund to the Retirement Annuity Reserve Fund as a partial reserve for the annuity purchased by his contributions.

(b.) An amount equal to the difference between the total reserve at present worth reserve value of the retirement annuity of the member and the amount standing to the credit of the individual account of the member who retires shall be transferred from the State Accumulation Fund into the Retirement Annuity Reserve Fund as a part of the reserve requirements for the annuity to be paid to the retired member.

Transfer and payments from the Retirement Annuity Reserve Fund shall be made as provided in Section 6, Subsection C, Paragraph 6, upon the death, restoration to active service or removal from the disability list of a beneficiary retired on account of disability.

4. Interest Fund.

The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds. All income, interest, and dividends derived from the deposits and investments authorized by this Act shall be paid into the Interest Fund. Once each year on August 31st, interest shall be allowed and transferred to the other funds, respectively. The State Board of Trustees shall annually transfer to the credit of the State Accumulation Fund all excess earnings after all Interest-bearing funds have been duly credited with interest for the year in the manner provided in this Act.

5. Expense Fund.

The Expense Fund shall be the fund from which the expenses of administration and maintenance of the Retirement System shall be paid. Transfers to and payments from this fund shall be made as follows:

(a.) The Executive Secretary shall prepare annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year and shall submit the report to the State Board of Trustees for its review and adoption.

(b.) Each member shall pay with the first payment to the Employees Saving Fund each year and each year thereafter he is a member of the System, and in addition thereto, a sum of Two Dollars ($2), which amount shall be credited to the Expense Fund, said payments for the Expense Fund shall be made to the State Board of Trustees in the same way as payments to the Employees Saving Fund shall be made, as provided for in this Act; provided, however, that if said payment for the Expense Fund of any member is not made with said first payment of said member, the State Board of Trustees may deduct the amount of the payment for the Expense Fund from said first payment of said member.
(c.) If the amount estimated to be required to meet the expenses of the State Board of Trustees is in excess of Two Dollars ($2) per member contributor for the year, the State Board of Trustees as evidenced by a resolution by the Board recorded in its minutes, shall transfer to the Expense Fund from the Interest Fund an amount necessary to cover the expenses as estimated for the year.

"H. Collection of Contributions.

I. The collection of members contributions shall be as follows:

(a.) Each department or agency of the State shall cause to be deducted on each and every payroll of a member for each and every payroll period beginning on the effective date of this Act the contributions payable by such member, as provided in this Act. Each department or agency head of the State shall certify to the treasurer of said department or agency on each and every payroll a statement for the amount so deducted.

(b.) The Treasurer or proper disbursing officer of each State department or agency on authority from the department or agency head shall make deductions from the compensation of members as provided in this Act, and shall remit monthly, or at such time as the State Board of Trustees shall designate a certified copy of the payroll or report and the amount specified to be deducted shall be paid to the Employees Saving Fund of the Employees Retirement System, after which the Executive Secretary of the Board of Trustees shall make a record of all receipts and turn payments over to the Treasurer of the State of Texas and by him be credited to the Employees Saving Fund, and such funds shall be deemed as appropriated for use according to the provisions of this Act.

(c.) The State Treasurer shall furnish annually to the State Board of Trustees a sworn statement of the amount of the funds in his custody belonging to the Retirement System. The records of the State Board of Trustees shall be open to public inspection and any member of the Retirement System shall be furnished with a statement of the amount to the credit of his individual account upon written request by such member, provided that the State Board of Trustees shall not be required to answer more than one (1) such request of a member in any one year.

"3. The collection of the State’s contributions shall be made as follows:

(a.) From and after the effective date of this Act, there is hereby allocated and appropriated to the Employees Retirement System of Texas, in accordance with this Act, from the several funds from which the members benefited by this Act, receive their respective salaries, a sum equal to five (5%) per cent of the total compensation paid to the said respective members of said Retirement System and whose compensation is paid from funds directly controlled by the State.

(b.) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Board of Trustees shall certify to the Legislative Budget Board and Budget Division of the Governor’s Office for review the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennium. This amount shall equal five (5%) per cent of the total compensation paid to the members of the Retirement System and shall be included in the budget of the State which the Governor submits to the Legislature. The State Board of Trustees shall certify on or before August 31st of each year to the State Comptroller of Public Accounts and the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.

(a.) All money hereby allocated and appropriated by the State to the Employees Retirement System shall be paid to the Employees Retirement System in equal monthly installments based upon the annual estimate by the State Board of Trustees of the Employees Retirement System of the contributions to be received from the members of said System during said year, provided further in the event said estimate of the contributions of the members...
of the System shall vary from the actual amount of the members' contributions during the year, then such adjustment shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the State Accumulation Fund in the amount certified by the State Board of Trustees.

"Section 9. Exemption from Execution.

"All retirement annuity payments, member's contributions, optional benefit payments, and any and all rights accrued or accruing to any person under the provisions of this Act, as well as the moneys in various funds created by this Act, shall be and the same are hereby exempt from any State, County, or Local tax, levy and sale, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as specifically provided in this Act.

"A. That any retired member who has been a member of a group insurance plan prior to retirement and who wishes to continue same after retirement may have any premiums due by him to be paid any group insurance deducted from his retirement allowance by specifically authorizing such deduction and payment in writing addressed to the Executive Secretary of the Employes Retirement System, provided, however, that such retired member may thereafter withdraw such authorization by a thirty (30) day written notice addressed to the Executive Secretary of such Retirement System.

"Section 10. Protection Against Conversion of Funds and Fraud.

"Any person who shall confiscate, misappropriate, or convert moneys representing deductions from members' salaries before such moneys are received by the Retirement System or after such moneys are received by the Retirement System shall be guilty of a felony and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the State Board of Trustees shall correct such error, and so far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

"Violation of Provisions.

"Any person, including department heads, and any member or the employer and/or its treasurer or proper disbursing officer, who violates any provision of this Act other than those which the first paragraph of this section applies shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) or more than One Thousand Dollars ($1,000). Any member of the System who knowingly receives money as a salary, which money should have been deducted from his salary under the provisions of this Act, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) and not more than Five Thousand Dollars ($5,000).

"Section 11. Surety Bonds.

"The Treasurer of the State of Texas shall, upon becoming custodian of the Employees Retirement Funds, give a bond in the Sum of Fifty Thousand Dollars ($50,000); the Executive Secretary shall give bond in the sum of Twenty-five Thousand Dollars ($25,000), and the State Board of Trustees shall require any other employees and members of the State Board of Trustees to give bond in such amounts as the Board may deem necessary, conditioned that said bonded persons will faithfully execute the duties of the respective offices. All bonds shall be made with a good and solvent surety company, authorized to do business in
the State of Texas, said bonds shall be made payable to the State Board of Trustees and shall be approved by it and the Attorney General of Texas. All expenses necessary and incident to the execution of such bonds, including premiums thereon, shall be paid by the State Board of Trustees from the Expense Fund.


"It is further provided that all service retirement annuities calculated under the laws governing the Employees Retirement System as of August 31, 1958, and payable at the effective date of this Act, as well as all such annuities awarded subsequent to the effective date of this Act and until September 1, 1968, shall be increased by five (5%) per cent; provided that nothing herein shall be construed as an increase in the minimum service retirement annuity where the original annuity calculated at less than the minimum amount, unless such original annuity, after the application of the five (5%) per cent increase, as provided herein, exceeds the minimum service retirement allowance provided by law; and further, provided that no member who is entitled to a service retirement on or before August 31, 1958, shall receive as a service retirement benefit an amount which would be less than he would have been entitled to receive at the date of his retirement in an equivalent benefit calculated under the laws governing the Employees Retirement System of Texas as of August 31, 1958, as amended herein.

"Section 13. Amendment of the Law.

"C. It is further expressly provided herein that creditable service of all members of the Employees Retirement System of Texas as accumulated by each member and granted by this System as of August 31, 1958, shall not be reduced but shall be granted and shall be effective September 1, 1958.

"D. It is expressly provided herein that no increase in contribution rate or benefits applicable to appointive officers and employees or retired members shall be effective on the date of passage of this Act, but shall become effective on September 1, 1963.

Article II. Partial Invalidation; Repeal.

If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Article III. Emergency Clause.

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 said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

BILL SIGNED BY THE SPEAKER

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

H. B. No. 991, "An Act authorizing the Commissioners Courts of certain counties in the State to issue bonds and levy taxes for the purpose of acquiring, constructing and equipping county workhouses and county farms for certain purposes, including the acquisition or purchase of sites therefor; authorizing the issuing of refunding bonds to refund outstanding bonds issued under the provisions of this Act; containing terms and provisions relating to such bonds and refunding bonds; validating bonds
hereof authorized at elections and the election proceedings relating thereto, providing for the issuance thereof, and declaring an emergency."

SENATE BILL NO. 482 ON SECOND READING

Mr. Slack moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 482.

The motion prevailed by unanimous consent.

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

S. B. No. 482. A bill to be entitled "An Act to provide for the classification of certain patented lands in Reeves County and the issuance of a corrected patent to the State to conform to said reclassification; and containing an emergency clause."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 482 ON THIRD READING

Mr. Slack moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 482 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—136**

- Adams
- Alanis
- Allen
- Arledge
- Atwell
- Barnes
- Bass of Bowie
- Bass of Harris
- Beckham
- Berry
- Birken
- Blaine
- Boykin
- Brooks
- Brown
- Brown of Galveston
- Brown of Taylor
- Butler
- Cain
- Eckhardt
- Edwards
- Esquivel
- Finney
- Fletcher
- Floyd
- Foudrea
- Foreman
- Foreman of Galveston
- Glaadden
- Glenn
- Green
- Grover
- Guffey
- Gaines of Brazos
- Glenn
- Hallmark
- Harding
- Haring
- Harris
- Harris of Galveston
- Haynes of Orange
- Healy
- Hefton
- Hendryx
- Hinson
- Hollowell
- Houston
- Hughes
- Imsack
- Jamison
- Jarvis
- Johnson of Dallas
- Kilpatrick
- Kilgore
- Knapp
- Koliba
- Kochmann
- Lack
- Lindley
- McLain
- McClintock
- McDonald
- McDougall
- McCloud
- McCloud of Hidalgo
- McClintock of Hidalgo
- McKee

**Nays—1**

- Mann
- Edwards
- Esquivel
- Finney
- Fletcher
- Floyd
- Foudrea
- Foreman
- Foreman
- Glenn
- Grover
- Guffey
- Gaines of Brazos
- Glenn
- Hallmark
- Harding
- Haring
- Harris
- Harris of Galveston
- Haynes of Orange
- Healy
- Hefton
- Hendryx
- Hinson
- Hollowell
- Houston
- Hughes
- Imsack
- Jamison
- Jarvis
- Johnson of Dallas
- Kilpatrick
- Kilgore
- Knapp
- Koliba
- Kochmann
- Lack
- Lindley
- McLain
- McClintock
- McDonald
- McDougall
- McCloud
- McDougall of Hidalgo
- McClintock of Hidalgo
- McKee

Stollenwerek

Present—Not Voting

Harris of Dallas

Absent

Banfield

Bridges

Cook

Cotton

Brown of Galveston

Brown of Taylor

Butler

Cain

Mann

Miller

Morgan

Moyer

Murray

Nteccher

Niemeyer

Nugent

Farnser

Parley

Perry

Pendleton

Petty

Pipkin

Price

Guilliam

Hargis

Richards

Richardson

Bitter

Roberts

Rodriguez

Rossen

Satterwhite

Schiller

Sargent

Segret

Shannon

Shirley

Shutt

Silder

Smith of Bexar

Smith of Jefferson

Stewart

Thompson

Thurmond

Townsend

Trager

Walker

Ward

Weidon

Whatley

Wheeler

Wieting

Wills

Woods

Wood

Yates

Stollenwerek

Present—Not Voting

Harris of Dallas

Absent

Banfield

Bridges

Cook

Cotton

Brown of Galveston

Brown of Taylor

Butler

Cain

Mann

Miller

Morgan

Moyer

Murray

Nteccher

Niemeyer

Nugent

Farnser

Parley

Perry

Pendleton

Petty

Pipkin

Price

Guilliam

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Richards

Richardson

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Schiller

Sargent

Segret

Shannon

Shirley

Shutt

Silder

Smith of Bexar

Smith of Jefferson

Stewart

Thompson

Thurmond

Townsend

Trager

Walker

Ward

Weidon

Whatley

Wheeler

Wieting

Wills

Woods

Wood

Yates
The Speaker then laid Senate Bill No. 482 before the House on third reading and final passage. The bill was read third time and was passed.

SENATE BILL NO. 367 ON SECOND READING

Mr. Chapman moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 367. The motion prevailed by unanimous consent.

The Speaker laid before the House, on its second reading and passage to third reading, S. B. No. 367, A bill to be entitled "An Act authorizing a permanent statutory revision program for the State of Texas; placing the responsibility for planning and executing the program in the Texas Legislative Council; providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 367 ON THIRD READING

Mr. Chapman moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 367 be placed on its third reading and final passage. The motion prevailed by the following vote:

Yes—128

Present—Not Voting

The Speaker laid before the House on third reading and passage to third reading, S. B. No. 367, A bill to be entitled "An Act authorizing a permanent statutory revision program for the State of Texas; placing the responsibility for planning and executing the program in the Texas Legislative Council; providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency."

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 367, A bill to be entitled "An Act authorizing a permanent statutory revision program for the State of Texas; placing the responsibility for planning and executing the program in the Texas Legislative Council; providing for the appointment of a Statutory Revision Advisory Committee to advise the Legislative Council on certain matters; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 367 ON THIRD READING

Mr. Chapman moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 367 be placed on its third reading and final passage. The motion prevailed by the following vote:

Yes—128

Present—Not Voting

Harris of Dallas Scooggins

Absent—Excused

Cannon Peele
The Speaker then laid Senate Bill No. 367 before the House on third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 1002 ON SECOND READING

Mr. Duggan moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1002.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 1002, A bill to be entitled "An Act creating and establishing a conservancy and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Water Control and Improvement District Number 82; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the said metes and bounds form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its system, facilities and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District, and related matters; providing for governing body of District; naming first board of directors; providing for qualifications and bonds of directors; providing for terms and election of directors and provisions for failing to call directors elections and related matters; providing for organization of board of directors; providing for employment of engineers, attorneys, and other employees; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempts property and bonds of District from taxation and related matters; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by the exercise of the power of eminent domain; enacting other provisions related to the aforementioned subject; providing for a severability clause; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 5 of House Bill No. 1002 by inserting a new sentence at the end of said section reading as follows:

"Provided, however, that before issuing any construction bonds said District shall submit plans and specifications therefor to the Texas Water Commission (successor to State Board of Water Engineers) for approval in the manner required by Acts of the 57th Legislature, Regular Session, Chapter 336, 1961, codified in Vernon's Annotated Civil Statutes of Texas as Article 7880-139, and said District's project and improvements during the course of construction shall be subject to inspection in the manner provided by said Article 7880-139."
The amendment was adopted without objection.

