Commissions' Precinct 1 and 2 of Wheeler County, pursuant to authority vested by Section 9 of Article IX of the Texas Constitution; providing for elections on the questions of the creation of such District and the levy of a tax not to exceed seventy-five cents (75¢) for its maintenance support and the payment of bonds issued by it; providing the District with power to issue bonds, and methods for authorizing same, for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes, and for any and all such purposes, and for the refunding of such bonds; providing that bonds issued by the District shall be lawful investments and security for certain funds; providing a governing body for such District, its powers and duties and the tenure of its members; withdrawing authority for the sale of bonds or levy of taxes for hospital purposes by any other municipality or political subdivision therein; enacting other provisions incident and germane to the subject and purpose of this Act; providing a severance clause and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 22, 1913
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 336, An Act providing for the creation of South Wheeler County Hospital District with boundaries coextensive with the boundaries of Commissioners Precinct 3 and 4 of Wheeler County; providing for elections on the questions of the creation of such District and the levy of a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollar ($100) valuation for its maintenance support, the indebtedness assumed, and the payment of bonds issued by it; providing the transfer of hospital facilities and assumption of indebtedness and assets; providing the District with power to issue bonds, and methods for authorizing same, for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes, and for any and all such purposes, and for the refunding of such bonds; providing that bonds issued by the District shall be lawful investments and security for certain funds; providing a governing body for such District, its powers and duties and the tenure of its members; withdrawing authority for the sale of bonds or levy of taxes for hospital purposes by any other municipality or political subdivision therein; enacting other provisions incident and germane to the subject and purpose of this Act; providing a severance clause and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 22, 1913
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 902, An Act amending an Act to carry into effect Section 62a of Article XVI of the Constitution; providing for establishment of a Retirement System to provide retirement, disability, and death benefits for officers and employees of the State; providing an effective date; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

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

"Our Heavenly Father, give us clean lives because we have clean minds. Let our thoughts be noble and pure, filled with goodness and mercy, uplifted by truth and honesty, and concerned with things of good report. If there be any virtue that we might claim let it be because we think on these things.

"Teach us humility, O Lord, that in so learning, we might not think more highly of ourselves than we ought.

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

REMARKS OF THE HONORABLE MAURICE DOKE

On motion of Mr. Cowden, the following remarks of Mr. Doke, made in addressing the House on personal privilege on today, were ordered printed in the Journal:

"I rise on personal privilege because of certain statements made by a member of this House and issued to the press entitled ‘Women’s Legal Rights Failure Attributed to Tunnell.’

"In this article the comment was made that ‘final blame for the failure of the Equal Legal Rights Constitutional Amendment can be laid at the feet of Speaker Byron Tunnell.’ The article also said that Tunnell ‘completely ignored the provisions of the House Rules concerning recognition of members to suspend the rules.’ Also, I wish to point out in the first place that the motion was incorrect. This would refute any claim that Speaker Tunnell ignored the provision of the House rules concerning this motion. But, further, I want to point out that this House has been extremely fortunate to have a man of Tunnell’s fairness, integrity, and ability to serve as Speaker. And the statements made by this member are certainly those of a small minority and not a great majority. This House has consistently operated under the rules of fair play, but this member has seen fit only to attempt to harass the leadership of the House.

"I would also like to point out that many members of the House feel that any attempt to disregard the due deliberateness and due process which results from operating under the rules of the House only lead to a weakening of our government structure and do harm to the people of Texas. Many of us who favor the Equal Legal Rights of Women Amendment feel, however, that it is best to always safeguard the deliberate operation of this House rather than fall prey to any tactic which would short circuit these rules merely to pass any given bill out.

"In closing let me merely reaffirm my faith and support in our Speaker Mr. Byron Tunnell and express regret of the great majority of this House that public harrassment tactics have been adopted."

Doke.

AUTHORIZING CERTAIN CORRECTIONS IN H. B. NO. 264

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

S. C. R. No. 85

Whereas, House Bill No. 264, upon which a Conference Committee Report has been adopted by both the House and the Senate, is now in the office of the Engrossing and Enrolling Clerk of the House of Representatives, and there are certain technical and non-substantive changes to be made therein because of inadvertent errors of wording in the Report; now, therefore, be it

Resolved, That the Engrossing and Enrolling Clerk of the House of Representatives be and is hereby directed to correct the enrolled copy of H. B. 264 in the following manner:

1. Change the word “biannual” appearing in the seventh complete whereas clause on page 3 of said Report to “biennial.”

2. In Section 1, page 4 of said Report, strike from the second complete sentence on page 4, the words “per year” as they appear after the words “Thirty Thousand ($30,000) each month” and after “Five Thousand ($5,000) per month.”

3. Strike from the next to last line of Section 1, appearing on page 4 of the Report, the word “continuous.”
4. Add in Section 2 of the bill, Section 1 of the Act, the words "such city" on line 13 of Section 1 of the Act as it appears on page 4 of said Report, after the words "change in population of any such city taking:"

5. On page 6 of the Report, in the next to last line on said page, being Subsection (1) of Section 25 of the Act, in Section 4 of the Report, strike the words "as of the time of any such application."

6. Add the words "or more" following the words "Twenty (20)" appearing in Subsection 6(a) of Section 26 of the Act, in Section 4 of the bill on page 7 of the Report, and also adding the words "or more" before the semicolon and following the word "teen" in Section 6(b) of Section 25 of the Act, Section 4 of the bill, page 7 of the Report.

7. Change the wording of Subsection (7) of Section 25 of the Act, Section 4 of the bill as it appears on page 7 of the Report to read as follows:

"(7) Disability pensions of Group II members may be changed in the manner set out under the provisions of Section 15 (a) of this Act, except that the figure of $380 per month shall be used as the base figure in making such computations and the maximum award shall be 35% of such figure."

Mr. Smith of Bexar offered the following amendment to the resolution:

Amend S. C. R. No. 86 by striking therefrom Section 6, and re-numbering Section 7 of S. C. R. No. 86 Section 6.

The amendment was adopted without objection.

A record vote was requested on the adoption of the resolution.

S. C. R. No. 86 was adopted by the following vote:

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<th>Year</th>
<th>Yea</th>
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<tbody>
<tr>
<td>130</td>
<td>152</td>
<td>76</td>
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Adams  | Ball  | Barnes |
Allen  | Bass  | Bass of Bowie |
Arledge | Bass of Harris |

Beckham  | Liguere |
Befiner  | McDonald |
Bilme  | McDonald of Hidalgo |
Bossm  | McGregor |
Brooks  | McHenry |
Brown of Taylor  | McLaughlin |
Calin  | McVetty |
Coldwell  | Maczene |
Oakhles  | Mann |
Cansans  | Markgraf |
Carpenter  | Miller |
Carr  | Morgan |
Carr  | Moyer |
Chapman  | Murray |
Cherry  | Metzger |
Cole  | Nancey |
Orv  | Nogesi |
Coughran  | Parker |
Covden  | Farmer |
Cowles  | Parsley |
Crain  | Peary |
Crews  | Peeler |
Crets  | Pendleton |
Ze la Garse  | Petty |
Doke  | Pipkin |
Duggan  | Price |
Duggan  | Quilliam |
Dickson  | Rapp |
Edwards  | Richards |
Enqvilot  | Richardson |
Flinney  | Ritter |
Fletcher  | Roberts |
Floyd  | Rosson |
Foreman  | Satterwhite |
Garlison  | Schiller |
Gladden  | Scooggins |
Green  | Segrest |
Grover  | Shannon |
Guffey  | Shipley |
Haines of Brasos  | Shutt |
Hallmark  | Simpson |
Harding  | Slack |
Harris of Dallas  | Smith of Bexar |
Haynes of Orange  | Smith of Jefferson |
Healy  | Stileswork |
Hefton  | Thompson |
Hendryx  | Thormond |
Hitson  | Townsend |
Hughes  | Traeger |
Isaacks  | Walker |
Jamison  | Ward |
Jarvis  | Wolfa |
Johnson of Dallas  | Wolford |
Johnson of Bexar  | Woleay |
Kimpatrick  | Wheeler |
Klger  | Whiefield |
Knapp  | Wilson |
Kothmann  | Woods |
Lack  | Koliba |

Nays—1
PRESENT—NOT VOTING

Clayton
Collins
Harris
of Galveston

Absent
Atwell
Banfield
Brown
of Galveston
Cook

Absent—Excused
Fairchild

(The above record vote was requested by Mr. Smith of Bexar, Mr. Segrest and Mr. Berry.)

PROVIDING FOR CERTIFICATES OF MEMBERSHIP FOR MEMBERS OF THE HOUSE

The Speaker laid before the House, for consideration at this time, H. S. R. No. 419, Providing for Certificates of Membership for Members of the House.

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

The amendment was adopted without objection.

H. S. R. No. 419, as amended, was then adopted.

SENATE JOINT RESOLUTION NO. 7 ON THIRD READING

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

The resolution was read third time and failed to pass by the following vote, not receiving the necessary one hundred Yea votes:

YEAS—78

Alaniz The resolution was read and was adopted without objection.
Allen
Bass of Bowie
Bass of Harris
Beckham
Berkner
Boyson
Brooks
Brown
of Galveston
Cain
Caldwell
Cannon
Carper
Carrier
Carnes
Chapman
Cherry
Cole
Collins
Cotten
Cowden
Cowles
Dungan
Edwards
Esquivel
Fletcher
Floyd

FAIRCHILD

“In the event the Chairman is absent, the Vice-Chairman or any designee of the Chairman is authorized to issue subpoenas or any other process in the same manner as the Chairman.”

The amendment was adopted without objection.

H. S. R. No. 93, as amended, was then adopted.

TO PROVIDE FOR THE APPOINTMENT OF A GENERAL INVESTIGATING COMMITTEE OF THE HOUSE

The Speaker laid before the House, for consideration at this time, H. S. R. No. 93, To provide for the appointment of a General Investigating Committee of the House.

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

Mr. Jarvis offered the following committee amendment to the resolution:
Committee Amendment No. 1
Amend H. S. R. No. 93, Section 3, by inserting between the third and fourth sentence thereof the following sentence:

Committee Amendment No. 1
Amend H. S. R. No. 93, Section 3, by inserting between the third and fourth sentence thereof the following sentence:
III of the Constitution of the State of Texas by adding a new Subsection to be known as 51a-1, giving the Legislature the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for direct or vendor payments for medical care on behalf of individuals sixty-five (65) years of age or over who are not recipients of Old Age Assistance and who are unable to pay for needed medical services; providing for the acceptance of financial aid from the Government of the United States for such medical payments; providing that the amounts paid out of State funds shall never exceed the amount that is matchable out of Federal funds for such purposes; providing for the necessary election, form of ballot, proclamation, and publication.

The resolution was read second time.

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

Committee Amendment No. 1

Amend Section 2 of the Joint Resolution to delete the word "Tuesday" and add in lieu thereof the word "Saturday."

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

Amendment to Committee Amendment No. 1.

"Strike the period after the word "Saturday" and add a comma and the following 'and substitute the figures "1963" for the figures "1964" in the same section."

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

Mr. Townsend moved to table Committee Amendment No. 1.

A record vote was requested on the motion to table.

The Speaker laid before the House Amendment No. 1 prevailed by the on its second reading and passage to the following vote: third reading, S. J. R. No. 10, Proposing an Amendment to Section 51a of Article

S. J. R. No. 10, Proposing an Amendment to Section 51a of Article
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S. J. R. No. 26, Proposing an amendment to Article XVI, section 62 of the Constitution, to authorize all political subdivisions of Jefferson County, Texas, to provide Retirement, Disability, and Death Benefits for all appointive officers and employees of all political subdivisions within Jefferson County, providing for the necessary election, form of ballot, proclamation and publication.

The resolution was read a second time.

Mr. Traeger offered the following amendment to the resolution:

Amend S. J. R. 26 by deleting Section 3 of page 3 of the printed bill and adding a new Section 1, to read as follows:

Section 1. The Governor shall issue the necessary proclamation for said election to be held on the first Saturday after the first Monday in the month of November 1961, and have notice of said proposed amendment and of said election published as required by the Constitution of Texas and laws of this State.

The amendment was adopted without objection.

S. J. R. No. 26 was then passed by the following vote:

Year—1929

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</tr>
<tr>
<td>Ball Hidalgo</td>
<td>5</td>
</tr>
<tr>
<td>Berry Houston</td>
<td>5</td>
</tr>
<tr>
<td>Cotten</td>
<td>5</td>
</tr>
<tr>
<td>Peeler</td>
<td>5</td>
</tr>
</tbody>
</table>

(From the above record vote was requested by Mr. Miller, Mr. Wilson and Mr. Johnson of Bexar.)

RECORD OF VOTE

Mr. Esquivel requested to be recorded as voting Nay on the motion for the previous question on S. J. R. No. 10.

SENATE JOINT RESOLUTION NO. 26 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading,
The Speaker laid before the House, on its third reading and final passage, S. B. No. 86, a bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Moody State School for Cerebral Palsey Children; to sell and convey same; and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 87 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 87, a bill to be entitled "An Act amending Chapter 490 of the Acts of the 47th Legislature, Page 788 of the Session Laws of the Regular Session of 1941, known as Article 1436b of the Penal Code of the State of Texas, by amending Section 5 thereof and adding a new section to be known as Section 5a providing that any person in any county of this State with more than one pound of mercury in his possession and who has not in his possession a bill of sale or other written evidence of title shall be guilty of a felony; providing penalties for violation of the terms of the Act; providing that it shall be a defense for defendant to show that he is engaged in the business of mining or processing mercury or can show that the mercury is an integral part of a tool, instrument, or device used for a beneficial purpose; providing that in any complaint, information or indictment it shall not be necessary to negative any exception, excuse, exemption or defense, and the burden of proof thereon shall be upon the defendant; and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 100 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 100, a bill to be entitled "An Act amending Section 4 of Chapter 42, Acts of the 56th Legislature, 2nd Called Session, 1959, to
provide that Game Wardens may make arrests for the entering without consent of the owner of enclosed lands for the purpose of hunting, fishing, or camping; providing that Game Wardens may arrest for hunting, fishing, or camping without consent of the owners on lands that surround other land either wholly or partially; and declaring an emergency."

The bill was read third time.

Mr. Allen moved to table S. B. No. 100.

A record vote was requested on the motion to table.

The motion to table S. B. No. 100 was lost by the following vote:

Yeas—59

Adams
Allen
Atwell
Ball
Bass of Bowie
Bass of Harris
Beckham
Birkner
Brock
Brown
Brown of Galveston
Caldwell
Cherry
Collins
Cotten
Coughran
Crews
Davis
de la Garza
Duggan
Enhardt
Esquivel
Floyd
Garrison
Guiffey
Harding
Harris of Galveston
Hilson
Hollowell

Nays—80

Arlidge
Barnes
Bass
Boyden
Brown
Butler
Cain
Cowles
Dokes
Dungan
Edwards
Fletcher
Foreman
Gibbens
Gladden
Glen
Green
Grover
Haines of Brazos
Hallmark
Harding
Harris of Dallas
Healy
Hendryx
Jameison
Jarvis
Johnson of Dallas
Johnson of Bexar
Knapp
Kolmenn
McClellan
McNutt
McNutt

Present—Not Voting

Crain
Fairchild

Absent

Banfield
Carriker
Carr

Haynes of Orange

Fairchild

Absent—Excused

A record vote was requested on the passage of S. B. No. 100.

S. B. No. 100 was passed by the following vote:

Yeas—87

Arlidge
Atwell
Barnes
Bass
Boyden
Brown
Butler
Cain
Cowles
Dokes
Dungan
Edwards
Fletcher
Foreman
Gibbens
Gladden
Glen
Green
Grover
Haines of Brazos
Hallmark
Harding
Harris of Dallas
Healy
Hendryx
Jameison
Jarvis
Johnson of Dallas
Johnson of Bexar
Knapp
Kolmenn
McClellan
McNutt
McNutt

Absent

Banfield
Carriker
Carr

Haynes of Orange

Arlidge
Atwell
Barnes
Bass
Boyden
Brown
Butler
Cain
Cowles
Dokes
Dungan
Edwards
Fletcher
Foreman
Gibbens
Gladden
Glen
Green
Grover
Haines of Brazos
Hallmark
Harding
Harris of Dallas
Healy
Hendryx
Jameison
Jarvis
Johnson of Dallas
Johnson of Bexar
Knapp
Kolmenn
McClellan
McNutt
McNutt

Present—Not Voting

Crain
Fairchild

Absent

Banfield
Carriker
Carr

Haynes of Orange

Arlidge
Atwell
Barnes
Bass
Boyden
Brown
Butler
Cain
Cowles
Dokes
Dungan
Edwards
Fletcher
Foreman
Gibbens
Gladden
Glen
Green
Grover
Haines of Brazos
Hallmark
Harding
Harris of Dallas
Healy
Hendryx
Jameison
Jarvis
Johnson of Dallas
Johnson of Bexar
Knapp
Kolmenn
McClellan
McNutt
McNutt

Present—Not Voting

Crain
Fairchild
Mr. Gibbens moved to reconsider the vote by which S. B. No. 100 was passed and to table the motion to reconsider. The motion to table prevailed.