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

Committee Amendment No. 3

Amend H. B. 1002 by adding after Section 2 a new Section numbered and reading as follows:

Sec. 2A. By way of limitation, however, it is provided that:

(a) Said District shall provide water and sanitary sewer service within the limits of its boundaries only, and said District's water and sanitary sewer rates shall not exceed an amount necessary to provide for the administration, efficient operation and adequate maintenance of the District's service facilities and to pay the interest and sinking fund requirements (including a maintenance fund, an amortization and emergency fund and reserve funds) on all District bonds payable in whole or in part from the revenues of said service facilities;

(b) Save and except for existing facilities, the construction of the District's water, sanitary sewer and drainage facilities shall be in accordance with the applicable standards and specifications of the City of Houston, Texas, and the percentage of its expenditures of bond funds in constructing said facilities, particularly with regard to the developer's participation in the cost of such construction, shall conform to said City's established policies in such regard, and no such construction shall be started or undertaken by the District unless it has in its possession the following:

a certificate of the District's engineer, who shall be a registered professional engineer under the laws of the State of Texas that, in his opinion, such construction conforms to said City's established policies, and

(c) The District's water supply shall be obtained from ground or subsurface sources, except that said District may contract for a surface water supply with said City of Houston on mutually satisfactory terms; and

(d) The District shall not sell any of its bonds for a price less than par and accrued interest from their date or dates to the date of actual delivery thereof.

The amendment was adopted without objection.

H. B. No. 1002 was passed to engrossment.

HOUSE BILL NO. 1002 ON THIRD READING

Mr. Duggan moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1002 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Lack Ritter
Llgarde Roberts
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McDonald Rosson of Hidalgo
McGregor Satterwhite
McKinney Segrest
McLaughlin Shafter
McNutt Shipley
Macatee Shutt
Mann Simpson
Markgraf Slack
Miller Slager
Morgan Smith of Bexar
Moyer Smith of Jefferson
Murray Stewart
Niemeyer Thompson
Parker Trager
Parley Walker
Pewcy Ward
Pedieon Welton
Penny Wells
Piggin Wheeler
Price Whittfield
Quilliam Wieting
Rapp Wilson
Richards Woods
Richardson

Nays—1
Stollenwerck Present—Not Voting
Stollenwerck

Harris of Dallas Farmer
Absent
Atwell Mutschler
Baunfield Townsend
Fairchild Whitley
Green

Absent—Excused
Cannon Feeler
Cory

The Speaker then laid House Bill No. 1002 before the House on third reading and final passage.

The bill was read third time and was passed.

SENATE BILL NO. 506 ON SECOND READING

Mr. Collins moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 506.

The motion prevailed by unanimous consent.

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

S. B. No. 506, A bill to be entitled "An Act authorizing the Commissioners Courts of the counties of the 1st Judicial District to supplement the salary of the District Attorney of the 1st Judicial District; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 506 ON THIRD READING

Mr. Collins moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 506 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136
Adams Dungan
Adams Dickhardt
Allen Edwards
Arlidge Esquivel
Atwell Finney
Barnes Fletcher
Bass of Bowie Floyd
Bass of Harris Fendren
Beckham Foreman
Berry Garrison
Birkner Gladden
Blaine Glenn
Boyesen Green
Bridges Grover
Brooks Guffey
Brown of Galveston Hallmark
Brown of Taylor Harding
Butler Harris
Cain Harris of Galveston
Caldwell Haynes of Orange
Carpenter Heffy
Carrikker Hetton
Carrns Hendrix
Chapman Hinson
Cherry Houston
Clayton Hughey
Cole Insacks
Collins Jamison
Cook Jarvis
Coughran Johnson of Dallas
Cowden Johnson of Bexar
Cowles Kilpatrick
Crows Klager
Davis Knap
de la Garza Kothmann
Doke Lack
The bill was read third time and was passed by the following vote:

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Absent—Excuaded

Cannon | Peeler |

The Speaker then laid Senate Bill No. 666 before the House on third reading and final passage.
May 21, 1963  HOUSE JOURNAL  2359

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Mr. McLlhany moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 140.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 140, A bill to be entitled "An Act making it unlawful to steal any oil or gas equipment or pipe line equipment or water well drilling equipment; making such offense a felony; prescribing punishment therefor; and declaring an emergency."

The bill was read second time.

Mr. McLlhany moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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(Mr. Jarvis in the Chair)
The Chair then laid House Bill No. 140 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. McLellany moved to reconsider the vote by which H. B. No. 140 was passed and to take the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 275 ON SECOND READING

Mr. Walker moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 275.

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

SENATE BILL NO. 268 ON SECOND READING

Mr. Price moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 268.

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 268, Relating to service and age requirements for retirement of judges; and declaring an emergency.

The bill was read second time.

A record vote was requested on the passage of S. B. No. 268 to third reading.

S. B. No. 268 was passed to third reading by the following vote:

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Absent—Excused

Cannon

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The Chair then laid House Bill No. 140 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. McLellany moved to reconsider the vote by which H. B. No. 140 was passed and to take the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 275 ON SECOND READING

Mr. Walker moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 275.

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

SENATE BILL NO. 268 ON SECOND READING

Mr. Price moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 268.

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 268, Relating to service and age requirements for retirement of judges; and declaring an emergency.

The bill was read second time.

A record vote was requested on the passage of S. B. No. 268 to third reading.

S. B. No. 268 was passed to third reading by the following vote:

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Mr. Price moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-119


Nays-22

Allen Atwell Ball Banfield Cotten Cowles Crain Daves Davis Fisher Stollenwerck Harris of Dallas Trager Hollowell Wheeler

The Speaker then laid Senate Bill No. 268 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Price moved to reconsider the vote by which S. B. No. 268 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 1963

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

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

S. C. R. No. 75, By Spears: Granting permission to Laura E. Brennan to sue the State.
S. C. R. No. 90, By Parkhouse: Granting permission to suspend the Joint Rules to take up and consider Senate Bill No. 869.

S. C. R. No. 91, By Parkhouse: Granting permission to suspend the Joint Rules to take up and consider Senate Bill No. 831.

H. B. No. 637, By Wilson: Relating to per diem for members of the Board of Vocational Nurse Examiners; and declaring an emergency.

H. B. No. 494, By Cowden: Repealing three Articles of the Revised Civil Statutes relating to conversion of homestead; and declaring an emergency. (As amended)

Senate concurred in House amendments to S. B. 376 by viva voce vote.

Senate concurred in House amendments to S. B. 289 by viva voce vote.

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

REQUEST OF SENATE GRANTED

On motion of Mr. Hughes, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Joint Resolution No. 1.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE JOINT RESOLUTION NO. 1

The Speaker announced the appointment of the following Conference Committee on the part of the House on S. J. R. No. 1:

Messrs. Hughes, Chairman; Jarvis, Heiton, Ligarde and Parsley.

SENATE BILL NO. 869 ON SECOND READING

Mr. Heatley moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 869.

The motion prevailed by the necessary two-thirds vote.

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

S. B. No. 869, A bill to be entitled "An Act to require the filing of records containing certain information by those who conduct public opinion polls regarding candidates or prospective candidates for political office, when the results of such polls are published; providing penalties for violations; setting venue for prosecutions; providing a cause of action for any person if a polling organization maliciously publishes or submits for publication any erroneous statement or set of figures with the intent to diminish such person's chances or expectations for election to political office; providing for severability; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Mr. Parsley offered the following amendment to the bill:

Amend Senate Bill 869 by adding the following sentence to Section 1, (b) thereof:

"No political party, newspaper, radio station or television station conducting its own 'poll' as defined in this Act is a 'polling organization' within the meaning of this Act."

The amendment was adopted without objection.

Mr. Parsley offered the following amendment to the bill:

Amend Senate Bill 869 by adding to Sec. 2 on page 2 of the printed bill a new subsection as follows:

"(b) 'Publishes' or 'published' or 'publication' means the dissemination of such results by print or radio or television for consumption by the general public and 'publishes' and 'publication' shall also mean 'causes to be published.'"

The amendment was adopted without objection.

S. B. No. 869 was passed to third reading.

MOTION TO PLACE SENATE BILL NO. 869 ON THIRD READING

Mr. Heatley moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 869 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:
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Yeas—91
Adama Hendryx
Alanis Hineon
Arledge Hughes
Atwell Kilpatrick
Barnes Klager
Base of Bowie Koliba
Berry Kothmann
Birkner Lack
Blaine McLinton
Boysen McDonald
Bridges of Hidalgo Mcllhan;
Brown McLaughlin
of Galveston McNutt
Butler Mann
Caln Markgraf
Caldwell Moyer
Canales Nemeeyer
Chapman Negast
Clayton Parkar
Cole Parsley
Congahan Pendleton
Cowden Petty
Crews Pigkin
de la Garza Qalliam
Dake Rapp
Duggan Richardson
Dugan Ritter
Esquivel Satterwhite
Finney Schilter
Fitchner Sergest
Floyd Shannon
Foreman Shipley
Garrison Sutt
Gibbens Simpson
Gladden Slack
Groyer Slifer
Halton of Brazos Smith of Bexar
Hallmark Smith of Jefferson
Harding Townsend
Harries Walker
of Galveston Whaley
Haynes of Orange Wieting
Healy Woods
Nay—45
Allen Hefton
Ball Hollowell
Beckham Houston
Brown of Taylor Isaacks
Cherry Jamison
Cotin Jarvis
Cowies Johnson of Dallas
Crants Johnson of Bexar
Davis Ligarde
Richardson McDonald of Hask
Edwards McGregor
Glenn Macabee
Goff Morgan
Haring Parmer
Harris of Dallas Price
Richards Traeger
Roberts Ward
Rodrigues Weldon
Seegma Weeks
Stewart Wheeler
Stollenwerck Whiting
Thompson Wilson

Absent
Base of Harris Fongren
Carriker Green
Collins Miller
Cook Peary
Fairchild Rosson
Absent—Excused
Cannon Peeler
Cory

On motion of Mr. Healy, and by unanimous consent of the House, the caption of Senate Bill No. 569 was ordered amended to conform with the body of the bill.

SENATE BILLS ON FIRST READING

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

S. B. No. 519 to the Committee on Game and Fisheries.
S. B. No. 327 to the Committee on Game and Fisheries.
S. B. No. 517 to the Committee on State Affairs.
S. B. No. 521 to the Committee on Counties.
S. B. No. 519 to the Committee on Conservation and Reclamation.
S. B. No. 514 to the Committee on Judiciary.
S. B. No. 519 to the Committee on Military and Veteran's Affairs.

LEAVES OF ABSENCE GRANTED

Messrs. Cotten and Shannon were granted leaves of absence temporarily for this afternoon on account of important business, on motion of Mr. Crain.

Miss Banfield was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Crain.
House Bill No. 552 on Second Reading

Mr. Cavness moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 552.

The motion prevailed by unanimous consent.

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

H. B. No. 552. A bill to be entitled "An Act amending Section 17 of Chapter 107, Acts 1st Leg., 1929, as amended by Chapter 489, Section 17, Acts 46th Leg., 1959, requiring permits for stores, factories, wholesalers and distributors of drugs and medicines to be issued by the Texas State Board of Pharmacy; providing requirements for issuing permits; grounds for revoking, cancelling or suspending permits; setting certain fees; providing for severability; and declaring an emergency."

The bill was read second time.

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

Amend House Bill 552 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1, Section 17 of Chapter 107, Acts 1st Leg., Reg. Session, 1929, as amended by Chapter 489, Section 17, Acts of the 46th Legislature, Regular Session, 1959, codified as Article 4642a, Vernon's Civil Statutes, and more particularly Section 17 (f) thereof, is amended by adding subsections (4) and (5) in order that it shall read as follows:

"Sec. 17. (d)"

(4) That any owner or employee of an owner of a licensed retail pharmacy, drug store, dispensary, or apothecary shop, pursuant to subsection (a), has violated any provision of this Act.

(5) That the applicant has sold counterfeit drugs and medicines, or has sold without a prescription drugs and medicines bearing the legend: 'Caution: Federal Law prohibits dispensing without prescription' to persons other than those listed in Section 4, (b), 1 through 7 inclusive of the Texas Dangerous Drug Law, Acts 1929, 56th Leg., p. 293, Ch. 425, and codified as Art. 7264, Vernon's Texas Penal Code."

Sec. 2. Section 17 of Chapter 107, Acts 1st Leg., Reg. Session, 1929, as amended by Chapter 489, Section 17, Acts of the 46th Legislature, Regular Session, 1959, codified as Article 4642a, Vernon's Civil Statutes, and more particularly Section 17 (f) is amended by striking out all the provisions of said subsection 17 (f) and substituting in lieu thereof the following so as to read:

"Sec. 17. (f) The permit provided for in subsection (a) of this Section shall be issued annually by the Board upon receipt of the proper application accompanied by a fee not to exceed Ten Dollars ($10.00)."

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, this 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 severable.

Sec. 4. The fact that dangerous drugs and medicines are being dispensed by unlicensed persons and the extreme need for adequate regulation thereof exists, an emergency is created 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.

The amendment was adopted without objection.

H. B. No. 552 was passed to engrossment.

House Bill No. 552 on Third Reading

Mr. Cavness moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 552 be placed on its third reading and final passage.

The motion prevailed by the following vote:
The Speaker then laid House Bill No. 552 before the House on third reading and final passage. The bill was read third time and was passed.

COMMITTEE MEETINGS

Mr. Hinson asked unanimous consent of the House that the Committee on School Districts be permitted to meet at this time.

There was no objection offered.

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.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 1963

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

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

H. B. No. 87, By Niemeyer: Authorizing Incentive Aid Payments to certain independent school districts; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL, Secretary of the Senate.

H. B. No. 87, By Niemeyer: Authorizing Incentive Aid Payments to

Mr. Walls moved that all the necessary rules be suspended for the
The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 321, A bill to be entitled "An Act relating to the establishment and operation of the Texas Commercial Applicators Pest Control Board and prescribing the powers and duties thereof, including licensing of commercial applicators of pesticides, defoliants, and other agricultural chemicals, licensing of operators of equipment used in such applications, and registering of such equipment; providing for revocation of licenses; providing for exemptions; providing penalties for violations; providing for severability; including licensing of pesticides, defoliants, and other agricultural chemicals, licensing of operators of equipment used in such applications, and registering of such equipment; providing for revocation of licenses; providing for exemptions; providing penalties for violations; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. McLain offered the following committee amendment to the bill: Committee Amendment No. 1 Amend House Bill No. 321 by striking out all below the enacting clause and substituting in lieu thereof the following: "Section 1. Definitions: For purposes of this Act, the terms:

(a) 'Commercial Applicator' means any person who owns, leases, rents or otherwise secures one or more pieces of equipment for hire for the purpose of applying pesticides, defoliants, or other commercial farm chemicals to range lands, pasture lands, field crops, or fruits and vegetables for hire.

(b) 'Person' means any individual, partnership, corporation, cooperative, or any other type of business entity.

(c) 'Commissioner' means the Texas Commissioner of Agriculture.

(d) Any other definition necessary for the effective application and enforcement of this Act shall be provided by the Commissioner, consistent with the intent of the purposes herein.

Sec. 2. Licensing.

(a) From and after ninety (90) days of the effective date of this Act, no person shall engage in the commercial application of pesticides, defoliants, or other commercial farm chemicals without first procuring from the Commissioner a license for such activity.

(b) License application forms shall be provided by the Commissioner or under his direction, and shall require all applicants to list their business address, their home address (if applicable), the number of years engaged in business as a commercial applicator, all equipment owned, leased, or rented by applicant and used in his business, and such other information as may be required by the Commissioner.

(c) All persons now or hereafter doing business as commercial applicators shall remit with their application a license fee of Five Dollars ($5.00) for ground equipment and a license fee of Ten Dollars ($10.00) for aerial equipment.