REASON FOR VOTE
May 23, 1963
I was absent from the floor temporarily when vote was taken on S. B. 100, consulting with Senator Harrington about Orange County District Court Bill.
I would have voted no if I had been on the floor when the vote was taken.

Clyde Haynes of Orange.

SENATE BILL NO. 103 ON THIRD READING
The Speaker laid before the House, on its third reading and final passage, S. B. No. 103, A bill to be entitled "An Act repealing Article 838 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 230, Acts of the 42nd Legislature, Regular Session, 1931, which requires the treasurers of certain political subdivisions to make annual reports to the Comptroller showing the condition of the Interest and Sinking Fund for the indebtedness of such subdivision; amending Article 840 of the Revised Civil Statutes of the State of Texas, 1925, to remove penalty for failure to make such report; and declaring an emergency."
The bill was read third time and was passed.

SENATE BILL NO. 121 ON THIRD READING
The Speaker laid before the House, on its third reading and final passage, S. B. No. 121, A bill to be entitled "An Act amending Section 3, Sec-
tion 6 and Section 16 of House Bill No. 46, Acts of the 49th Legislature, Regular Session, (codified as Articles 912a-3, 912a-5 and 912a-16, respectively, of Vernon’s Civil Statutes of Texas), as hereinafter amended, and amending House Bill No. 42, Acts of the 49th Legislature, Regular Session, (codified in part as Article 912a-3, Vernon’s Civil Statutes of Texas); increasing the amount of the fee payable by perpetual care cemeteries upon the filing of them of statements of their perpetual care funds; providing for the organization of cemetery corporations whether non-profit corporations to maintain and operate public cemeteries or private corporations organized for profit, and, for the regulation of existing cemetery corporations organized other than under this Act; providing for establishment of perpetual care trust funds by existing cemeteries; increasing the amount required to be deposited by perpetual care cemeteries in their perpetual care funds; providing for segregation, in agreements for the sale of burial space, of the part of the selling price thereof required to be deposited in the seller’s perpetual care fund; providing the manner in which certain commissions and fees payable on the sale of burial space shall be computed; providing for amendment of trust agreements establishing perpetual care trust funds; prohibiting the operation of a perpetual care cemetery without complying with perpetual care cemetery laws; providing for an increase in the per diem amount payable by cemetery associations to the Banking Commissioner of Texas in connection with examinations of such associations; providing a severability clause; and declaring an emergency.

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

S. B. No. 119, A bill to be entitled "An Act to regulate pre-need funeral merchandise and service contracts, etc., and declaring an emergency."

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

Yes—142

Adams
Alhala
Allen
Arlitude
Ball
Banfield
Barnes
Barnev
Beckham
Berry
Birkner
Bolaxe
Boyard
Brooke
Brown
Brown of Galveston
Brown of Taylor
Butler
Calm
Caldwell
Cannas
Cannon
Carpenter
Carriker
Caveness
Chapman
Cheery
Clayton
Cole
Collins
Cook
Corry
Coughran
Cowden
Cowless
Craig
Crews
Davis
de la Garza
Doke
Duggan
Dungan
Dunnard
Eckhard
Edwards
Eveline
Flemay
Fletcher
Floyd
Fondren
Forsman
Garrisons
Gibbons
Glanden
Glen
Green
Grover

No.—1

Atwell
Altena
Allan
Hartmark
Harding
Harris
Harris of Galveston
Harris of Dallas
Hays of Orange
Hendry
Hendry
Hinman
Holloway
Hughes
Jamieson
Jany
Johnson of Dallas
Johnson of Bexar
Kippatrick
Kagger
Knaapp
Kolhas
Kothmann
Lack
Lagarde
McClusky
McDonald of Hidalgo
McDonald of Rusk
McGregor
McIlhany
McLaughlin
McNutt
Macatee
Mann
Markgraf
Miltter
Morgan
Moyer
Murray
Mutachar
Niemeyer
Nugent
Parker
Farmer
Parsley
Peary
Petier
Pendleton
Petty
Pipkin
Price
Quillian
Ragg
Richards
Richardson
Ritter
Mr. Cain moved to reconsider the vote by which S. B. No. 153 was passed and to table the motion to reconsider.

The motion to table prevailed.

REMARKS BY THE HONORABLE WILLIAM (BILL) COUGHRAN, JR.

On motion of Mr. Cowden, the following remarks of Mr. Coughran, made in addressing the House on personal privilege on today, were ordered printed in the Journal:

Mr. Speaker, Ladies and Gentlemen of the House:

I rise on personal privilege, something I had no idea of ever having to do, to call your attention to a news story in this morning’s Austin American.

If you have not read it, I urge you to do so.

I think these charges are unfair and incorrect. Further, I think Speaker Tunnell has been just and fair in his rulings throughout the entire session. I think at this time the Speaker should be commended for his fair and just decisions throughout the course of this session of the Legislature.

REMARKS BY THE HONORABLE JAMES M. COTTEN ORDERED PRINTED IN THIS JOURNAL

On motion of Mr. Miller, the remarks by Mr. Cotten, made in addressing the House on personal privilege on today, were ordered printed in the Journal.

SENATE BILL NO. 153 ON THIRD READING

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

S. B. No. 153, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Austin State School Annex, to sell and convey same; and declaring an emergency."
The bill was read third time and was passed.

SENATE BILL NO. 169 ON THIRD READING

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

S. B. No. 169, A bill to be entitled "An Act providing a formula for distribution of textbooks on the subject of Homemaking in certain grades and declaring an emergency."

The bill was read third time and was passed.

Mr. Legarde moved to reconsider the vote by which S. B. No. 169 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 189 ON THIRD READING

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

S. B. No. 189, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to convey any or all Interests the College owns in the Murray Case Sells Estate and Sells Petroleum Incorporated when, in the judgment of the Board, it is expedient or necessary so to convey or otherwise dispose of any or all such Interests; ratifying and confirming any conveyance heretofore made by the Board; and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 219 ON THIRD READING

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

S. B. No. 219, A bill to be entitled "An Act amending Section 3, Acts of the 37th Legislature, Regular Session, 1921, as amended; relating to the assessing of ad valorem taxes; and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 313 ON THIRD READING

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

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 3788, Revised Civil Statutes of Texas, as amended, amending Chapter 24, Acts of the 31st 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 installments 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 third time and was passed by the following vote:
SENATE BILL NO. 341 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, S. B. No. 341, A bill to be entitled "An Act regulating the manner of taking fish from the waters of Espiritu Santo Bay, and in those portions of San Antonio Bay South of the Intercoastal Waterway, and in Shoalwater Bay, Barroom Bay, Pats Bay, Big Bayou, Saluria Bayou, Rahal Bayou, Pringle Lake, Contee Lake, South Pass Lake, Long Lake, and in Power Lake in Calhoun County; prohibiting the use of certain devices and providing a penalty for violation; repealing conflicting laws; providing for severability; and declaring an emergency."

The bill was read third time.

Mr. Birkner raised the following points of order on further consideration of S. B. No. 341:

POINT OF ORDER NO. 1

1. All wild animals, wild birds, and wild fowl within the borders of this State are hereby declared to be the property of the people of this State—Art. 871a, P. C. 1925.