(d) All persons now or hereafter doing business as commercial applicators shall deposit, as proof of financial responsibility in case of litigation, with the Commissioner either a deposit of money, a public liability insurance policy, a certified check, or a surety bond in the following amounts: Five Thousand Dollars ($5,000) for ground equipment; Ten Thousand Dollars ($10,000) for aerial equipment; Fifteen Thousand Dollars ($15,000) if both are used.

(e) The Secretary of State shall be the agent of every non-resident commercial applicator for service of legal process.

(f) The Commissioner shall, upon the applicant's meeting all the requirements of this Act, issue a license to said applicant, authorizing his activities as a commercial applicator. Said license shall be in force from and after ninety (90) days of the effective date of this Act. Said license shall not be transferable in whole or in part, and shall be renewable annually at the same fee, provided that if the fee is not tendered, the license will automatically be cancelled at the expiration of one (1) year from its issuance.
(g) Any person doing business as a commercial applicator on the effective date of this Act shall have sixty (60) days from said effective date within which to file an application for a license.

(h) Any non-resident who is presently doing business in this state as a commercial applicator, or who hereafter applies to do business in this state as a commercial applicator, must, in addition to the requirements of this section, meet any additional requirements which his state of residence would impose upon a resident of this state doing business in that state as a commercial applicator.

Sec. 3. Marking of Equipment and Keeping Records

(a) From and after ninety (90) days of the effective date of this Act, all mobile ground equipment and vehicles and all aerial equipment, operating under the authority of a license issued pursuant to this Act, shall be permanently marked on both sides thereof with letters and numbers a minimum of one and one-half inches (1½") in length, as follows: Texas Commercial Applicator License No. __________, and the name of such person operating as a commercial applicator. All mobile ground equipment and vehicles and all aerial equipment so marked shall be fully capable of performing the service for which it is offered.

(b) All commercial applicators shall make and keep on file for a period of twelve (12) months, records of each commercial application of commercial agricultural chemicals, pesticides and defoliants; such records shall include, but not limited to, date of application, crop treated, and type of material used, and such other information as deemed necessary by the Commissioner.

Sec. 4. Additional Requirements of Aerial Applicators

All Commercial Aerial Applicators shall make and keep on file for a period of twelve (12) months, records of each commercial application of commercial agricultural chemicals, pesticides and defoliants; such records shall include, but not limited to, date of application, crop treated, and type of material used, and such other information as deemed necessary by the Commissioner.

Sec. 5. Maintenance of Roster

The Commissioner shall maintain or cause to be maintained a roster showing the name, address, date of licensing, and such other pertinent information as he may deem necessary, of all licenses under this Act. Said roster shall be subject to inspection at reasonable times by interested citizens, law enforcement officers, and representatives of state agencies. Anyone desiring a list of persons licensed under the provisions of this Act may obtain same by paying a fee as fixed by the Commissioner.

Sec. 6. Suspension and Revocation of License

The Commissioner may suspend, revoke, or refuse to renew any license after due notice and public hearing when the Commissioner finds that any licensee:

(a) has made misrepresentation for the purpose of obtaining business; or

(b) has made misrepresentations as to the capacity or capability of any equipment used for commercial application purposes; or

(c) has used substances which were not suitable or reasonably safe for commercial application purposes; or

(d) has failed to comply with the requirements of this Act.

Sec. 7. Appeal

Within thirty (30) days after the Commissioner has suspended, revoked, or refused to renew a license, the affected person may appeal such ruling to the district court of the county of his residence. Nonresidents may appeal to any district court in Travis County. In all cases, appeal shall be by trial de novo, as that term is used in appeals from the justice of the peace courts to the county courts.

Sec. 8. Exemptions

(a) Nothing in this Act shall be construed as applying to farmers or ranchers, or their employees, or the equipment of said farmers or ranchers, who apply farm chemicals to their own range lands, pasture lands, or agricultural products and who may make such application to the land and agricultural products of another, unless such service is advertised.

(b) Nothing in this Act shall apply to the agencies of the Federal,
State, County, or Municipal governments, or to agents thereof in the performance of official duties.

(c) Nothing in this Act shall apply to applicators of liquid fertilizers applied under pressure, commonly known as anhydrous ammonia.

(d) Nothing in this Act shall apply to Nurserymen engaged in the application of chemicals to shrubs, plants, trees or scions planted for beautification, landscape or decoration.

(e) Nothing in this Act shall apply to Pest Control Operators engaged exclusively in home and commercial building pest exterminations while in the performance of services to homes and/or commercial buildings.

Sec. 9. Powers of the Commissioner

The Commissioner is authorized to promulgate any rules and regulations necessary for the effective enforcement and administration of this Act. Copies of such rules and regulations shall be published and made accessible to those affected by this Act.

Sec. 10. Penalties

Any person who violates the provisions of this Act shall be punished by a fine of not more than Two Hundred Dollars ($200.00).

Sec. 11. Funds

All fees collected under this Act shall be deposited in the State Treasury in the Commissioner of Agriculture’s Special Department of Agricultural Fund and shall be used only for administrative and enforcement of this Act. All unexpended funds at the end of each biennium shall be deposited to the General Revenue Fund of the State of Texas.

Sec. 12. Severability Clause

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 this 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. 13. Emergency Clause

The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

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

Amend Committee Substitute to House Bill 321 by striking all of Subsection (c) of Section 8 and substituting in lieu thereof the following:

"Nothing in this Act shall apply to applicators of fertilizers using ground equipment only."

The amendment was adopted without objection.

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

Amend Committee Substitute to House Bill 321 by striking all of subsection (c) of Section 8 and substituting in lieu thereof the following:

"All persons now or hereafter doing business as commercial applicators shall remit with their application for a license a fee of Ten Dollars ($10.00) for a license as a ground applicator and a license fee of Ten Dollars ($10.00) for a license as an aerial applicator."

The amendment was adopted without objection.

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

Amend Committee Substitute to House Bill 321 by striking the period after the word advertised in sub-section (a) of Section 8 and adding the words "or solicited."

The amendment was adopted without objection.

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

H. B. No. 321 was then passed to engrossment.

HOUSE BILL NO. 321 ON THIRD READING

Mr. Wells moved that the constitutional rule requiring bills to be
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read on three several days be sus­
pended and that House Bill No. 321
be placed on its third reading and
final passage.

The motion prevailed by the fol­
lowing vote:

Yeas-110

Adams
Allen
Ball
Barms
Bass of Bowie
Bass of Harris
Beckham
Berry
Birkner
Blaine
Boyle
Brown of Galveston
Brown of Taylor
Builey
Cain
Caldwell
Canales
Carcinier
Carrillo
Cavness
Chapman
Clayton
Cole
Collins
Cowden
Cowles
Crain
Crews
Davis
Dale
Dannebaum
Dungan
Eckhards
Edwards
Finney
Fletcher
Floyd
Foreman
Garrigan
Gibbons
Gladden
Gleed
Grover
Guffey
Haines of Brazos
Hallmark
Haring
Harris
Harrison of Galveston
Harrison of Orange
Healy
Hebert
Hefnon
Hendryx
Hughes
Jarvis
Johnson of Dallas
Knapp
Koliba
Kothmann
Lack
Lizarda
McClintion
McDonald of Rusk
McGpace
McLaughlin
Mann
Markgraf
Mann
Mates
Miller
Miller
Moses
Morgan
Mutscher
Niemeyer
Nobles
Nolle
Parker
Payne
Penn
Perry
Pettit
Price
Quilliam
Richards
Richardson
Roberts
Rossom
Satterwhite
Schiller
Segrest
Shannon
Shipley
Simms
Simpson
Sock
Southern
Sprague
Streeter
Suggs
Terrell
Thompson
Thurmond
Townsend
Trager
Ward
Wells
Whatley
Wethington
Wilson
Woods

Nays—25

Adams
Allen
Allen
Ball
Bass of Bowie
Bass of Harris
Beckham
Birkner
Blinn
Boyle
Brown of Galveston
Brown of Taylor
Builey
Cain
Caldwell
Canales
Carcinier
Carrillo
Cavness
Chapman
Clayton
Cole
Collins
Cowden
Cowles
Crain
Crews
Davis
Dale
Dannebaum
Dungan
Eckhards
Edwards
Finney
Fletcher
Floyd
Foreman
Garrigan
Gibbons
Gladden
Gleed
Grover
Guffey
Haines of Brazos
Hallmark
Haring
Harrin of Gaieston
Harrison of Orange
Healy

The Speaker then laid House Bill
No. 321 before the House on third
reading and final passage.

The bill was read third time and
was passed.

Mr. Wells moved to reconsider the
vote by which H. B. No. 321 was
passed and to table the motion to
reconsider.

The motion to table prevailed.

RECORD OF VOTE

Mr. Walker requested to be re­
corded as voting Nay on the passage
of H. D. No. 321 and the passage
to engrossment of H. B. No. 321.

COMMITTEE MEETING

Mr. Slider asked unanimous con­
sent of the House that the
Committee on Game and Fisheries be permitted
meet at this time.

There was no objection offered.

LEAVE OF ABSENCE GRANTED

Mr. Gavness was granted leave of
absence for the remainder of the
day on account of important busi­
ess, of motion of Mr. Foreman.

HOUSE BILL NO. 1086 ON
THIRD READING

Mr. Mann moved that the con­stitu­
tional rule requiring bills to be
read on three several days be suspended and that House Bill No. 1086 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas-112**
- Adams
- Arledge
- Barnes
- Bass of Harris
- Beckham
- Berke
- Blaine
- Bridges
- Brooks
- Brown of Galveston
- Brown of Taylor
- Butler
- Cain
- Caldwell
- Canales
- Carpenter
- Chapman
- Collins
- Coughran
- de la Garza
- Doke
- Duncan
- Eckhardt
- Edwahds
- Ercurol
- Finney
- Fletcher
- Floyd
- Fondren
- Foreman
- Garrison
- Gladjen
- Glenn
- Green
- Grover
- Guffey
- Haines of Brazos
- Hallmark
- Harris
- Hikes of Dallas
- Haynes of Orange
- Healey
- Hefton
- Hendry
- Hollowell
- Hughes
- Ismael
- Jarvis
- Johnson of Bexar
- Kilpatrick
- Knapp
- Koehmann
- Lack
- McClintock
- McGregor
- McLanahan
- McNutt
- of Galveston
- MccLhany
- McLaughlin
- Mc Mahon
- Markgraf
- Caldwell
- Miller
- Moyer
- Murray
- Mitche1er
- Niemeyer
- Parker
- Farmer
- Parsley
- Peary
- Pendleton
- Petty
- Pipkin
- Price
- Quilliam
- Rapp
- Richards
- Richardson
- Riter
- Rodrigues
- Rosson
- Satterwhite
- Schiller
- Singgln
- Sagret
- Shannon
- Shipley
- Smith of Bexar
- Smith of Jefferson
- Stewart
- Thurmond
- Traeger
- Walker
- Weldon
- Whately
- Wheeler
- Wiesting
- Wilson
- Johnson of Dallas
- Koliba
- Macatee
- Morgan
- Roberts
- Simpson
- Ward
- Whitefield
- Woods

**Nays—22**
- Alanis
- Allen
- Bell
- Base of Bowie
- Boyson
- Carriker
- Cherry
- Cotten
- Cowden
- Crafa
- Davis
- Allen
- Alamo
- Johnson of Dallas
- Morgan
- Robertson
- Simpson
- Ward
- Whitefield
- Woods

The Speaker laid before the House, on its third reading and final passage, 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."

The bill was read third time and was passed by the following vote:

**Year-118**
- Adams
- Arledge
- Barnes
- Bass of Harris
- Beckham
- Berke
- Blaine
- Bridges
- Brooks
- Brown of Galveston
- Brown of Taylor
- Butler
- Cain
- Caldwell
- Canales
- Carpenter
- Chapman
- Johnson of Bexar
- Kilpatrick
- Knapp
- Koehmann
- Lack
- McClintock
- McGregor
- McLanahan
- McNutt
- of Galveston
- MccLhany
- McLaughlin
- MccLhany
- Mc Mahon
- Markgraf
- Caldwell
- Miller
- Moyer
- Murray
- Mitche1er
- Niemeyer
- Parker
- Farmer
- Parsley
- Peary
- Pendleton
- Petty
- Pipkin
- Price
- Quilliam
- Rapp
- Richards
- Richardson
- Riter
- Rodrigues
- Rosson
- Satterwhite
- Schiller
- Singgln
- Sagret
- Shannon
- Shipley
- Smith of Bexar
- Smith of Jefferson
- Stewart
- Thurmond
- Traeger
- Walker
- Weldon
- Whately
- Wheeler
- Wiesting
- Wilson
- Johnson of Dallas
- Koliba
- Macatee
- Morgan
- Robertson
- Simpson
- Ward
- Whitefield
- Woods

The bill was read third time and was passed by the following vote:

**Year-118**
- Adams
- Arledge
- Barnes
- Bass of Harris
- Beckham
- Berke
- Blaine
- Bridges
- Brooks
- Brown of Galveston
- Brown of Taylor
- Butler
- Cain
- Caldwell
- Canales
- Carpenter
- Chapman
- Glenn
Mr. Mann moved to reconsider the vote by which H. B. No. 1086 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 21, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

S. B. No. 523, By Parkhouse: Fixing the amount of compensation to be paid to district and criminal district judges in certain counties; and declaring an emergency.

S. B. No. 522, By Parkhouse: Providing for the minimum and maximum salaries of certain public officials in certain counties; and declaring an emergency.

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

MOTION TO PLACE HOUSE BILL NO. 693 ON THIRD READING

Mr. Edwards moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 693 be placed on its third reading and final passage.

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

Yeas—101
Adams
Arledge
Atwell
Barnes
Bass of Bowie
Bass of Harris
Beckham
Berry
Berkeley
Blaine
Boyd
Bryant
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Caldwell
Canales

Nays—15
Alanis
Allen
Baker
Carrker
Cotten
Cowden
Davis
Koliba

Abstent
Atwell
Cherry
Cole
Cook
Fairchild
Finney

Absent—Excused
Baxfield
Cannon
Cavness

Mr. Mann moved to reconsider the vote by which H. B. No. 1086
Mr. de la Garza asked unanimous consent of the House that the Committee on Conservation and Reclamation be permitted to meet at this time.

There was no objection offered.

Mr. Atwell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 1036.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 1036, A bill to be entitled "An Act amending Section 8 of the Acts of 1969, 66th Legislature, 2nd Called Session, Page 167, Chapter 43, Section 1 as amended, so as to provide for the minimum and maximum salaries of certain public officials in counties having a population of not less than nine hundred thousand (900,000) nor more than one million (1,000,000) according to the last preceding Federal Census; repealing all other salary and compensation laws applicable to said officials, providing for a savings clause and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 1036 by striking all below the Enacting Clause and substituting in lieu thereof the following:

Section 1. That Section 8 of the Acts of 1969, 66th Legislature, 2nd Called Session, Page 167, Chapter 43, Section 1, as amended, be and the same is hereby amended so as to read hereafter as follows:

"Sec. 8(a). In all counties having a population of not less than nine hundred thousand ($900,000) nor more than one million (1,000,000) according to the last preceding Federal Census, the Commissioner..."
Court of such counties shall fix the salaries of certain county officials in the following manner:

The salary of the County Judge shall be Sixteen Thousand Dollars ($16,000.00) per annum; the County Commissioners, Fourteen Thousand Two Hundred Dollars ($14,200.00) in addition to any automobile allowance; the Criminal District Attorney, not less than Sixteen Thousand Dollars ($16,000.00) nor more than Eighteen Thousand Dollars ($18,000.00); Tax Assessor and Collector, not less than Ten Thousand Dollars ($10,000.00) nor more than Fifteen Thousand Dollars ($15,000.00); the Probate Judge, not less than Sixteen Thousand Dollars ($16,000.00) per annum in the aggregate; Probate Judge, not less than Fifteen Thousand Two Hundred Dollars ($15,200.00) nor more than Sixteen Thousand Two Hundred Dollars ($16,200.00); Sheriffs, not less than Fifteen Thousand Two Hundred Dollars ($15,200.00) nor more than Sixteen Thousand Two Hundred Dollars ($16,200.00); Judges of the County Courts at Law and County Criminal Courts, not less than Fourteen Thousand Four Hundred Dollars ($14,400.00) nor more than Fifteen Thousand Four Hundred Dollars ($15,400.00); County Clerk and District Clerk, not less than Fourteen Thousand Four Hundred Dollars ($14,400.00) nor more than Fifteen Thousand Four Hundred Dollars ($15,400.00); County Purchasing Agent, not less than Twelve Thousand Five Hundred Dollars ($12,500.00) nor more than Thirteen Thousand Dollars ($13,000.00); Assistant County Purchasing Agent, not less than Seven Thousand Five Hundred Dollars ($7,500.00) nor more than Seven Thousand Nine Hundred Dollars ($7,900.00); County Engineer, not less than Thirteen Thousand Two Hundred Dollars ($13,200.00) nor more than Fourteen Thousand Dollars ($14,000.00); Justices of the Peace, not more than Eleven Thousand Five Hundred Dollars ($11,500.00) per annum to be paid in equal monthly installments; provided however, that the Justices of the Peace whose precincts lie wholly or in part in cities having a population of four hundred and thirty thousand ($430,000) or more, according to the last preceding Federal Census, shall receive not less than Twelve Thousand Five Hundred Dollars ($12,500.00) nor more than Fourteen Thousand Dollars ($14,000.00); Constables, not less than Eleven Thousand Dollars ($11,000.00) per annum, to be paid in equal monthly installments; provided, however, that the Constables whose precincts lie wholly or in part in cities having a population of four hundred and thirty thousand ($430,000) or more, according to the last preceding Federal Census shall receive not less than Ten Thousand Dollars ($10,000.00) per annum; which sum shall be paid in twelve (12) equal monthly installments out of the General Fund of such County.

Sec. 2. All other salary and compensation laws applicable to the officials named in this Act are hereby repealed to the extent that they are in conflict with this Act.

Sec. 3. If any provision of this Act or the application thereof to any public official named herein be held unconstitutional, such unconstitutionality shall not affect other provisions or applications of the Act, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The importance of this matter and the crowded condition of the Calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1 was adopted without objection.

H. B. No. 1036 was passed to engrossment.

HOUSE BILL NO. 1036 ON THIRD READING

Mr. Atwell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1036 be placed on its third reading and final passage.
The motion prevailed by the following vote:

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The Speaker then laid House Bill No. 1036 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. Atwell moved to reconsider the vote by which H. B. No. 1036 was passed and to table the motion to reconsider. The motion to table prevailed.

RECORD OF VOTE

Mr. Morgan, Mr. Harris of Dallas and Mr. Stollenwerck requested to be recorded as voting Nay on the passage of H. B. No. 1036.

The Speaker then laid House Bill No. 1036 before the House on its second reading and passage to engrossment.

Mr. Atwell moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 449.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House a bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from county funds by counties having a population of nine hundred fifty thousand ($950,000) or more according to the last preceding Federal census, as compensation to District and Criminal District Judges in such
counties, providing for the compensation of substitute Judges; and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 449, Section 1, by striking the word "shall" after the word "counties" in the first sentence and substituting in lieu thereof the word "may."

and by adding after the words "district judges of this State" and before the words "the sum of Eight Thousand Dollars" in the first sentence of Section 1, the following: "an amount not to exceed."

The amendment was adopted.

H. B. No. 449 was passed to engrossment.

Mr. Atwell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—116

- Adams
- Alman
- Atwell
- Ball
- Barnes
- Brown of Bowie
- Brown of Harris
- Brown
- Brown of Galveston
- Brown of Taylor
- Butler
- Cain
- Caldwell
- Canales
- Carpenter
- Carriker

Nay—20

- Allen McNutt
- Cotten
- Crain
- Davis
- Hollowell
- Isaacks
- Kollba
- McDonald of Rusk
- McLaughlin

- Absent:
- Cook
- Fairchild
- Harding
- Haring

- Absent—Excused:
- Banfield
- Cannon
- Cannon
- Cavness

The Speaker then laid House Bill No. 449 before the House on third reading and final passage.

The bill was read third time and was passed.
Mr. Atwell moved to reconsider the vote by which H. B. No. 449 was passed and to table the motion to reconsider.

The motion to table prevailed.

**RECORD OF VOTE**
Mr. Morgan and Mr. Stollenwerck requested to be recorded as voting Nay on the passage of H. B. No. 449.

**RECORD OF VOTE**
Mr. Harris of Dallas requested to be recorded as voting Yea on the passage of H. B. No. 449.

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

S. B. No. 622 to the Committee on Counties.
S. B. No. 623 to the Committee on Counties.

**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.

**SENATE BILL NO. 325 ON SECOND READING**
Mr. Fondren moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 325.

The motion prevailed by unanimous consent.

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

S. B. No. 325, A bill to be entitled An Act amending Acts 1951, 62nd Legislature, Chapter 491, codified as Article 21.28 of the Texas Insurance Code, by adding thereto a new section numbered 8A, authorizing the Receiver, after payment of the final dividend, to convey, transfer, or assign such assets and to settle or release any causes of action, claims, judgments, or liens, providing a procedure by which such funds may be declared abandoned; providing for the reopening of receiverships and payment of dividends from such funds; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to third reading.

**SENATE BILL NO. 325 ON THIRD READING**
Mr. Fondren moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 325 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
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Adams  Edwards
Alanis  Esguivel
Allen  Finney
Arledge  Fletcher
Atwell  Floyd
Barnes  Fondren
Bass of Bowie  Foreman
Bass of Harris  Garrison
Beckham  Gibbens
Berry  Glenn
Birkner  Grover
Blaine  Guffey
Boswen  Gaines of Brazos
Bridges  Hallmark
Brown  Harris
Brown of Galveston  Hallmark
Brown of Taylor  Harris
Butler  Hays
Cain  Healy
Caldwell  Hendryx
Canadas  Houston
Carpenter  Hughes
Carriker  Jessups
Chapman  Janison
Cherry  Jarvis
Clayton  Johnson of Dallas
Cowie  Johnson of Beezay
Cran  Kilpatrick
Craw  Klaeger
Davies  Knapp
Davis  Kohlmann
De la Garza  Lack
Doke  Ligerdes
Dugan  McDonald
Dungan  McDonald
Eckhardt  of Hidalgo
May 21, 1963

McGregor
McDann
McLaughlin
McNut
Man
Markgraf
Miller
Morgan
Moyer
Murray
Mutscher
Niemeyer
Nugent
Parker
Parsley
Pearcy
Pendleton
Petty
Pipkin
Price
Quilliam
Rapp
Richards
Richardson
Ritter
Rodriguez
Ball
Collins
Haring
Hollowell
Rosson
Satterwhite
Schiller
Segrest
Shannon
Shipley
Shutt
Simpson
Shelby
Smith
of Bexar
Smith
of Jefferson
Stewart
Thompson
Thurmond
Trager
Walker
Ward
Weidin
Wells
Wheeler
Whitfield
Wijting
Wilson
Woods

The Speaker then laid Senate Bill No. 325 before the House on third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 810 WITH SENATE AMENDMENTS

Mr. Floyd moved that all the necessary rules be suspended for the purpose of taking up and concurring in the Senate Amendments to House Bill No. 810.

The motion prevailed by unanimous consent.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 810

Senate Amendment No. 1

Floor Amendment
Amend House Bill No. 810 by inserting a period in lieu of the comma after the word "Texas" in Section 1, and striking the following words:

"...and shall be placed in operation upon the approval of the Commissioners Court of Harris County, Texas."

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 404 WITH SENATE AMENDMENTS

Mr. Cowden moved that the necessary rules be suspended in order that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Cowden moved that the necessary rules be suspended in order that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

APPOINTMENT OF CONFERENCE COMMITTEE ON H. B. NO. 404

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

H. C. R. No. 100, Recalling S. B. No. 123 from the Governor for corrections.

RESOLUTION SIGNED BY THE SPEAKER

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

H. C. R. No. 100, Recalling S. B. No. 123 from the Governor for corrections.

HOUSE AT EASE

At 4:58 o'clock p.m., the Speaker stated that the House would stand at ease.

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

(Speaker in the Chair.)

At 5:07 o'clock p.m., the Speaker called the House to order.

HOUSE BILL NO. 654 WITH SENATE AMENDMENTS

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

H. B. No. 654, A bill to be entitled "An Act Amending Section 3 and Section 5 of Article 3.50 of the Insurance Code of the State of Texas, so as to permit the use after December 31, 1969 of the Commissioner's 1968 Standard Ordinary Mortality Table with adjustments for female risks; amending subparagraph (c) of paragraph (1) of Article 3.3B, Texas Insurance Code; and subsection (e) of Section 2 of Article 3.3B, Texas Insurance Code, to permit the use of the Commissioner's 1961 Standard Industrial Mortality Table; providing a severability clause; and declaring an emergency."

On motion of Mr. Johnson of Dallas, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 654.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 654

Amend H. B. No. 654 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 3 of Article 3.50 of the Insurance Code of the State of Texas be, and the same is hereby amended to read hereafter as follows:

"Sec. 3. Reserve Values. The reserve values of all policies of group insurance shall be computed as follows:

"(a) Policies issued prior to May 15, 1947 upon the basis of the American Men Ultimate Table of Mortality with interest at the rate of three (3%) per cent or three and one-half (3\%\%) per cent per annum as provided in such policies;

"(b) Policies issued on and subsequent to May 15, 1947, upon the basis of either the American Men Ultimate Table of Mortality or the Commissioner's 1941 Standard Ordinary Mortality Table with interest at a rate not in excess of three and one-half (3\%\%) per cent per annum as provided in such policies; and

"(c) Policies issued after the 31st day of December, 1959, upon either the Commissioner's 1941 Standard Mortality Table or the Commissioner's 1949 Standard Group Mortality Table or such other Commissioners Standard mortality table as shall be adopted by the company with the approval of the State Board of Insurance with interest at a rate not in excess of three and one-half (3\%\%) per cent per annum, as provided in such policies;

Section 2. That subparagraph (c) of Paragraph (1) of Article 3.3B, Insurance Code of Texas, so and the same is hereby amended to read and provided hereafter as follows:

"(c) As respects policies issued after the 31st day of December, 1947, the computation shall be on the basis of the mortality table and interest rate specified in the respective policies, provided that (1) the specified rate of interest shall not exceed three and one-half (3\%\%) per cent per annum; or (2) the specified table for policies other than policies of industrial life insurance shall be the American Experience Table of Mortality, the American Men Ultimate Table of Mortality, the Commissioner's 1941 Standard
Section 2. That Article 3.50 of the Insurance Code of the State of Texas be, and the same is hereby amended to read as follows:

"Article 3.50. Business of Life Insurance

Sec. 1. (e). A provision that in the event of default in premium payments after premiums have been paid for five (5) full years there shall be available, in lieu of the stipulated form of insurance, at the option of the insured, a specified cash surrender value. The net value of the stipulated form of insurance, and the specified cash surrender value, shall not be less than the reserve on the policy at the end of the last completed quarter of the policy year for which premiums shall have been paid, including the reserve for any paid-up additions thereon and the amount of any dividends standing to the credit of the policy, and excluding any reserve on total and permanent disability, as defined in the policy, and additional accidental death benefit, less a sum of not more than:

"(1) Two and one-half ($2.5\%) per cent of the maximum amount insured by the policy and dividend additions thereon, if any, when the issue age is under ten (10) years;

"(2) Two and one-half ($2.5\%) per cent of the current amount insured by the policy and dividend additions thereon, if any, when the issue age is ten (10) years or older, and less any existing indebtedness to the insurer on or secured by the policy.

"If the mortality table adopted for computing such reserve is the 1941 Standard Industrial Mortality Table or the 1941 Sub-Standard Industrial Mortality Table, then in calculating the value of the paid-up term insurance with accompanying pure endowment, if any, a rate of mortality may be assumed which is not more than one hundred thirty (130\%) per cent of the rate of mortality according to the table used. If the mortality table adopted for computing such reserve is the Commissioner’s 1961 Standard Industrial Mortality Table, then in calculating the value of paid-up term insurance with accompanying pure endowment, if any, a rate of mortality may be assumed which is not more than that shown in the Commissioner’s 1961 Industrial Extended Term Insurance Table, or, in the case of sub-standard policies, on such other table of mortality as may be specified by the company and approved by the State Board of Insurance. The policy shall state the amount and term of the stipulated form of insurance calculated upon the assumption of no indebtedness on the policy and no dividend additions thereon.

"The policy may be surrendered to the insurer at its home office within the period of grace after the due date of the defaulted premium for the specified cash surrender value, provided that the insurer may defer payment for not more than six (6) months after the application therefor is made. In the event that application, which must be in writing, for a stipulated form of insurance or the specified cash surrender value when the same are available, is not made within the grace period, it shall be provided that a stipulated form of insurance shall automatically become effective."

Section 3. That section 3 of Article 3.52 of the Insurance Code of Texas be, and the same is hereby amended to read and provide hereafter as follows:

"Section 3. That sub-paragraph (e) of section 2 of Article 3.52 of the Insurance Code of Texas be, and the same is hereby amended to read and provide hereafter as follows:

"(e). A provision that in the event of default in premium payments after premiums have been paid for three (3) full years there shall be available a stipulated form of insurance effective from the due date of the defaulted premium; and in event of default in premium payments after premiums shall have been paid for five (5) full years there shall be available, in lieu of the stipulated form of insurance, at the option of the insured, a specified cash surrender value. The net value of the stipulated form of insurance, and the specified cash surrender value, shall not be less than the reserve on the policy at the end of the last completed quarter of the policy year for which premiums shall have been paid, including the reserve for any paid-up additions thereon and the amount of any dividends standing to the credit of the policy, and excluding any reserve on total and permanent disability, as defined in the policy, and additional accidental death benefit, less a sum of not more than:

"(1) Two and one-half ($2.5\%) per cent of the maximum amount insured by the policy and dividend additions thereon, if any, when the issue age is under ten (10) years;

"(2) Two and one-half ($2.5\%) per cent of the current amount insured by the policy and dividend additions thereon, if any, when the issue age is ten (10) years or older, and less any existing indebtedness to the insurer on or secured by the policy.