2. All fish and other aquatic animal life contained in the fresh water rivers, creeks and streams and in lakes on sloughs subject to overflow from rivers or other streams within the borders of this State are hereby declared to be the property of the people of this State. All of the rivers, bayous, lagoons, creeks,
lakes, bays, and inlets in this State and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds, bottoms, and all of the products thereof shall continue and remain the property of the State of Texas, except as otherwise provided in this Constitution pass any local law or special law authorizing:

"Creating offices or prescribing the powers and duties of officers in counties, cities, towns, election or school districts."

Point of Order:

Point of Order:

By virtue of the legislative declaration contained in Art. 871a 1 above, all of the people of Texas have a vested interest in the saltwater products of Calhoun County. This vested right cannot be abolished by special legislation affecting only one class of people, to wit: fishermen using nets. (Note, p. 384—Rules of The House—An Act to Amend The General Game and Fish Law is not a local bill)—By S. B. 341 there is an amendment to Art. 871a thereby an amendment to the General Game and Fish Law.

POINT OF ORDER NO. 2

Section 56, Article II of the Texas Constitution, V.A.T.S. reads in part as follows:

Sec. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

"Regulating the affairs of counties, cities, towns, wards or school districts."

Point of Order:

By passage of S. B. 341 there is in effect the regulation of the affairs of Calhoun County.

Point of Order:


"That which is done as to be done; matter; concern—A proceeding or action; also a material thing.


Sees: Miller, et al v. El Paso County 150 S.W. 2d 1000 City of Fort Worth v. Bobbitt 28 S.W. 2d 479

POINT OF ORDER NO. 3

Art. 5—Sec. 56: The Legislature shall not, except as otherwise provided in this Constitution pass any local law or special law authorizing:

"Creating offices or prescribing the powers and duties of officers in counties, cities, towns, election or school districts."

Point of Order:

By passage of S. B. 341 the Legislature is by special law prescribing the powers and duties of the law enforcement officers of Calhoun County and the Duties of the County Court of Calhoun County through the Penal Provisions of S. B. 341.

POINT OF ORDER NO. 4

Art. 1 Sec. 56 of Constitution—

The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

"Regulating labor, trade, mining and manufacturing."

Point of Order:

By passage of S. B. 341 the Legislature by special law is regulating a trade in Calhoun County, to wit: fishing with nets, a legitimate and lawful business trade.

Art. 3, Sec. 56 of The Constitution provides that special and local laws may be passed to preserve game and fish of this State—retain localities—

As a member of the Committee, Birkner can point out there is no biological data to support preservation of game and fish—support of this bill and refer to Simmons report.

POINT OF ORDER NO. 5

Art II—Sec. 17—Constitution of Texas: provides in part as follows:

"... no irrecoverable or uncontrollable grant of special privileges or immunities shall be made—but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the Control thereof:

Point of Order:

By passage of S. B. 341 there is an uncontrolled grant of special privileges to the sports fishermen in Calhoun County in that they are given exclusive use of public property—
May 23, 1963 · HOUSE JOURNAL 2499

POINT OF ORDER NO. 6

Sec. 57, Art. 3—Constitution
Page 48—Legislative Manual

Publication of Local Bills

Point out to the Speaker that there is no judicial review of this question since the Courts have held that they will not go behind the enrolled bill.

Therefore the only way to enforce this basic Constitutional requirement is to be granted protection by the Presiding officer.

House at Ease

At 1:13 o'clock a.m., the Speaker stated that the House would stand at ease.

(Mr. Koliba in the Chair)

At 1:18 o'clock a.m., the Chair called the House to order.

The Chair requested that the following Members come to the Speaker’s Rostrum:

—Missrs. Heatly, Cory, McGregor, Jamison and Blaine.

Mr. Koliba presented the above-named Members to the House, and addressed the House as follows:

“Ladies and Gentlemen of the House:

“I appreciate very much the courtesy extended to me by the Speaker to be allowed to preside over this honorable and distinguished body.

“Here you see with me the Members who with me started their service in this House in the 55th Legislature. There were 40 of us then, and look at what is left. As a word of caution to the new Members, don’t think you will automatically be here next session or the next; just look at us and the toll we have taken.

“I am honored to be here and I am here against the wishes of my Doctor, he thinks I am at the hotel confined to my bed, but I feel so strongly about my duties here, that I place them first. I told my Doctor to cure me and not tell me I’m going to die if I do this or don’t do that.

“Follow members, I appreciate very much your friendship and all the courtesies you have extended me. Thank you very much.”

Remarks by the Honorable Homer L. Koliba, Sr.

On motion of Mr. Heatly, the remarks of Mr. Koliba, addressing the House on today, were ordered printed in the Journal.

(Speaker in the Chair)

At 11:44 o’clock a.m., the Speaker called the House to order.

The Speaker stated that the pending points of order raised by Mr. Birkner against further consideration of S. B. No. 341 were temporarily withdrawn, and that S. B. No. 341 was also temporarily withdrawn, from consideration at this time.

Senate Bill No. 369 on Third Reading

The Speaker laid before the House, on its third reading and final passage, S. B. No. 369, 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 third time.

Mr. Allen offered the following amendment to the bill:

Amend Senate Bill 369 by striking Section “C” in Section 3, and renumbering the following accordingly.

A record vote was requested on the adoption of the amendment offered by Mr. Allen.
The amendment offered by Mr. Allen was lost by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>39</th>
</tr>
</thead>
</table>

Alanis
Allen
Ball
Banfield
Base of Harris
Brooks
Brown of Taylor
Cannon
Cherry
Cowles
Craun
Davis
Foreman
Glenn
Green
Harting
Harris of Dallas
Hollowell
Houston

Nays—38

Adams
Aridge
Atwell
Bateman
Base of Bowie
Berry
Blaisdell
Boyken
Bridge
Brown of Galveston
Butler
Calo
Caldwell
Canales
Carpenter
Caviness
Chapman
Clayton
Cole
Collins
Cook
Cory
Coughran
Cowan
de la Garza
Doke
Duggan
Dungan
Edwards
Esquivel
Finney
Fletcher
Floyd
Garrisons
Gibbons
Gleidden
Grover
Guffey
Richardson
Ritter
Roosen
Setterwhite
Schiller
Segrest
Shannon
Shipley
Shutt
Shack
Slader
Smith of Bexar
Smith of Jefferson
Thompson
Thurmond
Townsend
Walker
Welsh
Whitley
Witting
Woods

Absent

Beckham
Cariker
Cotton
Cox
Fondren
Moyer

Absent—Excused

Fairchild

Mr. Brooks offered the following amendment to the bill:

Amend S.B. 369 by adding to Section 6 the following: "This Act also shall not apply to any polls ordered, requested or purchased by any newspapers, radio stations or television stations."

A record vote was requested on the adoption of the amendment offered by Mr. Brooks.

The amendment offered by Mr. Brooks was lost by the following vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>39</th>
</tr>
</thead>
</table>

Alanis
Allen
Ball
Banfield
Base of Harris
Brooks
Brown of Taylor
Cannon
Cherry
Cowles
Craun
Davis
Foreman
Glenn
Green
Harting
Harris of Dallas
Hollowell
Houston

Nays—38

Adams
Aridge
Atwell
Bateman
Base of Bowie
Berry
Blaisdell
Boyken
Bridge
Brown of Galveston
Butler
Calo
Caldwell
Canoles
Carpenter
Caviness
Chapman
Clayton
Cole
Collins
Cook
Cory
Coughran
Cowan
de la Garza
Doke
Duggan
Dungan
Edwards
Esquivel
Finney
Fletcher
Floyd
Garrisons
Gibbons
Gleidden
Grover
Guffey
Richardson
Ritter
Roosen
Setterwhite
Schiller
Segrest
Shannon
Shipley
Shutt
Shack
Slader
Smith of Bexar
Smith of Jefferson
Thompson
Thurmond
Townsend
Walker
Welsh
Whitley
Witting
Woods

Absent

Beckham
Cariker
Cotton
Cox
Fondren
Moyer

Absent—Excused

Fairchild

Mr. Brooks offered the following amendment to the bill:

Amend S.B. 369 by adding to Section 6 the following: "This Act also shall not apply to any polls ordered, requested or purchased by any newspapers, radio stations or television stations."

A record vote was requested on the adoption of the amendment offered by Mr. Brooks.
May 23, 1963  HOUSE JOURNAL  2501


**Absent**

Bass of Bowie Fodren  Cotton Jamieson  Coughran Moyer  Crain Rodrigues  Eckhardt Simpson  

**Absent—Excused**

Fairfield  

Mr. Walker moved the previous question on the passage of S. B. No. 369 and the motion was seconded.  