"If the mortality table adopted for computing such reserve is the 1941 Standard Industrial Mortality Table or the 1941 Sub-Standard Industrial Mortality Table, then in calculating the value of the paid-up term insurance with accompanying pure endowment, if any, a rate of mortality may be assumed which is not more than one hundred thirty (130\%) per cent of the rate of mortality according to the table used. If the mortality table adopted for computing such reserve is the Commissioner’s 1961 Standard Industrial Mortality Table, then in calculating the value of paid-up term insurance with accompanying pure endowment, if any, a rate of mortality may be assumed which is not more than that shown in the Commissioner’s 1961 Industrial Extended Term Insurance Table, or, in the case of sub-standard policies, on such other table of mortality as may be specified by the company and approved by the State Board of Insurance. The policy shall state the amount and term of the stipulated form of insurance calculated upon the assumption of no indebtedness on the policy and no dividend additions thereon.

"The policy may be surrendered to the insurer at its home office within the period of grace after the due date of the defaulted premium for the specified cash surrender value, provided that the insurer may defer payment for not more than six (6) months after the application therefor is made. In the event that application, which must be in writing, for a stipulated form of insurance or the specified cash surrender value when the same are available, is not made within the grace period, it shall be provided that a stipulated form of insurance shall automatically become effective."
by declares that it would have passed such remaining portions in spite of such invalidity.

Section 6. The importance of this measure and the crowded condition of the Calendar create an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it so enacted.

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 686 WITH SENATE AMENDMENT

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

H. B. No. 686, A bill to be entitled "An Act to amend Paragraph 3 of Section C of Part I of Article 3.39, Insurance Code of Texas, as amended, to permit life, health and accident insurance companies to invest not more than twenty-five (25) per cent of the capital, surplus and contingency funds in the capital stock of any one affiliated fire and casualty company; providing for severability; and declaring an emergency."

On motion of Mr. Johnson of Dallas, and by unanimous consent, the House concurred in the Senate Amendment to H. B. No. 686.

TEXT OF SENATE AMENDMENT TO HOUSE BILL NO. 686

Committee Substitute For H. B. No. 686

A Bill To Be Entitled

"An Act to amend Paragraph 3 of Section C of Part I of Article 3.39, Insurance Code of Texas, as amended, to permit life, health and accident insurance companies to invest not more than twenty-five (25) per cent of their capital, surplus and contingency funds in the capital stock of any one affiliated fire and casualty company; providing for severability; and declaring an emergency."

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

Section 1. That Paragraph 3 of Section C of Part I of Article 3.39, Insurance Code of Texas, as amended, be and it is hereby amended to hereafter read and provide as follows:

"3. Limitation on Investment in Capital Stock.

"It may not invest in its own capital stock, nor more than ten (10) percent of the amount of its capital, surplus, and contingency funds in the stock of any one corporation, nor in the stock of any manufacturing corporation with a capital stock of less than Twenty-five Thousand Dollars ($25,000), nor in the stock of any oil corporation with a capital stock of less than Five Hundred Thousand Dollars ($500,000); provided, however, that it may own and invest not more than twenty-five (25) per cent of its capital, surplus and contingency funds in the capital stock of one life and casualty insurance company, provided such investment gives it a majority of the outstanding stock of such life and casualty insurance company."

Section 2. Severability. If any provision of this Act, or the application thereof to any company, association, or circumstance shall be held invalid or unconstitutional, the remainder of the Act and the application of such provision to other companies, associations or circumstances shall not thereby be rendered invalid or unconstitutional nor be affected thereby.

Section 3. Emergency Clause. The fact that fire and casualty insurance companies are now permitted to own life insurance companies, and the fact that life insurance companies should be allowed to own control of fire and casualty insurance companies, creates an emergency and an imperative public necessity requiring a constitutional rule that bills be read on three several days in each House be suspended; and such rule is hereby suspended, and this Act shall take effect immediately upon and after its passage, and it is so enacted.
May 21, 1963

HOUSE BILL NO. 99 WITH
SENATE AMENDMENTS

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

H. B. No. 99. A bill to be entitled "An Act relating to Real Estate Brokers and Salesmen; amending the Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, as amended (codified as Article 6573a, Vernon's Texas Civil Statutes); amending the Penal Code of the State of Texas by adding thereunto a provision making it unlawful for any person to violate the provisions of the Texas Real Estate License Act or any order, permit, decision, demand or requirement of the Texas Real Estate Commission, authorized by the Real Estate License Act, and providing for a repealing clause; providing for a severability clause; and declaring an emergency."

On motion of Mr. Quilliam, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 99.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 99

Senate Amendment No. 1
Committee Substitute
For H. B. No. 99
A Bill
To Be Entitled

"An Act relating to Real Estate Brokers and Salesmen; amending the Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, as amended (codified as Article 6573a, Vernon's Texas Civil Statutes); amending the Penal Code of the State of Texas by adding thereto a provision making it unlawful for any person to violate the provisions of the Texas Real Estate License Act or any order, permit, decision, demand or requirement of the Texas Real Estate Commission, authorized by the Real Estate License Act, and providing for a repealing clause; providing for a severability clause; and declaring an emergency."

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

Section 1. Section 10 of the Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, which was last amended and renumbered by Section 1, Chapter 563, Acts of the Fifty-fourth Legislature, 1955, is hereby amended so as to read hereafter as follows:

"Section 10. Examination.

"Competency as referred to in Section 9 of this Act shall be established by an examination prepared by or under the supervision of the Commission. The examination shall be given at such times and at such places within the State as the Commission shall prescribe, and said examinations shall be held no less frequently than every sixty (60) days. The examination shall be of scope sufficient in the judgment of the Commission to determine that a person is competent to act as a real estate broker or salesman in such manner as to protect the interest of the public. The examination for a salesman license shall be less exacting and less stringent than the examination for a broker license. The Commission shall furnish such applicant with study material upon which his examination shall be based. An applicant who has failed to pass the examination twice shall be ineligible for a further application and examination until six (6) months after the second failure. Insofar as is necessary for the administration of this Act, the Commission is authorized to establish educational programs and to procure and furnish personnel, facilities, and materials for instruction of persons desiring to become brokers or salesmen or to improve their proficiency as brokers or salesmen, provided that the Commission shall establish such programs on a self-liquidating basis from fees and charges therefor established by the Commission, and to inspect and accredit educational programs or courses of study in real estate and to establish standards or accreditation for such programs conducted in the State of Texas.

"Each applicant for examination for a broker license shall have first served one (1) year actively as a licensed real estate salesman in this State or shall furnish to the Commission a certificate that he has successfully completed thirty (30)
Section 16. Revocation and Suspension of License.

"The Commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall provide reasonable cause, investigate the actions and records of any real estate broker or real estate salesman and shall have the power to suspend or revoke any license issued under the provisions of this Act at any time when it has been determined that:

"(a) the licensee has been convicted of a felony, or

"(b) the license has been obtained by false or fraudulent representation, or

"(c) the licensee, while performing any of the acts constituting a Broker or Salesman as defined by this Act, has been guilty of:

"(1) Knowingly making a substantial misrepresentation; or

"(2) Making any false promise with intent to influence, persuade or induce; or

"(3) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salesmen, advertising, or otherwise; or

"(4) Failure to make clear to all parties to a transaction for which party he is acting, or receiving compensation from more than one party, except with the full knowledge and consent of all parties; or

"(5) Failing within a reasonable time to account for or remit moneys coming into his possession which belong to others, or commingling of moneys belonging to others with his own funds; or

"(6) Paying commission or fees to or dividing commission or fees with anyone not licensed as a real estate broker, or salesman in this or any other State; or

"(7) Using any misleading or untruthful advertising including the use of any trade name or insignia of membership of any real estate organization of which he is not a member; or

"(8) Accepting, receiving, or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal; or

"(9) Soliciting, selling or offering for sale real property under a scheme or program that constitutes a lottery or deceptive practice; or

"(10) Acting in the dual capacity of broker and undisclosed principal in any transaction; or

"(11) Guaranteeing, authorizing or permitting any person to guarantee future profits which may result from a resale of real property; or

"(12) Placing a sign on any property offered for sale or rent without the consent of the owner or his authorized agent; or

"(13) Inducing or attempting to induce any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract; or

"(14) Negotiating or attempting to negotiate the sale, exchange, lease, or rental of any real property with such owner or lessor, knowing that such owner or lessor had a written outstanding contract, granting exclusive agency in connection with such property, with another real estate broker; or

"(15) Offering real property for sale or for lease without the know-
ledge and consent of the owner or his authorized agent, or on any terms other than those authorized by the owner or his authorized agent; or

“(15) Publishing, or causing to be published, any advertisement including but not limited to advertising by newspaper, radio, television, or display which is misleading, or which is likely to deceive the public, or which in any manner whatsoever tends to create a misleading impression, or which fails to carry plainly the name of the broker causing the advertisement to be published; or

“(16) Having knowingly withheld from or inserted in a statement of account or invoice, any statement that made it inaccurate in any material particular; or

“(18) Establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a real estate licensee, or aiding or abetting or conspiring with any person to circumvent the requirements of this Act; or

“(20) Failing or refusing upon demand to furnish copies of any document pertaining to any transaction dealing with real estate to any person whose signature is affixed thereto; or

“(21) Failing to advise a purchaser in writing before the closing of the transaction concerned, that each purchaser should either have the abstract, covering real estate which is the subject of the contract, examined by an attorney at the purchaser’s own selection; or be furnished with or obtain a policy of title insurance; or

“(23) Disregarding or violating any provision of this Act; or

“(24) Conduct which constitutes dishonest dealings, bad faith, untrustworthiness or incompetency; or

“(25) Failing within a reasonable time to forthwith deposit moneys, received as escrow agent in a real estate transaction, either in trust with a title company authorized to do business in this State, or in a custodial, trust, or escrow account maintained for such purpose in a banking institution authorized to do business in this State; or

“(26) Failing or refusing upon demand to produce any document, book, or record in his possession concerning any real estate transaction transacted by him for inspection by the Real Estate Commission or its authorized personnel or representative; or

“(27) Failing without just cause to surrender unto the rightful owner, upon demand, any document or instrument coming into his possession.

“(4) A final money judgment has been rendered against such licensee resulting from contractual obligations of a licensee incurred in the pursuit of his business, and such judgment remains unsatisfied for a period of more than six (6) months after becoming final.

This Section of this Act shall not be construed to relieve any person or company from civil liability or from criminal prosecution under this Act or under the laws of this State.

Upon complaint by affidavit of any credible person that any licensee under the provisions of this Act has been guilty of, or has committed any of the acts mentioned in this Section, the Commission shall, after proper investigation and verification of information contained in the complaint, notify the licensee of the filing of such complaint and the date a hearing will be had thereon. After hearing, the Commission shall enter such order as to it appears proper under the facts presented. Either party may appeal from that decision to any District Court of the County where such licensee resides, where a trial shall be had in accordance with the Texas Rules of Civil Procedure.

Section 3. Section 21(a) of The Real Estate License Act, House Bill
shall prescribe. Applications for renewals of this Act shall expire at midnight on December 31, or the next day, or the last day on which the person resides, or in the District Court in the county where his principal place of business is situated, a petition against the Commission officially as defendant, alleging therein in brief detail the action and decision complained of and for an order directing the Commission to license or reinstate the applicant. The case shall be tried in accordance with the Texas Rules of Civil Procedure.

Section 4. Section 23 of The Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, which was last amended and renumbered by Section 1, Chapter 383, Acts of the Fifty-fourth Legislature, 1955, is hereby amended so as to read hereafter as follows:

"Section 23. Expiration and Renewal.

"All licenses issued under provisions of this Act shall expire at midnight on December 31, of the calendar year for which they are issued, unless previously revoked, suspended, or invalidated, and application for renewal thereof shall be made in such manner as the Commission shall prescribe. Applications for renewal of said licenses shall be made between the 1st day of October and the 1st day of December. Provided, however, that no applicant who has held a license during the preceding year before making application under The Real Estate License Act of Texas as shall be required to take an examination unless such license was suspended, revoked, or cancelled for violation of this Act."

Section 5. The penal Code of the State of Texas is hereby amended by adding thereto the following provision:

"Any person who shall willfully violate or fail to comply with any of the provisions of The Real Estate License Act of Texas or any order of The Texas Real Estate Commission authorized by The Real Estate License Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than Five Hundred Dollars ($500), or to imprisonment in the county jail for not more than one year, or to both such fine and imprisonment."

Section 6. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Section 7. If any Section, sentence, clause, phrase or word of this Act is for any reason held to be invalid, the validity of the remaining portions of this Act shall not be affected thereby, it being the intent of the Legislature that it would have passed such remaining portions despite such invalidity.

Section 8. The fact that millions of dollars annually are entrusted by members of the public to those persons licensed as Real Estate Brokers and Real Estate Salesmen, that the relationship between the Real Estate Brokers and Salesmen and their clients is a fiduciary one demanding highest standards of ethical conduct, and that the present law is inadequate to safeguard the public and the property interests of the people, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be enforced from and after its passage and it is so enacted.

Committee Amendment No. 2

Amend Senate Committee Substitute for H. B. 99, Section 2, by deleting creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be enforced from and after its passage and it is so enacted.

"Section 16. (34) Palling within a reasonable time to deposit money received as escrow agent in a real estate transaction, either in trust with a title company authorized to do business in this State, or in a
custodial, trust, or escrow account maintained for such purpose in a banking institution authorized to do business in this State; or"

Committee Amendment No. 3
Amend Senate Committee Substitute for H. B. 99, Section 2, by deleting Section 16 (6) thereof and substituting in lieu thereof the following:

"Section 16. (6) Paying commission or fees to or dividing commission or fees with anyone not licensed as a real estate broker or salesman in this state or any other state, or attorney-at-law in this state or any other state; or"

Committee Amendment No. 4
Amend Senate Committee Substitute for H. B. 99 by adding a new section to be known as Section 3 and renumbering the remaining sections.

Section 3. Section 19 of The Real Estate License Act, House Bill No. 17, Acts of the Forty-sixth Legislature, 1939, which was amended and renumbered by Section 1, Chapter 282, Acts of the Fifty-fourth Legislature, 1955, and which was further amended by House Bill No. 278, Chapter 497, Acts of the Sixty-legislature, 1959, is hereby amended as to read hereafter as follows:

"Section 19. License Prerequisite to Suit for Compensation.

No person or company may bring or maintain any action for the collection of compensation for the performance in this State of any of the Acts set out in Subdivision (1) of Section 4 hereof without alleging and proving that the person or company performing the brokerage services was a duly licensed Real Estate Broker or Salesman at the time the alleged services were commenced; or was a duly licensed attorney-at-law as exempt from the provisions of this Act by Section 6."

Committee Amendment No. 5
Amend H. B. 99, Sec. 23, line 23 of the printed bill by striking out the word "October" and substituting in lieu thereof the word, "September."

Committee Amendment No. 6
Amend caption to conform to body of bill.

HOUSE BILL NO. 482 WITH SENATE AMENDMENTS
Mr. Cole called up with Senate Amendments for consideration at this time,

H. B. No. 482. A bill to be entitled "An Act amending Section 1 of Chapter 125, Acts of the Fifty-first Legislature, Regular Session, 1951, as amended, relating to the regulatory authority of the Game and Fish Commission in certain counties, so as to add Hunt County to the counties so regulated; and declaring an emergency."

On motion of Mr. Cole, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 482.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 482
Senate Floor Amendment No. 1
Amend H. B. 482 by striking Section 1 thereof and substituting in lieu thereof the following:

"Section 1. Section 1 of Chapter 125, Fifty-second Legislature, Regular Session, 1951, as last amended by Chapter 44, Acts of the Fifty-seventh Legislature, First Called Session, 1961, is amended to read as follows:

"Section 1. This Act shall apply only to the counties of: Archer, Baylor, Bell, Bosque, Bowie, Brazos, Clay, Comanche, Coryell, Denton, Ellis, Erath, Falls, Fannin, Freestone, Grimes, Hamilton, Hardin, Hill, Hood, Houston, Hunt, Jack, Jefferson, Johnson, Knox, Limestone, McLennan, Milam, Montgomery, Orange, Palo Pinto, Parker, Polk, Roberts, Somervell, Stephens, Tarrant, Waller, Washington, Wilbarger, Williamson, Wise and Young."

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

HOUSE BILL NO. 767 WITH SENATE AMENDMENTS
Mr. Arledge called up with Senate Amendments for consideration at this time,
H.B. No. 767. A bill to be entitled "An Act authorizing Boards of Trustees of certain common school districts, upon a majority vote of the qualified property tax-paying voters of the District, to appoint an assessor-collector of taxes and a board of equalization for such District, providing the powers and duties of such assessor-collectors and boards of equalization; providing for severability; and declaring an emergency."

On the motion of Mr. Arledge, and by unanimous consent, the House concurred in the Senate Amendments to H.B. No. 767.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 767

Senate Floor Amendment No. 1

Amend Section 1 of House Bill No. 767 by inserting immediately after the comma following the words "federal census" the following:

"and in all common school districts in this state having an assessed valuation of Seven Hundred Forty Thousand Dollars ($740,000) or more but less than One Million Five Hundred Thousand Dollars ($1,500,000) and located in a county having a population of more than seven thousand, (three hundred and ten (173) thousand, nine hundred and twenty (7,920) according to the last preceding federal census.)"

Senate Floor Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 274 WITH SENATE AMENDMENTS

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

H.B. No. 274. A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 59, Section 69, Constitution of Texas, known as Butter-field Water Control and Improvement District, located in El Paso County, Texas; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; defining powers of District; concerning District the rights, powers, privileges, authority and duties of the General Laws of Texas applicable to water control and improvement districts created under Article 59, Section 69, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its systems, facilities and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District, and related matters, providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors and provisions for calling to call Director elections and related matters; providing Directors to fill vacancies; providing for organization of Board of Directors; providing for employment of engineers, attorneys, and other employees; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempting property and bonds of District from taxation and related matters; providing District shall bear expense of relocating, raising or realigning of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power eminent domain; finding the District created essential to the purposes of Section 69, Article 19, Texas Constitution; finding a benefit to all land and other property within the
District; declaring District a body politic and corporate of equal dignity with any municipal corporation; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

Mr. McGregor moved that all the necessary rules be suspended for the purpose of concurring in the Senate Amendments to House Bill No. 274.

The motion prevailed by unanimous consent.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 274

Committee Substitute for H. B. 274

"A BILL
To Be Entitled

An Act creating a conservation and reclamation district to be known as "Butterfield Water Control and Improvement District" under the provisions of Section 59 of Article XVI, of the Texas Constitution, and comprising certain territory lying wholly within the boundaries of El Paso County, Texas, for the purpose of purchasing, constructing or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, sanitary facilities or parts of such systems or facilities and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto, and to purchase and/or acquire all necessary lands, rights-of-way, easements, sites, equipment, buildings, plants, structures and facilities therefor and to operate and maintain same, and to sell water and other services; prescribing the rights, powers, duties and authority of the District; providing that the District shall have the right of eminent domain under certain limitations and restrictions; providing that in the event the District, in the exercise of the power of eminent domain or power of relocations, or any other power granted hereunder makes necessary the taking of property or the relocation, raising, rerouting or changing the grade, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities or pipeline, all such necessary taking, relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the expense of the District and providing that the expense of the District shall be strictly confined to that amount which is equal to the actual cost of the property taken or work required without enhancement thereof and after deducting the net salvage value which may be derived from the property taken; declaring said District to be a governmental agency and body politic and corporate; providing for the government of the District; providing for elections; defining the powers of the District; providing for the issuance of bonds, for taxes and collection of revenues; providing for approval of bonds, selection of depositories; providing that portions of Art. 7880-775, Vernon's Civil Statutes of Texas, pertaining to calling of hearing for determination of dissolution of a district where a bond election has failed shall be inapplicable to the District; and declaring an emergency."

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

Section 1. Under and pursuant to the provisions of Article XVI, Section 59, of the Constitution of the State of Texas, there is hereby created and incorporated in El Paso County, Texas, a conservation and reclamation district to be known as "Butterfield Water Control and Improvement District," hereinafter referred to as the "District."

Sec. 2. The District shall comprise all of the territory contained within the following described area and being in El Paso County, Texas:

Sections 6, 7, 8, 9, 10, 15, 17, 18, 19, the West ¾ of Section 20, the Northeast ¼ of Section 20, and the Northwest ¼ of the Southeast ¼ of Section 20, and all of Sections 21 and 22, all being located in Block 8 of the Public School Land in El Paso County, Texas; the East ¾ of section 12 in Block 79, Township 2, T & P Railway Survey, in El Paso County, Texas; and, a part of the Northwest corner of Section 4, Block 78, Township 3, T & P Railway Survey, in El Paso County.
Texas, described by metes and bounds as follows:

Beginning at the northwest corner of Section 4 of Block 78, Township 2;

Thence East 2197.4 feet along the northerly line of said Section 4 to the northwest corner of a tract of land conveyed to W. J. Leona by deed dated April 16, 1957, and recorded in the Deed Records of El Paso County, Texas;

Thence South 0° 33' 12" East a distance of 2012.74 feet to the northerly line of Highway U. S. 62-180;

Thence South 81° 20' West along the northerly line of said Highway a distance of 2332.9 feet to a point in the West line of Section 4, and the East line of said Section 5 in said Block 78;

Thence North 0° 33' 12" West along the East line of said Section 5, and the West line of said Section 4, a distance of 2332.9 feet to the place of Beginning; said portion containing approximately 2146.25 acres.

"Also included in the District, although not contiguous to the above body of land, and also lying in El Paso County, Texas, is Section 7 in Block 78, Township 2, T & P Railway Surveys, containing approximately 840 acres.

"No error or discrepancy in the foregoing field notes shall adversely affect the validity of the District granted herein. It being found and determined that all of the territory and taxable property contained within such boundaries will be benefited by the aid and improvements of the District.

"Sec. 3. The District shall have and exercise and be hereby vested with all the rights, powers, privileges and duties conferred and imposed by the general laws of this State now in force or hereafter enacted, applicable to water control and improvement districts created under the authority of Section 19, Article XVI, of the Texas Constitution, and all amendments thereto.

To the extent that any provisions of any general law applying to water control and improvement districts conflict with this Act, the provisions of this Act shall control. It shall, however, not be necessary for the Board of Directors to call a confirmation election or hold hearing for exclusion of lands from the District.

"Sec. 4. (a) The District shall have the power and authority conferred upon water control and improvement districts under the provisions of Chapter 4, Title 12, Vernon's Civil Statutes of Texas, including the right, power and authority to purchase and/or construct or otherwise acquire waterworks systems, sanitary sewer systems, storm sewer systems and drainage facilities or parts of such systems or facilities and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase and/or acquire all necessary lands, rights-of-way, easements, sites, equipment, buildings, plants, structures and facilities therefor and to operate and maintain same, and to sell water and other services.

"(b) Subject to the limitations contained in Subsection (c) of this Section, the right of eminent domain hereby expressly conferred on said District and the procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entry upon the property pending appeal and other procedure prescribed in Title 52 of the Revised Civil Statutes of Texas, 1925, as herefore or hereafter amended, shall apply to said District. In the event the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted herein makes necessary the taking of any property or the relocation, rerouting or changing the grade, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipelines, all such necessary taking, relocation, rerouting, changing of grade or alteration of construction shall be accomplished at the expense of the District. It is provided, however, that the expense of the District shall be strictly confined to that amount which is equal to the actual cost of the property taken or work required without enhancement thereof and after deducting the net salvage value which may be derived from any property taken.
as exercised exclusively by a Board of Statutes, shall of EI enclosure by the District under its or may be extended in the future.

The District shall have the power of eminent domain or maintenance of the improvements of the District. A Director may be employed as General Manager and at such compensation as may be fixed by the four other Directors, and when so employed he shall continue to perform the duties of a Director. All elections in the District shall be ordered by the Board of Directors, and such order shall name a presiding judge of election and fix the place or places within the District at which such election shall be held. Except as otherwise provided herein, the election shall be held in accordance with the provisions of the general election laws. Returns of such elections shall be made to the Secretary of the Board of Directors, and the results thereof shall be promptly declared by an order duly entered in the minutes.

"Sec. 6. The terms of the first two named directors in Section 5 of this Act shall expire on the first Tuesday in January, 1965, and the terms of the last three named Directors shall expire on the first Tuesday in January, 1966. A regular election for the election of directors shall be held on the first Tuesday in January of each year beginning in 1966. Two Directors shall be elected in each odd numbered year and three in each even numbered year. The regular elections for Directors shall be ordered by the Board and such order shall state the time, place, and purpose of the election and the Board shall appoint the presiding judge who shall appoint an assistant judge and two clerks, if needed, and such election shall be ordered at least fifteen (15) days prior to the date of said election and notice of said election shall be published in a newspaper of general circulation in El Paso County one time at least ten (10) days before election. Any qualified elector who is a bona fide resident of El Paso County, Texas, shall be qualified to serve as a Director. All vacancies shall be filled by appointment by remaining members of the Board of Directors for the unexpired term. In the event the number of Directors shall be reduced to less than three, the County Judge of

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"(c) Notwithstanding any other provision of this Act, the District shall, for the purpose of carrying out any power or authority conferred by the Act, have the sole right to provide the service and acquire the land, water rights and easements within the boundaries of the District. It shall also have such power outside the District within the enclosures bounded by a perimeter a distance of one mile outside and surrounding the boundaries of each portion of the District, all within El Paso County, Texas, so long as the one mile perimeter is not within five miles of the City Limits of the City of El Paso, Texas, as they now exist or may be extended in the future. Any development made within such enclosure by the District under its powers herein prior to the development coming within five miles of the City Limits of the City of El Paso shall remain the property of the District with the sole right of service therein. The District shall not have the power of eminent domain as provided by Title 2, Revised Civil Statutes, as amended, anywhere beyond such one mile perimeter.

"Sec. 5. The powers herein conferred upon the District shall be exercised exclusively by a Board of five Directors. The first Board of Directors shall be composed of the following resident electors in El Paso County: Charles Opel, Berry H. Edwards, Dan R. Ponder, Charles H. Leavell and Harry W. Buckler. Such Directors shall subscribe to the constitutional oath of office and each shall make a good and sufficient bond in the amount of Five Thousand Dollars ($5,000) conditioned upon the faithful performance of the duties required of him under this Act. After the organization of the District as herein provided and the qualification of the first Board of Directors all such bonds shall be approved by said Board of Directors and filed for record in the office of the County Clerk of El Paso County, Texas, and shall then be recorded in a record kept for that purpose in the office of the District and be filed for safe keeping in the depository of the District. The premium on all such bonds shall be paid by the District. A majority of the Board of Directors shall constitute a quorum. The Board of Directors shall have exclusive charge of all the business and affairs of the District and shall make all regulations and enter into all contracts on behalf of the District. They shall purchase all necessary machinery, materials, tools and supplies required in the construction, repair or maintenance of the improvements of the District. A Director may be employed as General Manager and at such compensation as may be fixed by the four other Directors, and when so employed he shall continue to perform the duties of a Director. All elections in the District shall be ordered by the Board of Directors, and such order shall name a presiding judge of election and fix the place or places within the District at which such election shall be held. Except as otherwise provided herein, the election shall be held in accordance with the provisions of the general election laws. Returns of such elections shall be made to the Secretary of the Board of Directors, and the results thereof shall be promptly declared by an order duly entered in the minutes.

"Sec. 6. The terms of the first two named directors in Section 5 of this Act shall expire on the first Tuesday in January, 1965, and the terms of the last three named Directors shall expire on the first Tuesday in January, 1966. A regular election for the election of directors shall be held on the first Tuesday in January of each year beginning in 1966. Two Directors shall be elected in each odd numbered year and three in each even numbered year. The regular elections for Directors shall be ordered by the Board and such order shall state the time, place, and purpose of the election and the Board shall appoint the presiding judge who shall appoint an assistant judge and two clerks, if needed, and such election shall be ordered at least fifteen (15) days prior to the date of said election and notice of said election shall be published in a newspaper of general circulation in El Paso County one time at least ten (10) days before election. Any qualified elector who is a bona fide resident of El Paso County, Texas, shall be qualified to serve as a Director. All vacancies shall be filled by appointment by remaining members of the Board of Directors for the unexpired term. In the event the number of Directors shall be reduced to less than three, the County Judge of
El Paso County may appoint qualified electors for the unexpired term and until the successors are elected and qualify.

"Sec. 7. The Board of Directors shall elect from its number a President and a Vice President, and such other officers as in the judgment of the Board are necessary. The President shall be the chief executive officer and the presiding officer of the Board, and shall have the same right to vote as any other Director. The Vice President shall perform all duties and exercise all power conferred by this Act upon the President when the President is absent or fails or declines to act. The Board shall also appoint a Secretary and a Treasurer, who may or may not be members of the Board and it may combine those offices. The Treasurer shall give bond in such amount as may be required by the Board of Directors. The condition of such bond shall be that he will faithfully account for all money which shall come into his custody as Treasurer of the District. The Board shall appoint all necessary engineers, attorneys and other employees. The Board shall adopt a seal for the District.

"Sec. 8. (a) For the purpose of carrying out any power or authority conferred by this Act, the District is hereby authorized to issue its negotiable bonds to be payable for such revenues of the District as are pledged by resolution of the Board of Directors by trust indenture authorized by said Board.

"(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the President and Vice President, attested by the Secretary, and have the seal of the District impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and they may be sold at a price and under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, but in no event at less than ninety-five per cent (95%) of their face value, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

"(c) Bonds may be issued in more than one series and from time to time as required for carrying out the purposes of this Act.

"(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts therefore or thereafter made or other revenues specified by resolution of the Board of Directors. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term 'net revenues' as used in this Section shall mean the gross revenues of the District after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.

"(e) For the purposes stated in Sec. 8 (a) hereof, the District is also empowered to issue bonds payable from ad valorem taxes to be levied in the manner and to the extent authorized by Chapter 3-A, Title 124, R. S. 1925, or to issue bonds secured both by and payable wholly or partially from ad valorem taxes. Where bonds are issued payable wholly or partially from such taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

"(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds.
Where bonds payable partially from revenues are issued, it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds.

"(g) From the proceeds from the sale of the bonds, the District may set aside an amount for the payment of interest expected to accrue during construction and a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this District is created.

"(h) In the event of a default or a threatened default in the payment of principal or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of twenty-five per cent (25%) of the outstanding bonds of the issue thus in default or threatened default, appoint a receiver with authority to collect and receive all income of the District except taxes payable wholly or partially from ad valorem taxes, any court of competent jurisdiction may, upon petition of the holders of twenty-five per cent (25%) of the outstanding bonds of the issue thus in default or threatened default, appoint a receiver with authority to collect and receive all income of the District except taxes payable wholly or partially from ad valorem taxes. Such receiver may also be authorized to sell or make contracts for the sale of other bonds and their approval by the Attorney General and the resolutions of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

"Sec. 10. Any bonds, (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a deed of trust lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee, power to sell the properties for payment of the indebtedness, power to operate the properties, and all other powers and authority for the further security of the bonds. Such deed of trust may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds. Any purchaser under a sale under such deed of trust shall be the owner of the water and sewer system and the other properties and facilities so purchased and shall have the right to maintain and operate the same.