The motion for the previous question prevailed.

Mr. Farmer raised a point of order on further consideration of S. B. No. 369 on the ground that the bill is in violation of Article I, Section 8, of the Constitution.  

The Speaker overruled the point of order.  

S. B. No. 369 was then passed by the following vote:

| Yeas-95 |  |
|---------|  |
| Adams   | Hefon  |
| Alanis  | Hendryx |
| Atwell  | Hughes |
| Banfield| Johnson of Dallas |
| Barnes  | Kilpatrick |
| Bass of Bowie | Klager  |
| Beckham | Knapp  |
| Berry   | Kolba  |
| Blaine  | Kothmann |
| Boysen  | Lack   |
| Bridges | McDonald |
| Brown   | McClinton |
| Butler  | McLaughlin |
| Cain    | McClinton |
| Caldwell| McMillan |
| Canales | Markgraf |
| Carpenter| Miller |
| Carriker| Moyer |
| Cavness | Murray  |
| Clayton | Mutescher |
| Cole    | Niemeyer |
| Collins | Negan  |
| Cook    | Parsley |
| Cory    | Peeler  |
| Coughran| Petty   |
| Cowden  | Pipkin  |
| Crewy   | Quilliam |
| Dinges  | Richardon |
| Duggan  | Richardon |
| Edwarods| Rosson  |
| Eriquez | Satterwhite |
| Finnay  | Segrest |
| Fletcher| Shannon |
| Floyd   | Shipley |
| Foreman| Shutt   |
| Gardiner| Simpson |
| Gibson  | Slack   |
| Glidden | Smith of Bexar |
| Grover  | Smith of Jefferson |
| Guffey  | Thompson |
| Haines of Brazos | Townend |
| Hallmark| Walker  |
| Harding | Weldon |
| Harris  | Wells   |
| Haynes of Orange | Wieting |
| Heatty  | Woods   |

<table>
<thead>
<tr>
<th>Nays-47</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
</tr>
<tr>
<td>Ball</td>
</tr>
</tbody>
</table>
MESSAGE FROM THE SENATE

Austin, Texas, May 23, 1963

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

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

H. C. R. No. 93, By Ritter: Relative to setting aside certain space in the Capitol Building where non-denominational prayer and worship may be held by State officers and employees.

H. C. R. No. 112, By Cook: Paying tribute to James Newton DeMaret by naming him Ambassador-at-large for the State of Texas.

The Senate concurred in House amendments to S. C. R. 66 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 64 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 174 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. C. R. 28 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 443 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 43 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 468 by the following vote: viva voce vote.

The Senate concurred in House amendments to S. B. 486 by the following vote: viva voce vote.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.
BILLS AND A RESOLUTION
SIGNED BY THE SPEAKER

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

S. B. No. 517, "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Water Control and Improvement District—Fondren Road; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privilege, 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 a severability clause; and declaring an emergency."

S. B. No. 515, "An Act amending Section 7 of Chapter 514, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Section 7, Article 678m of Vernon’s Texas Civil Statutes) to provide the Board of Control with management and control of State Buildings including the inventory values of the sites and the buildings located thereon; and declaring an emergency."

S. B. No. 510, "An Act amending Section 8 of Chapter 96, Acts of the 43rd Legislature, Regular Session, 1933 (compiled as Section 8 of Article 976x, Vernon’s Texas Penal Code) to provide that a licensed game breeder may sell pen-raised quail to any licensed shooting resort operator at any time of the year; and declaring an emergency."

S. B. No. 281, "An Act amending Chapter 355, Acts, 57th Legislature, Regular Session, 1961, by repealing Section 2a of said Act, relating to purchase of certain school lands in the City of Dodson; and declaring an emergency."

S. B. No. 370, "An Act amending Section 1, Chapter 175, Acts of the 50th Legislature, Regular Session, 1947, (compiled as Article 5532e of Vernon’s Texas Civil Statutes) to permit Texas Technological College to increase the acreage not to exceed five and one-half (5.5) acres of land that may be leased to the United States for an armory and the term of the lease not to exceed a period of ninety-nine (99) years; and declaring an emergency."

S. B. No. 380, "An Act to amend Subsection (e) of Article 17.05, Chapter 17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1923, as amended, relating to exemptions to the tax on stores and mercantile establishments, and declaring an emergency."

S. B. No. 394, "An Act authorizing the Parks and Wildlife Department to arrange for repairs to the Lavaca Bay Causeway Fishing Pier out of any funds that may be appropriated for that purpose; and declaring an emergency."

S. B. No. 37, "An Act to provide for the reporting of medical
S. B. No. 256, "An Act providing that neither the state nor any political subdivision or agency thereof shall take official notice of any Federal Decennial Census, or any part thereof, prior to January first of the year immediately following the calendar year in which the census was taken; providing that the state, its political subdivisions and agencies thereof shall recognize and act upon the reports of the Director of the Bureau of the Census as of said January 1 or upon the subsequent publication thereof; providing for a repealing clause; and declaring an emergency."

S. B. No. 261, "An Act to establish depository libraries with authority in the Director and Librarian of the Texas State Library; requiring certain acts to be performed to facilitate distribution of state documents; and declaring an emergency."

S. B. No. 264, "An Act relating to and fixing minimum and maximum salaries of the Official Shorthand Reporter for the 31st Judicial District of Texas; and the Official Shorthand Reporter for the 119th Judicial District of Texas; and the Official Shorthand Reporter for the 33rd Judicial District of Texas; and the Official Shorthand Reporter for the 3rd Judicial District of Texas; and the Official Shorthand Reporter for the 51st Judicial District of Texas; and the Official Shorthand Reporter for the 63rd Judicial District of Texas; and the Official Shorthand Reporter for the 119th Judicial District of Texas; and the Official Shorthand Reporter for the 3rd Judicial District of Texas; and the Official Shorthand Reporter for the 51st Judicial District of Texas; and declaring an emergency."

S. B. No. 513, "An Act authorizing the School Land Board to exchange certain State-owned land for privately-owned land, and authorizing the Land Commissioner to issue patents to private individuals covering said State-owned school land; and declaring an emergency."

S. B. No. 461, "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Harris County, Texas; describing the manner of sale and disposition of proceeds; reserving to the State of Texas all of the oil, gas, and other minerals in and under said lands or that may be produced therefrom; together with all bonuses, rents, or royalties derived therefrom; providing for the leasing of said minerals; and declaring an emergency."

S. B. No. 414, "An Act amending Article 8.03 of the Texas Business Corporation Act, as amended, and Article 31.43 of the Insurance Code, as amended, so as to provide that foreign corporations and foreign insurance corporations whose names are the same, or deceptively similar to, certain other corporations and insurance corporations shall be issued certificates of authorization to do business in Texas provided different names are used and assumed named certificates are filed in a certain manner, or provided that written consent is obtained from the existing corporation having the name deemed to be similar or the person, or corporation, for whom the name deemed to be similar is reserved or registered in the office of the Secretary of State; providing a severability clause; repealing conflicting laws; and declaring an emergency."

S. B. No. 462, "An Act amending Article 8774 of the Revised Civil Statutes of Texas of 1925, as amended, relating to the rate of pilotage for each foot of water which the vessel at the time of piloting draws, which may be fixed under Articles 8767 and 8769 on any class of vessels in any port of the state so as to exclude the Port of Galveston in the exception, as now provided; providing a repealing clause; and declaring an emergency."

S. B. No. 483, "An Act authorizing the District Attorney of the 27th Judicial District of Bell, Lampasas and Mills Counties, Texas, with the approval of the Commissioners Court of one or more of said counties to employ assistants, investigators and stenographers; prescribing their compensation; qualifications, powers, duties, authority, and method of employment; authorizing the Commissioners Court of one or more of the counties in said judicial district to furnish office space, telephones, typewriter, office furniture, supplies and other items and equipment, travel expenses, and other necessary expenses of the District Attorney's
office; authorizing the Commission-
ners Court of Bell County to supple-
ment the salary of the District At-
torney; providing for a severability
clause; and declaring an emergen-
cy.

S. B. No. 484, "An Act fixing mini-
 mum and maximum salary limits
of the official shorthand reporters
for certain judicial districts; pres-
scribing means of fixing and paying
such reporters' salaries; repealing
conflicting laws; and declaring an
emergency."

S. B. No. 510, "An Act authorizing
the Texas National Guard Armory
Board to convey certain lands in
Limestone County, Texas; describ-
ing the manner of sale and disposi-
tion of proceeds; reserving to the
State of Texas certain portions of
the oil, gas, and other minerals in
and under said lands or that may
be produced therefrom, together
with all bonuses, rents or royalties
derived therefrom; providing for the
leasing of said minerals; and
declaring an emergency."

S. B. No. 493, "An Act authoriz-
ing the Texas National Guard Arm-
ory Board to issue refunding bonds
to affect a savings in interest; re-
quiring that such refunding bonds
shall be issued only in compliance
with all requirements governing the
issuance of original bonds as speci-
fied in Chapter 366, Senate Bill No.
403, of the Regular Session of the
46th Legislature, Acts 1937, page
740, as amended by Chapter 2, Sen-
ate Bill No. 326 of the Regular ses-
sion of the 46th Legislature, Acts
1939, page 487, the same being car-
ried in Vernon's Revised Civil
Statutes of the State of Texas as
Article 8270; and declaring an
emergency."

S. B. No. 485, "An Act applying
to certain cities bordering upon the
Gulf of Mexico; validating all acts
and proceedings heretofore taken
or had by any such city, or the gov-
erning body thereof (including bond
proceedings, contracts, leases, and
agreements), under the provisions
of Chapter 7, Acts of the 47th Legis-
lature of Texas, Regular Ses-
sion, 1941, as said Chapter 7 was
originally enacted, or as said Chap-
ter 7 was amended by Chapter 526,
Acts of the 52nd Legislature of Tex-
as, Regular Session, 1941; provid-
ing that the validation features of
this Act shall have no application
to litigation pending on the effective
date hereof which questions the le-
gality of the matters hereby vali-
dated; and declaring an emergen-
cy."

S. B. No. 491, "An Act to provide
for issuance of a patent on certain
land in Montague County; and de-
claring an emergency."

S. B. No. 471, "An Act amending
Article 8276 of the Revised Civil
Statutes of Texas, 1925, relating to
appointment of branch pilots, to
make the Article applicable to all
of the ports in Galveston County
and to increase the term of office
of branch pilots to two (2) years;
and declaring an emergency."

S. B. No. 476, "An Act amending
Acts, 1951, 52nd Legislature, Chap-
ter 491, known as the Texas Insur-
ance Code, by adding thereto a new
Article numbered 1.26; defining
credit guarantee insurance; provid-
ing for the maintenance of reserves
on such insurance; and declaring
an emergency."

S. B. No. 488, "An Act providing
for the creation of a hospital dis-
trict to be known as Caprock Hos-
pital District with boundaries co-
extensive with the boundaries of
Commissioners Precincts 1, 3 and 4
of Floyd County; providing for elec-
tions on the questions of the crea-
tion of such District and the levy of
tax not to exceed Seventy-five
Cents ($0.75) for its maintenance
support, the indebtedness assumed,
and all such purposes, and for the
payment of bonds issued by it; provid-
ing the transfer of hospital facil-
ities and assets, assumptions of in-
debtedness and assets; providing
the District with power to issue
bonds; and methods for authorizing
same, for the purpose of the pur-
chase, construction, acquisition, re-
pair or renovation of buildings and
improvements and equipping same
for hospital purposes, and for any
and all such purposes, and for the
refunding of such bonds; providing
that bonds issued by the District
shall be lawful investments and se-
curity for certain funds; providing
a governing body for such District,
its powers and duties and the tenure
of its members; withdrawing au-
thority for the sale of bonds or levy
of taxes for hospital purposes by
any other municipality or political
subdivision therein; enacting other
provisions incident and germane to
the subject and purpose of this Act;

May 23, 1963

HOUSE JOURNAL

2505

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providing a severance clause; and
declaring an emergency.

S. B. No. 476, "An Act granting
to the City of Texas City, Texas, in
Galveston County, Texas, for public
purposes and particularly for and
in aid of recreation, rest and relax-
ation, boating, surfing, yachting,
newspaper and nautical purposes,
those portion or certain submerged
lands, tidal flats, overflow lands and
accretions formed by dredged ma-
terial; and declaring an emergency."

S. B. No. 495, "An Act amending
Section 1 of Chapter 315, Acts of
the 56th Legislature, Regular Ses-
sion, 1959, to increase the compen-
sation or court reporters in all counties
having a population of one million
(1,000,000) or more inhabitants ac-
cording to the last preceding federal
census; and declaring an emergen-
cy."

S. B. No. 514, "An Act repealing
Article 198, Revised Civil Statutes, 1925;
amending Article
198-5.06 of the Texas Miscellaneous
Corporation Laws Act by including in
Section 1 thereof the words ‘subject
to the provisions of Section B below’
and correcting the spelling of the
word “reasonably” therein, and add-
ing additional Section B governing
the circumstances under which par-
tent, subsidiary and affiliated corpo-
rations may make themselves or their
properties liable for the indebtedness
of a parent, subsidiary or affiliated
corporation, as defined in the Act
and defining parent, subsidiary and affil-
ated corporations for the purpose of
this Act; providing for a cause of
action for recovery of amounts paid
on indebtedness of parent, subsidiary
or affiliated corporations under cer-
tain circumstances and declaring
an emergency."

S. B. No. 503, "An Act creating a
conservation and reclamation dis-
trick under the provisions of Section
33, Article XVI, Constitution of
Texas, to be known as ‘Bacliff Mun-
cipal Utility District of Galveston
County, Texas’; prescribing its
powers, duties, and auth-
ities and providing for the approval
of the Texas Water Commission of
any conservation district, Texas; for public
benefit; providing the District shall
bear the sole expense of the recons-
tration of certain facilities under
the provisions of this Act; providing for
the sale and purchase of bonds; contain-
ing provisions relating to addition of land;
providing that its bonds are legal
and authorized investments; con-
taining other provisions relating to
the subject; providing a severance clause; and
declaring an emergency."

S. B. No. 451, "An Act to amend
Section 1, Acts, 1929, Regular Ses-
sion, Chapter 314, page 686, as
amended, (codified as Article 911b,
Title 25, Vernon’s Annotated Revis-
ed Civil Statutes of Texas), by add-
ing a new subsection numbered ‘(j)’
defining certain terms, and declar-
ing an emergency."

S. B. No. 516, "An Act amending
Acts 1935, 39th Legislature, page
358, Chapter 97, Section 1, as
amended, Acts, 1927, 40th Legis-
lature, page 378, Chapter 265, Acts,
1929, 41st Legislature, page 166,
Chapter 51; Acts, 1933, 42nd Leg-
islature, 3rd Called Session, page
103, Chapter 28; Acts, 1934, 43rd
Legislature, 3rd Called Session, page
64, Chapter 31; Acts, 1939, 46th
Legislature, page 148, Section 1;
Acts, 1941, 47th Legislature, page
1408, Chapter 641, Section 1, (codi-
fed as Article 198, Revised Civil
Statutes), as last amended by House
Bill No. 68, Acts, 1968, 68th Legis-
lature, Regular Session; providing
for the transfer of Colorado County
from the 13th Supreme Judicial Dis-
tricl to the 1st Supreme Judicial
District; and declaring an emergen-
cy."

S. B. No. 537, "An Act prohibiting
the carrying, transporting, showing,
possessing, or brandishing, in or
over, across or upon the lands of
the Lower Colorado River Authority;
providing for penalties for violation
thereof; and declaring an emergency."

S. J. R. No. 31, "Proposing an
amendment to the Constitution of
the State of Texas, amending Sec-
tions 51-a and 51-b-1 of Article III
so that same shall consist of one
Section to be known as Section 51-a:
providing that the Legislature shall
have the power to provide assistance
to and provide for the payment of
same to (1) citizens of Texas who
are needy aged persons over
the age of sixty-five (65) years, (2)
needy persons who are at least eigh-
ten (10) years of age and less than
sixty-five (65) years of age who are
permanently and totally disabled, (3)

2506  HOUSE JOURNAL
needy blind persons over the age of twenty-one (21) years, and (4) needy children under the age of sixteen (16) years; authorizing the Legislature to set up residence requirements for eligibility for such assistance; repealing the Constitutional limit on the amount paid out of State funds to individual recipients of Old Age Assistance and Aid to the Permanently and Totally Disabled; providing that the amounts for such assistance payments shall not exceed the amounts that are matchable out of federal funds for such purposes; providing that the amounts expended out of State funds for such purposes shall not exceed Sixty Million Dollars ($60,000,000); providing for the acceptance of financial aid from the Government of the United States; providing for the necessary election, form of ballot, proclamation, and publication.