"Sec. 11. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by a majority vote at an election at which only the qualified voters who reside in the District and who own taxable property therein and who have duly rendered the same for taxation, Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

"(b) Such election may be called by the Board of Directors without
a petition. The resolution calling the election shall specify the time and place of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the provisions for each voting place. Notice of the election shall be given by posting a substantial copy thereof in each of three public places within the District for at least twenty (20) days prior to the election.

"(c) The returns of the election shall be made to and canvased by the Board of Directors of the District.

"(d) The general law relating to elections held under this Section of this law except as otherwise provided in this law.

"Sec. 12. After any bonds are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and the city or other governmental agency or district, a copy of such contract and the proceedings of the city or other governmental agency or district authorizing such contract shall also be submitted to the Attorney General. The Attorney General shall not be authorized or required to make any other or further examination or investigation. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and this law, he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

"Sec. 13. (a) The Board of Directors shall designate one or more banks to serve as depository for the funds of the District. All funds of the District shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank or banks named in the trust indenture and except that funds shall be remitted to the bank for payment of principal and interest on bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the FDIC they shall be secured in the manner provided by law for the security of county funds.

"(b) Before designating a depository bank or banks, the Board of Directors shall issue a notice stating the time and place when and where the Board will meet for such purpose and inviting the banks to submit applications to be designated depositories. The term of service for depositories shall be prescribed by the Board. Such notice shall be published one time in a newspaper published in El Paso County and specified by the Board at least ten (10) days before the date set for receiving applications.

"(c) At the time mentioned in the notice, the Board shall consider the applications and the management and condition of the banks filing them, and shall designate as depositories the bank or banks which offer the most favorable terms and conditions for the handling of the funds of the District and which the Board finds have proper management and are in condition to warrant handling of District funds. Membership on the Board of Directors of an officer or director of a bank shall not disqualify such bank from being designated as depository.

"(d) If no application is received by the time stated in the notice or if no application is accepted, the Board shall designate some bank or banks, within or without El Paso County, upon such terms and conditions as it may find advantageous to the District.

"Sec. 14. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, the State Permanent Retirement Fund, and the Teachers' Retirement Fund, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all
public funds of the State of Texas, and any and all public funds of cities, town, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

"Sec. 15. The portions of Article 7880-77b, Vernon's Civil Statutes, as amended, or any other general law pertaining to the calling of a hearing for the determination of the dissolution of a district where a bond election has failed shall be inapplicable to this District, and this District shall continue to exist and shall have full power to function and operate regardless of the outcome of any bond election.

"Sec. 16. The Legislature hereby exercises the authority conferred upon it by Section 59 of Article XVI, Constitution of Texas, and declares that the District created by this Act is essential to the accomplishment of the purposes of said Constitutional provision; finds that all of the land and other property included therein are, and will be, benefited thereby and by the improvements that the District will purchase, construct, or otherwise acquire; and declares the District to be a governmental agency and a body politic and corporate, of equal dignity with any municipal corporation.

"Sec. 17. The accomplishment of the purposes stated in this Act being for the benefit of the people of this state and for the improvement of their properties and industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

"Sec. 18. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 19. The fact that the District hereby established does not have adequate sources of water and that a water and sewer system is urgently needed, 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 from and after its passage, and it is so enacted."

Mr. Slider called up with Senate Amendments for consideration at this time, H. B. No. 573, A bill to be entitled "An Act declaring noxious certain aquatic plants in that portion of Caddo Lake situated in Harrison and Marion Counties; authorizing the Commissioner of the General Land Office to execute exclusive contracts for removal of noxious aquatic plants; prescribing contract requirements; passing title to noxious aquatic plants to contractor when removed pursuant to contract; establishing venue; containing a severability; and declaring an emergency."

Mr. Slider moved that all the necessary rules be suspended for the purpose of concurring in the Senate Amendments to House Bill No. 573.

The motion prevailed by unanimous consent.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 573

Senate Floor Amendment No. 1
Amend H. B. 573 by deleting the word "with" on line 60 of Page 1 of such bill and inserting the word "without" in lieu thereof.

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

COMMITTEE MEETING

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.

H. B. No. 109, A bill to be entitled "An Act repealing Section 10 and amending Sections 3, 4, 5, 6, 7, 8, 11, 13 and 14 of Chapter 187, Acts of the 16th Legislature, Regular Session, 1959, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission, to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught or taken, and exceptions thereto; to regulate the selling and disposition of certain shrimp; to prescribe certain penalties and forfeitures; to provide for venue in certain cases; to repeal all laws or parts of laws in conflict to the extent of such conflict; to provide a savings clause; and declaring an emergency."

On motion of Mr. Pipkin, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 109.

H. B. No. 379, A bill to be entitled "An Act to amend the Harris County Road Law, Acts 1913, Thirty-third Legislature, Special Laws, Chapter 17, Page 64, as amended, by amending Section 31-C of said Harris County Road Law, which said Section 31-C was added by Acts 1947, Fifty-sixth Legislature, Chapter 201, Page 358, amended by Acts 1959, Fifty-third Legislature, Chapter 380, Page 924, and amended by Acts 1953, Fifty-third Legislature, Chapter 68, Page 120: providing a severability clause; and declaring an emergency."

Mr. Bass of Harris moved that all the necessary rules be suspended for the purpose of taking up and considering in the Senate Amendments to House Bill No. 279. The motion prevailed by unanimous consent.

Amend House Bill No. 379 by striking quoted Section 31-C appearing in Section 1, and substituting therefor the following:

"Sec. 31-C. In acquiring right-of-way for roads in Harris County, the Commissioners Court shall determine the width of the right-of-way required, and establish the lines and alignment of the road. All of the said portion of roads so established and determined shall be filed with the Commissioners Court and be recorded on the Road Log of Harris County, and no expenditures shall be made by the Commissioners Court upon any road not carried on the Road Log. No road shall be carried on the Road Log or maintained by the county on a right-of-way less than sixty (60) ft. in width if the right-of-way was laid out or established on or after January 1, 1963, and no roadway shall be accepted for preliminary approval by the county in any plot or subdivision submitted for preliminary approval on or after January 1, 1963, which does not have a right-of-way sixty (60) feet or more in width. However, any road may be laid out, established and maintained on a right-of-way less than sixty (60) feet in width if the right-of-way was laid out, established or accepted before January 1, 1963. No subdivision or plot of land in Harris County outside of incorporated cities shall be filed for record by the County Clerk of Harris County, Texas, until such plot or subdivision bears the signature of the County Engineer to the effect that the roads, as indicated on the plot, have a right-of-way of at least sixty (60) feet in width and a roadbed of at least twenty (20) feet in width with a base of at least (3) inches of compacted base material and surfaced with no less than double bituminous treatment or one (1) inch compacted asphalt concrete surface material, placed in ac-
cordance with the specifications for County roads, and that all requirements of Harris County and the Harris County Flood Control District as to drainage have been complied with."

Amend caption to conform to body of bill.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 73

Mr. Haines of Brazos submitted the following Conference Committee Report on Senate Bill No. 73:

Austin, Texas, May 20, 1963

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

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 73 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOORE, CRUMP, BATES, HERRING, KRUEGER, On the part of the Senate.

HAINES, JACK MCLAUGHLIN, SCHILLER, ATWELL, CHARLES WILSON, On the part of the House.

S. B. No. 73

By Moore:

A BILL To Be Entitled

An Act authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas, acting by the Chancellor of the Texas Agricultural and Mechanical College System, in consideration of the value to be determined by appraisers, to execute and deliver a deed to certain land in Angelina County to the Hudson Independent School District of Angelina County, which said land is a part of the land under control of the Texas Agricultural Experiment Station, an agency under the supervision of said Board of Directors; providing for the exception from said conveyance and reservation unto said Board of Directors of allores and minerals of whatsoever nature upon, in, or under said land; providing that said Board of Directors may reserve any right-of-way easement necessary to give it access to other lands under its control in the vicinity of the land to be conveyed; providing for the aforesaid appraisers; providing for deposit to local funds of the Texas Agricultural Experiment Station to the credit of East Texas Pasture Investigations Laboratory, to be expended for the restoration, operation and improvement of the remaining land and appraisal expenses, the monetary consideration received for the land to be conveyed; providing for approval of the form of such conveyance by the Attorney General; and declaring an emergency.

Be it Enacted By The Legislature of The State of Texas:

Section 1. The Board of Directors of the Agricultural and Mechanical College of Texas, acting by the Chancellor of the Texas Agricultural and Mechanical College System, is hereby authorized and empowered to execute and deliver to the Hudson Independent School District of Angelina County, an appropriate deed, the form of which shall be approved by the Attorney General, conveying to said Hudson Independent School District the following described land:

All that certain tract or parcel of land lying and situated in Angelina County, Texas, being out of the J. W. Teer 84 acre Survey, Abst. N. 1921, also being a part of portion of that certain 23.13 acre tract (called First Tract) conveyed by A. J. Peavy, et ux, to the State of Texas for the use and benefit of the Texas Agricultural Experiment Station of the Agricultural and Mechanical College of Texas, by deed dated August 16, 1937, recorded in Vol. 87, page 343 of the Deed Rec-
ords of Angelina County, Texas, to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows, to wit:

Beginning at the N. E. corner or most North corner of a 6.7 acre tract of land conveyed by the Texas Agricultural and Mechanical College of Texas to Hudson Independent School District by deed, dated March 23, 1955, recorded under Clerk's File No. ..., as recorded in the County Clerk's Office of Angelina County, Texas, to which reference is hereby made for all purposes and the aforesaid referred to Power Pole No. 33, 15.7 feet and a 6" P. O. brs N 8° E 3.5 feet, a point for corner, at 303.3 feet a fence corner post for corner, at 23.13 acre tract;

Thence N 50 deg. 45 min. E with the South R.O.W. line of said State Highway No. 94 at 15.64 feet pass on line a 3/4" pipe for corner, at 23.54 feet cross the South margin of a 50 ft. road easement, at 70.90 feet, the most Northern N.W. corner of the aforesaid referred to 23.13 acre tract;

Thence S 39 deg. 57 min. E with the most Northern N.B. line of said 23.13 acre tract, and with the N.B. line of a 30 ft. road easement, at 85.35 feet a point for corner;

Thence S 18 deg. 30 min. W at 31.63 feet cross the South margin of said 30 ft. road easement at 24.37 feet pass on line a 3/4" pipe, set in fence row, at 633.96 feet a fence corner post for corner, being the S.E. corner of the aforesaid referred to Hudson School 6.7 acre tract;

Thence N 38 deg. 56 min. W with the E.B. line of said 6.7 acre tract of land at 703.62 feet; the point and place of beginning, containing in all 4,549 acres of land of which 6,612 acres new line within the 30 foot road easement which runs with the North boundary line of the above described tract.

Sec. 2. There is hereby excepted from said conveyance and reserved unto the Board of Directors of the Agricultural and Mechanical College of Texas all mineral, materials and all oil, gas, and other minerals of whatsoever nature upon, in, or under the land herein described and authorized to be conveyed.

Sec. 3. The Board of Directors of the Agricultural and Mechanical College of Texas may reserve any right-of-way easement necessary to give it access to other lands under its control and in the vicinity of the land authorized to be conveyed.

Sec. 4. The monetary consideration for the land authorized to be conveyed shall be determined by three appraisers, one of whom may be a representative of the Federal Land Bank of Houston, another of whom may be the Tax Assessor-Collector of Angelina County, or his delegate, and the third of whom may be a person selected by the other two appraisers.

Sec. 5. The money received for the conveyance herein authorized may be deposited to local funds of the Texas Agricultural Experiment Station to the credit of East Texas Fas­ture Investigations Laboratory, to be expended for the restoration, operation and improvement of the remaining land and for appraisal expenses.

Sec. 6. The fact that the Hudson Independent School District is in urgent need for school purposes of the land authorized herein to be conveyed, 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. Haines of Brazos moved that all necessary rules be suspended for the purpose of adopting the Conference Committee Report on Senate Bill No. 73.

The motion to suspend all necessary rules for the purpose of adopting the Conference Committee Report on Senate Bill No. 73 prevailed, having received the necessary two-thirds vote.

SENATE BILL NO. 112 ON SECOND READING

Mr. Simpson moved that the constitutional rule requiring bills to be read on three several days be sus-
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pended and that Senate Bill No. 313 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Year—118

Yeas—118


Nays—11

Collins  Collins  Cotten  Crain  Goffey  Harris of Dallas  Hollowell  Koliba  Koliba  Kollie  Kollie  Nugent  Roberts  Stollenwerck

Present—Not Voting

Farnham  Absent

Chapman  McLaughlin  Cole  McNutt  Cook  Pearcy  Cowles  Richardson  Fairchild  Rodrigues  Finney  Smith of Bexar  Hefton  Wieting

Absent—Excused

Banfield  Cory  Cannon  Feier  Carnes

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

S. B. No. 313, A bill to be entitled "An Act relating to the specification in election proceedings of the amount of School District Bonds which are to mature each year, amending Article 2786, Revised Civil Statutes of Texas, as amended, amending Chapter 24, Acts of the 37th Legislature, Regular Session, 1921, as amended, to provide that the petition, election, order and notice of election for the authorization of School District Bonds shall mature serially or otherwise in such installment as are fixed by the Board of Trustees if for an Independent School District, or by the Commissioners Court if for a Common School District, and declaring an emergency.''

The bill was read second time and was passed to third reading.

HOUSE BILL NO. 58 WITH SENATE AMENDMENTS

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

H. B. No. 58, A bill to be entitled "An Act amending Article 1429 of
Mr. Gladden moved that all the necessary rules be suspended for the purpose of taking up and concurring in the Senate Amendments to House Bill No. 58. The motion prevailed by the necessary two-thirds vote.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 58

Senate Amendment No. 1
Amend House Bill No. 58 by striking the words "or an agent thereof, or" from Sec. 3 (a).

Senate Amendment No. 2
Amend House Bill No. 58 by striking the words "or 'unclaimed'" from Sec. 3 (b).

Senate Amendment No. 3
Amend House Bill No. 58 by striking all of Sec. 3 (d) and renumbering the following paragraph accordingly.

Senate Amendment No. 4
Amend Section 1 of H. B. No. 938 by striking from the bill the words "the premium, rate or amount of payment, if any, by the debtor" where they appear in Sections 6B and 6D thereof, and inserting in lieu thereof at both places the following:

"the full amount of premium or the total identifiable insurance charge, if any, to the debtor"

Senate Amendment No. 5
Amend Section 1 of H. B. No. 938 by striking out all of paragraph D of Section B appearing in Section 1 of H. B. 938 and inserting in lieu thereof the following:

"D. The amount charged to a debtor by the creditor for any credit life or credit accident and health insurance issued to the debtor shall not exceed the actual premium charged to the debtor by the insurer for such insurance, as computed as the time the charge to the debtor is determined."

On motion of Mr. Crews, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 938.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 938

Senate Amendment No. 1
Amend Section 1 of H. B. No. 938 by inserting the following words between the words "five years duration" and "shall be" in the third line of Section 2A (3) of Article 3.53 of page 1 of the original bill:

"the premium for which is charged or paid for in whole or in part either directly or indirectly by the debtor."