RECESS

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

The motion prevailed.

In accordance with the motion to recess, the House, at 12:23 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

SENATE BILL NO. 487 ON THIRD READING

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

S. B. No. 487, A bill to be entitled "An Act amending Section 3 of Chapter 80, Acts of the 36th Legislature, Second Called Session, 1919 (compiled as Article 62-82 of Vernon's Texas Code of Criminal Procedure), so as to clearly enumerate the duties of the Criminal District Attorney of Tarrant County and to provide that the Commissioners' Court of Tarrant County may employ special counsel of its own choice in certain instances; repealing certain laws; and declaring an emergency."

The bill was read third time.

Mr. Gladden offered the following amendment to the bill:

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

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

Mr. Parmer raised a point of order on further consideration of S. B. No. 487 on the ground that it is not properly before the House in that it is in violation of Article III, Section 37, of the Constitution, and Rule 8, Section 6, of the House Rules.

Committee Meetings

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

There was no objection offered.

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

There was no objection offered.

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

The pending amendment to H. B. No. 487 offered by Mr. Gladden was lost.

Mr. Parmer offered the following amendment to the bill:

Strike out Section 3 as quoted in Section 1 of Senate Bill No. 487 and substitute in lieu thereof the following:

"Section 3. It shall be the duty of said Criminal District Attorney or his assistants as herein provided to be in attendance upon each term and all sessions of the Criminal District Court of Tarrant County and of all sessions and terms of the County Court of Tarrant County, Texas, held for the transaction of criminal business, and to represent the state in all matters pending be-
The amendment was lost.

A record vote was requested on the passage of S. B. No. 487. S. B. No. 487 was passed by the following vote:

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May 23, 1963  HOUSE JOURNAL  2509

Pipkin  Wheeler  Rodriguez  Whitfield
Smith of Jefferson
Present—Not Voting

Cannon  McDonald  Carrillo  of Hidalgo
Cherry  McDonald of Rusk  Cotton  Parker
Crain  Peavy  Eckhardt  Petty
Hays of Orange  Richards  Kilpatrick  Roberts
Ward

Absent
Cain  Lack  Cole  Price
Haring  Wells  Hinson

SENATE BILL NO. 136 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,
S. B. No. 136. A bill to be entitled "An Act amending the Public Weighers Law, Revised Civil Statutes 1925, to provide for the appointment of Public Weighers and Special Weighers by the Governor without said appointees first receiving the endorsement of the Senator and a majority of the Representatives from the Senatorial District where such appointees would hold such office."

The bill was read third time.
Mr. Scoggins offered the following amendment to the bill:
Amend Senate Bill 136 in Section 1 by striking the words "and Nueces Counties" and substituting in lieu thereof the word "county."
Signed: Scoggins and Bridges.

The amendment was adopted without objection.
S. B. No. 136 was then passed.

On motion of Mr. Brown of Galveston, and by unanimous consent of the House, the caption of Senate Bill No. 136 was ordered amended to conform with the body of the bill.

COMMITTEE MEETING

Mr. Thurmond asked unanimous consent of the House that the Committee on Livestock and Stock Raising be permitted to meet at this time.

There was no objection offered.

HOUSE AT EASE

At 3:18 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 3:30 o'clock p.m., the Speaker called the House to order.

SENATE BILL NO. 341 ON PASSAGE

The Speaker laid before the House, on its passage,
S. B. No. 341, relative to the manner of taking fish in Calhoun County.

The bill was read third time on this morning. Points of order against further consideration of the bill were raised by Mr. Birkner. The bill and the points of order were again laid before the House at this time.

The Speaker overruled the points of order raised by Mr. Birkner, stating his reasons as follows:

May 23, 1963

Mr. Birkner has raised six points of order against the consideration of S. B. 341. S. B. 341 seeks to regulate the manner of taking fish in Calhoun County.

The bill was read third time on this morning. Points of order against further consideration of the bill were raised by Mr. Birkner. The bill and the points of order were again laid before the House at this time.

The Speaker overruled the points of order raised by Mr. Birkner, stating his reasons as follows:

May 23, 1963

Mr. Birkner has raised six points of order against the consideration of S. B. 341. S. B. 341 seeks to regulate the manner of taking fish in Calhoun County. Contained within the numbered points of order are as many as twelve separate points which will be considered.

The first numbered point of order is raised against consideration of the bill because it seeks to regulate only one class of people, that is, fishermen using nets. and, in addition, that Article 871-a. Vernon’s Texas Penal Code, declares “all wild animals, wild birds, and wild fowl” to be the property of the people of this State, and that this vested property right cannot be deprived by local laws.

The second point of order references Section 56 of Article III of the Constitution, which provides that
the Legislature shall not by local law regulate the affairs of counties, cities, towns, wards or school districts, and that S. B. 341 does affect the affairs of Calhoun County.

The third point of order relates to the same section and article which prohibits the passing of any local law regulating the powers and duties of officers of counties, and other local units of government, as this bill regulates the powers and duties of officers of Calhoun County.

The fourth point of order contends that S. B. 341 regulates labor, trade, mining and manufacturing and is subject to the same objections or exceptions according to Section 56, Article III of the Constitution, in that it regulates fishing with nets, a lawful business trade.

The fifth numbered point of order relates to Section 15, Article II of the Constitution, which provides in part that "no irrepealable or special privilege or immunity shall be made," and that passage of S. B. 341 is a grant of special privilege to fishermen in Calhoun County—that they are given special use of public property.

The sixth and final numbered point of order relates to publication of local bills, stating that there is no publication of notice as required for the passage of local laws.

Since many of these points of order are interrelated, the Chair will rule generally on them in order to avoid the repetition necessary in ruling on each point separately.

As to the matter of reference to Article 871-a of the Penal Code, relating to wild animals, wild birds and wild fowl being declared the property of the people of the state, the Chair would point out the doctrine of ejusdem generis, meaning literally "of the same kind." The accepted doctrine states as a rule of statutory construction that where general words are subjoined to specific words, the general words will not include any objects of a class superior to that designated by the specific words. The general term is construed to embrace only those of equal rank to those enumerated.

We see that this statute applies to "wild animals, wild birds and wild fowl." As far as the Chair knows, the terms wild birds and wild fowl are synonymous, but the term "wild animals" being limited to the same class as "wild birds and wild fowl," would not include aquatic life, and since S. B. 341 regulates the taking of fish, an aquatic product, it does not seem to the Chair that Article 871-a is applicable here.

The Chair is aware of the strict construction accorded all penal statutes, and in accordance with the foregoing feels that this is itself a basis for overruling this point of order. However, the Chair will, in the following, note out additional matter which will be equally pertinent to not sustaining the point of order raised in relation to Article 871-a.

A second point of order No. 1 is that an act to amend a general game and fish law is not a local bill and that there is an amendment by S. B. 341 to Article 871-a, and thereby an amendment to a general game and fish law. The Chair would point out the inconsistency of the point of order. S. B. 341 does not amend Article 871-a of the Penal Code, either expressly nor by any conceivable implication. The Chair, however, certainly agrees that S. B. 341 is not a local law, in the sense that such local laws are not unconstitutional for the reason of the express proviso contained in Article III, Section 56 of the Constitution of Texas. Since reference was made to this proviso in dealing with those points of order which follow, the Chair will elaborate how this proviso relates to S. B. 341 and all bills of similar purpose.