Senate Amendment No. 2
Amend Section 1 of H. B. No. 938 by striking from the bill the words "the premium, rate or amount of payment, if any, by the debtor" where they appear in Sections 6B and 6D thereof, and inserting in lieu thereof at both places the following:

"the full amount of premium or the total identifiable insurance charge, if any, to the debtor"

Senate Amendment No. 3
Amend Section 1 of H. B. No. 938 by striking out all of paragraph D of Section B appearing in Section 1 of H. B. 938 and inserting in lieu thereof the following:

"D. The amount charged to a debtor by the creditor for any credit life or credit accident and health insurance issued to the debtor shall not exceed the actual premium charged to the debtor by the insurer for such insurance, as computed as the time the charge to the debtor is determined."

On motion of Mr. Crews, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 938.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 938

Senate Amendment No. 1
Amend Section 1 of H. B. No. 938 by inserting the following words between the words "five years duration" and "shall be" in the third line of Section 2A (3) of Article 3.53 of page 1 of the original bill:

"the premium for which is charged or paid for in whole or in part either directly or indirectly by the debtor."
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In addition to the provisions of Senate Bill 15, as passed by the 58th Legislature, Regular Session, 1963, entitled “Texas Regulatory Loan Act,” and the provisions of this Act shall not in any manner repeal, amend, or modify said Senate Bill 15, nor shall it be so construed, but to the contrary, this Act shall be so construed as to be consistent with the provisions of said Senate Bill 15.

“Further, the provisions of this Act shall not repeal or broaden the provisions of Article 3.50, Texas Insurance Code, as amended, and the provisions of such Article 3.50 shall remain in full force and effect after the effective date hereof, but all credit insurance written under the authority of said Article 3.50 shall be subject to the provisions of this Act after the effective date hereof.”

Senate Amendment No. 6
Amend caption to conform to body of bill.

MOTION TO CONSIDER CONFERENCE COMMITTEE REPORT ON S. B. NO. 318
Mr. Atwell moved to suspend the necessary rules in order that he might then make a motion to adopt the Conference Committee Report on S. B. No. 318.

The motion to suspend the rules was lost.

COMMITTEE MEETING
Mr. Hughes asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

SENATE BILL NO. 361 ON SECOND READING
Mr. Weldon moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 361.

The motion prevailed by unanimous consent.

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

S. B. No. 361, a bill to be entitled “An Act amending Section 3 of Article 2654b-1, of Vernon’s Civil Statutes of the State of Texas, providing that children of members of the Texas National Guard and the Texas Air National Guard killed on active duty may receive benefits of Section 1 thereof, and declaring an emergency.”

The bill was read second time and was passed to third reading.

SENATE BILL NO. 361 ON THIRD READING
Mr. Weldon moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-131
Adams... Esquivel
Alanis... Finney
Allen... Fletcher
Arlidge... Floyd
Ball... Fournier
Barnes... Forsman
Bass of Bowie... Garrison
Bass of Harris... Gibbons
Beckham... Giddens
Berry... Glenn
Birken... Green
Blaine... Grover
Boyden... Guffey
Bridges... Halcomb
Brooks... Haines of Brazos
Brown... Hallmark
Brown of Galveston... Harding
Brown of Taylor... Harris
Butler... Havens of Orange
Cain... Healy
Caldwell... Hitton
Canales... Hendryx
Carpenter... Hinson
Carriker... Hollowell
Carr... Hughes
Cassidy... Isakovs
Chapman... Jameson
Cheek... Jarvis
Cherry... Johnson of Dallas
Collins... Johnson of Bexar
Cotten... Kilpatrick
Coughran... Knapp
Craw... Koliba
Crews... Kothmann
Davis... Lack
de la Garza... Ligardes
Duncan... McClintock
Dunlap... McDonald
Eckhardt... McDonald of Hidalgo
Edwards... McDonald of Rusk

[Signatures]
The Speaker laid before the House on its second reading and passage to engrossment, H. R. No. 905, A bill to be entitled "An Act amending Article 3307, Revised Civil Statutes of Texas, 1925, as amended, to create the office of Industrial and Occupational Safety Coordinator under the control of the Industrial Accident Board; providing qualifications and duties for such office; providing that the provisions of the Act be severable; repealing all laws in conflict; and declaring an emergency."

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

MOTION TO PLACE HOUSE BILL NO. 905 ON THIRD READING

Mr. Finney moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 905 be placed on its third reading and final passage.

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

Yeas—109

Adams
Alanis
Allen
Ball
Barnes
Bass of Bexar
Bass of Jefferson
Beckham
Berry
Birkner
Blaine
Boysen
Bridges
Brown of Galveston
Brown of Taylor
Butler
Caldwell
Canales
Carpenter
Carver
Chapman
Cochran
Cowden
Cowie

Nays—4

Clayton
Harris of Dallas
Harris of Jefferson
Hendryx

The Speaker then laid Senate Bill No. 381 before the House on third reading and final passage.

The bill was read third time and was passed.

HOUSE AT EASE

At 5:46 o'clock p.m., the Speaker stated that the House would stand at ease.

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

(Speaker in the Chair.)

At 5:53 o'clock p.m., the Speaker called the House to order.

HOUSE BILL NO. 905 ON SECOND READING

Mr. Finney moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 905.

The motion prevailed by the necessary two-thirds vote.

The Speaker then laid Senate Bill No. 381 before the House on third reading and final passage.

The bill was read third time and was passed.

At 5:45 o'clock p.m., the Speaker stated that the House would stand at ease.

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

(Speaker in the Chair.)

At 5:53 o'clock p.m., the Speaker called the House to order.

HOUSE BILL NO. 905 ON SECOND READING

Mr. Finney moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 905.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid before the House on its second reading and passage to engrossment, H. R. No. 905, A bill to be entitled "An Act amending Article 3307, Revised Civil Statutes of Texas, 1925, as amended, to create the office of Industrial and Occupational Safety Coordinator under the control of the Industrial Accident Board; providing qualifications and duties for such office; providing that the provisions of the Act be severable; repealing all laws in conflict; and declaring an emergency."

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

MOTION TO PLACE HOUSE BILL NO. 905 ON THIRD READING

Mr. Finney moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 905 be placed on its third reading and final passage.

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

Yeas—109

Adams
Alanis
Allen
Ball
Barnes
Bass of Bexar
Bass of Jefferson
Beckham
Berry
Birkner
Blaine
Boysen
Bridges
Brown of Galveston
Brown of Taylor
Butler
Caldwell
Canales
Carpenter
Carver
Chapman
Cochran
Cowden
Cowie

Nays—4

Clayton
Harris of Dallas
Harris of Jefferson
Hendryx
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Mr. Stewart moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 908.

The motion prevailed by unanimous consent.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 908, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 232, Acts of the 53rd Legislature, Regular Session, 1953, providing for the supplementary compensation of the District Attorney of the Thirtieth Judicial District of the State of Texas; and declaring an emergency."

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

HOUSE BILL NO. 908 ON THIRD READING

Mr. Stewart moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 908 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adams  Coughran
Alaniz  Cowden
Arlidge  Cowles
Barnes  Crain
Bass of Bowie  Crews
Bass of Harris  de la Garza
Beckham  Dugan
Berry  Edwards
Birkner  Fletcher
Blaine  Floyd
Boysen  Foreman
Bridge  Gladden
Brooks  Glenn
Butler  Green
Cain  Grover
Caldwell  Hague
Canal  Harris of Brazos
Carpenter  Haines of Brazos
Carriker  Haines of Bexar
Chapman  Harding
Chey  Joe
Cole Nome
Collins  Powell
Compton  Quinlan
Cooper  Rhone
Cunningham  Royster
Curtis  Sanford
Davis  Sawyer
Delano  Segar
Dempsey  Stoddard
Dillard  Thompson
Dunn  Todd
Duval  Towne
Dugan  Travers
Dungan  Vines
Eckhardt  Walker
Engleman  Walker
Farrow  Ward
Fawcett  Weber
Ferro  Wiliams
Flax  Wills
Ford  Wilson
Forman  Wood
Gaffney  Woods
Garrett  Wotton
Gault  Wright
Giddens  Wynn
Gilbert  Young
Gill  Zeek
The bill was read third time and was passed.

RECESS

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

Mr. Walker moved that the House recess until 7:45 o'clock p.m. today.

Mr. Foreman moved that the House recess until 8:30 o'clock p.m. today.

The motion to recess until 7:45 o'clock p.m. today was lost.

The motion to recess until 8:30 o'clock p.m. today was lost.

The motion to recess until 10:00 o'clock a.m. tomorrow prevailed.

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

In accordance with the motion to recess, the House, at 6:12 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: S. B. No. 519.


Criminal Jurisprudence: S. B. No. 465.

Game and Fisheries: S. B. No. 520.


School Districts: S. B. No. 213.


REPORTS OF THE COMMITTEE ON ENGRADED BILLS

Austin, Texas, May 20, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 12, relative to requesting the Texas Highway Department to order imprinted upon all motor vehicle license plates of 1964 the legend "Vacation State."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 20, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 693, A bill to be entitled "An Act amending Article 12.01, Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Subsection (6) to provide that certain smaller, newly incorporated corporations may pay a franchise tax during the first five (5) years from the date of initially being chartered or incorporated, applied only to that portion of the sum of the stated capital, surplus and undivided profits allocable to Texas in accordance with Article 12.03 and not to outstanding bonds, notes and debentures as additionally provided as the tax base in Article 12.01 prescribing a minimum amount to be paid by said corporations; defining terms; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 20, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 772, A bill to be entitled "An Act amending Part 5 of the Texas Business Corporation Act, House Bill No. 16, Acts of 1956, Fifty-fourth Legislature, Chapter 64, page 235, by adding thereto a new Article 5.14 providing for deposit of costs in a suit by a shareholder or shareholders on behalf of corporation where the ownership interest of the complainant is less than a minimum one per cent (1%) percentage; and renumbering Article 5.14 as 6.15; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 20, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 803, A bill to be entitled "An Act amending paragraphs (a) and (b) of Subsection 8 of Section 8 (a) as added by Chapter 462, Acts of the Fifty-first Legislature, 1949, to Senate Bill No. 56, Acts of the Forty-sixth Legislature, 1939, General Laws, page 544, as amended and re-enacted by Chapter 562, Acts of the Forty-seventh Legislature, 1941 (compiled as Article 695c, Vernon's Texas Civil Statutes), relating to appeals from orders of the advisory board as appointed by the State Department of Public Welfare, so as to change jurisdiction and venue on such appeals and making other provisions relating thereto; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 20, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 804, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated hereinfor each item, or otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 20, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 919, A bill to be entitled "An Act amending Subparagraph (a) of Paragraph 4 of Section 1 of Article 3.50 of the Insurance Code pertaining to group life insurance; allowing Ten Thousand Dollars ($10,000) as the maximum amount of insurance on the amount of indebtedness of a borrower where he becomes personally liable for the payment for a loan; allowing Twenty Thousand Dollars ($20,000) as the maximum amount of insurance on the amount of a loan or loan commitment made to a debtor with seasonal income for general agricultural or horticultural purposes; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Reports of the Committee on Enrolled Bills

Austin, Texas, May 21, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 142, An Act amending Article 725b of the Penal Code, Acts 1937, Forty-fifth Legislature, page 338, Chapter 149, amending Section 2 as amended, Acts 1941, Forty-seventh Legislature, page 647, Chapter 333, Section 1, in regard to exempt preparations; by amending Section 9, as amended, Acts 1941, Forty-seventh Legislature, page 647, Chapter 333, Section 2, Acts 1943, Fifty-third Legislature, page 112, Chapter 378, Section 4, in regard to records to be kept and to purchase without
prescriptions; providing for severability; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 21, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 688, An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to Midwestern University of Wichita Falls, Texas, a State-owned University, all rights and title to certain tracts of land located in Wichita County, Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 21, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 849, An Act to authorize the establishment of a hospital district coextensive with the boundaries of Brooks County upon election by the qualified property taxpaying voters of said County; providing that this Act shall repeal all laws in conflict herewith; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 21, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 1008, An Act creating Lake Dallas Municipal Utility Authority, a Conservation District, under Article XVI, Section 59 of the Constitution, comprising the territory contained in the City of Lake Dallas, as of April 30, 1963, for the purpose of providing a source of water supply for municipal, domestic and industrial use and treating, transporting, distributing, and storing the same and for the purpose of constructing and operating a complete sanitary sewer system; providing for a Board of Directors for the government of said Authority; providing the means of annexing additional territory to the Authority when annexed by the City; authorizing the Authority and the City of Lake Dallas to enter into a contract under which City employees will perform certain or all administrative duties of the Authority; authorizing the issuance of bonds and providing for the payment and security thereof; providing for the submission to the Texas Water Commission of plans and specifications prior to the issuance of construction bonds; making provision for the levying and assessment of taxes and constituting the City of Lake Dallas tax rolls the tax rolls of the Authority; conferring the power of eminent domain; prescribing other powers and duties of the Authority; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 21, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 991, An Act authorizing the Commissioners Courts of certain counties in this State to issue bonds and levy taxes for the purpose of acquiring, constructing and equipping county workhouses and county farms for certain purposes, including the acquisition or purchase of sites therefor; validating bonds heretofore authorized at elections and the election proceedings relating thereto, and providing for the issuance thereof; providing a severability clause; and declaring an emergency.
Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Ansell, Texas, May 21, 1935

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 106, Recalling Senate Bill No. 278 from the Governor for correction.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO THE GOVERNOR

May 21, 1935

H. B. No. 143.
H. B. No. 465.
H. B. No. 849.
H. B. No. 991.
H. B. No. 1008.
H. C. R. No. 106.

SEVENTY-SECOND DAY

(Wednesday, May 22, 1935)

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

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

"Our Heavenly Father, as each day grows longer, our spirits sink lower, and rise again to new heights of expectation. The pressures of responsibility and conviction bring us before Thy throne of grace. To Thee, O Lord, we turn for help, acknowledging our weakness, our lack of wisdom, and our utter helplessness without Thee. Make us mindful of Thy presence, as Thy Spirit calls us to think carefully before we speak or act this day.

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

CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

In accordance with a previous motion, the House proceeded to the consideration of local and uncontested bills.

HOUSE BILL NO. 1033 ON SECOND READING

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

H. B. No. 1033, A bill to be entitled "An Act empowering and directing the Board of Control to construct an elevator in the north wing of the Capitol Building; empowering and directing the State Building Commission to allocate from the State Building Fund such moneys as may be provided in the General Appropriation Act to cover the cost of construction; and declaring an emergency."

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

RECORD OF VOTE

Messrs. Cran, Brown of Taylor, and Reson requested to be recorded as voting Nay on the passage of H. B. No. 1033 to engrossment.

SENATE BILL NO. 464 ON SECOND READING

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

S. B. No. 464, A bill to be entitled "An Act providing for additional compensation for the Criminal District Attorney of Galveston County, etc.; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend Senate Bill 464 by striking out all below the enacting clause and substituting the following therefor:

"Section 1. Sections 4 and 5 of Chapter 134, Acts of the 64th Legislature, 1935, as amended by Chapter 178, Acts of the 65th Legislature, 1941, are amended to read as follows:

"Section 4. The Criminal District Attorney of Galveston County, Texas, shall be commissioned by the Governor and shall receive as salary..."