Section 56 of Article III prohibits the Legislature from passing any local or special law which relates to an extensive enumeration of prohibited subject matter, including the following:

1. Regulating the affairs of counties, cities, towns, wards, and school districts, which was raised in point of order No. 3.
2. Creating offices and prescribing the powers and duties of officers of counties, cities, towns, election and school districts, which was raised in point of order No. 3.
3. Regulating labor, trade, mining and manufacturing, which was raised in point of order No. 4.
Now it is conceivable that S. B. 341 does indirectly, or to some extent, deal with all of these prohibited matters. However, an exception contained in the same Article of the Constitution says, and the Chair will quote: "Provided that nothing here is contained shall be construed to prohibit the Legislature from passing special laws for the preservation of game and fish of this State in certain localities."

For the specific objections as to S. B. 341 according to points of order Nos. 2, 3, and 4, and the express Constitutional proviso relating to game and fish laws, the points of order involve as they relate to the foregoing are respectfully overruled.

The point of order No. 5 that by passing S. B. 341 there is an uncontrolled grant of special privilege to the sports fishermen in Calhoun County in that they are given exclusive use of public property, the Chair again refers to the proviso related to game and fish in Article III, Section 56 of the Constitution, which says that the Legislature may specifically provide for the preservation of wildlife in certain localities.

The Constitution does not specifically grant any boundaries to which the Legislature must limit itself in describing such localities. It may pass state-wide game laws, game laws relating to certain parks, county-wide laws, less than county-wide laws, and laws affecting portions of precincts or by any fashion of metes and bounds description.

There is ample precedent, judicially sustained, for describing the applicability of game and fish laws to any number of various localities. For this reason, the part of the point of order raised against the designation of Calhoun County only is respectfully overruled.

As to the point of order that the sports fishermen of Calhoun County are given special privileges, the Chair will not rule truly upon the effect of legislation that the Legislature in its wisdom would pass, but he would rule, according to the foregoing, that the Legislature has clear authority to designate Calhoun County for the applicability of a game and fish law. For this reason, the point of order is respectfully overruled.

The sixth and final numbered point of order relates to the requirement of publication of notice of a local law 30 days before its introduction in that no publication has been made of S. B. 341. This publication requirement is provided by Section 57, Article III of the Constitution of the State of Texas. The point of order refers to the enrolled bill doctrine and the necessity for the presiding officers of the Legislature to enforce this provision.

The enrolled bill doctrine was established in a Texas Supreme Court decision in 1892 in a case styled William vs. Taylor. This doctrine provides that a bill which is signed by the presiding officers of both houses and approved by the Governor affords conclusive evidence that it was passed according to the Constitution, and the journals of the houses cannot be looked to in determining a question in judicial review.

Now, as to the Chair's duty concerning the lack of publication of S. B. 341. The Chair has found clear judicial precedent to rule that a game and fish law, such as we have proposed before us in S. B. 341, does not require the notice provided by Section 57 of Article III.

As the Chair has ruled in consideration of these points of order that according to the specific proviso contained in Section 56 of Article III of the Constitution, an act of the Legislature for the protection of the fish of the State, is proposed in S. B. 341, is not a "local" law in the sense used in Sections 56 and 57 of Article III of the Constitution. The Chair cites Stephenson v. Wood, 35 SW 2d 795, in clear support of a ruling that the authority of the Legislature to pass game and fish laws such as the one under consideration without notice mentioned in Section 57 of Article III—of the Constitution is specially reserved. For these reasons, the point of order is respectfully overruled.

The Chair has declared that he would not rule on the effect of the constitutionality of substantive matters being considered, and he takes this opportunity to emphasize this point in connection with the foregoing rulings, sustaining none of the points of order raised by Mr. Birkner in relation to S. B. 341.

May 23, 1963

HOUSE JOURNAL
Mr. Woods offered the following amendment to the bill:

Amend Senate Bill No. 341 by inserting a new section to be known as Section 1A which section shall read as follows:

"Section 1A. It is expressly provided that the provisions of this Act shall become effective only upon and after an affirmative majority vote of the qualified voters of Calhoun County as determined in an election called as provided herein. The County Judge of Calhoun County shall upon his own motion call an election to be held on the first Saturday after the expiration of forty-five (45) days following the effective date of this Act, at which election each ballot shall have printed thereon the following:

'The vote of the qualified voters of Calhoun County.'

Incase of a conflict between the two Houses, the House that the Senate has passed the following:

H. B. No. 230, By Mann: Authorizing certain State agencies to enter jointly into a contract of lease and declaring an emergency.

Senate concurred in House amendments to H. B. 230 by viva voce vote.

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

H. B. No. 522, By Cavness: Requiring the Board of Education to adopt and enforce certain regulations; and declaring an emergency.

H. B. No. 1086, By Mann: Authorizing certain State agencies to enter jointly into a contract of lease and declaring an emergency.

H. B. No. 886, By Hanfield: Vesting certain authority and responsibility in the Texas Education Agency and the Texas Board of Control to adopt and enforce certain regulations; and declaring an emergency. (As amended.)

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

Senators: Parkhouse, Chairman; Calhoun, Ratliff, Reagan and Herrick.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 522 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

Senators: Parkhouse, Chairman; Calhoun, Ratliff, Reagan and Herrick.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 522 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

MESSAGE FROM THE SENATE

Aust in, Texas, May 23, 1963

Hon. Byron Tunnell, Speaker of the House of Representatives.
The Senate has adopted the Conference Committee Report on House Bill 404 by viva voce vote.

The Senate has refused to adopt the Conference Committee Report on Senate Bill 317 by 11 yeas and 18 noes.

Senate concurred in House amendments to S. B. 129 by the following vote: 31 yeas 0 nays.

Senate concurred in House amendments to S. B. 153 by the following vote: viva voce vote.

Senate concurred in House amendments to S. B. 369 by the following vote: viva voce vote.

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

H. B. No. 769, By Hinson: Providing certain additional exemptions from jury service; and declaring an emergency.

H. B. No. 908, By Stewart: Providing for the supplementary compensation of the District Attorney of the 30th Judicial District; and declaring an emergency.

H. B. No. 949, By Hinson: “An Act providing for the compensation of the official shorthand reporter of the 5th Judicial District of Texas; providing for the manner of payment; and declaring an emergency.”

H. B. No. 514, “An Act amending Article 1551 of the Penal Code of the State of Texas, 1925, relating to the offense of obtaining board or lodging by means of trick or deception or false or fraudulent representations and refusal to pay therefore by adding a new provision prohibiting any person from leaving the premises of any hotel, motor hotel, inn or tourist court with intent not to pay for the services received; establishing a presumption of departure not to pay, under certain circumstances; providing penalties for violations; and declaring an emergency.”

H. B. No. 747, “An Act amending Section 3 under Section 1 of Chapter 316, Acts of the Forty-fourth Legislature, Regular Session, 1935, as amended by Chapter 140, Acts of the Forty-ninth Legislature, Regular Session, 1945, and Chapter 222, Acts of the Fifty-third Legislature, Regular Session, 1953 (codified as Section 3 of Article 3899b, Vernon’s Texas Civil Statutes), to allow the commissioners court of the county to increase the allowance for the use of personally owned automobiles of the County Tax Assessor and Collector and his deputies; enacting other provisions related to the subject; and declaring an emergency.”

H. B. No. 511, “An Act to authorize and require the appointment of an official shorthand reporter of the 60th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowances for travel and hotel expenses; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.”

and children, emergencies.

H. B. No. 1040, "An Act making it unlawful to hunt axis deer in La Salle County Commissioners Precinct Number Three (3); providing that this Act shall terminate on January 1, 1965, and shall be of no further force or effect thereafter; suspending all laws in conflict with this Act during the operation of this Act; providing a penalty for violation; and declaring an emergency."

H. B. No. 1027, "An Act authorizing the Commissioners Court of Jim Hogg County to supplement the salary of the District Judge of the 49th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency."

H. B. No. 500, "An Act authorizing and directing the Board of Regents of The University of Texas to establish a graduate school of biomedical sciences in Houston, Harris County, Texas, to be known as The University of Texas Graduate School of Biomedical Sciences at Houston, and to be operated as a component unit of The University of Texas system; providing for a dean to be responsible to the Board of Regents through the Chancellor; authorizing said Board of Regents to conduct graduate and post doctoral programs at the master's and doctoral levels in the sciences and related academic areas pertinent to medical education and research; providing for the awarding of degrees; authorizing the Board of Regents to make rules and regulations for the operation, control, and management of the new Graduate School; authorizing the Board to accept and administer grants and gifts in aid of the establishment and administration of the School; authorizing the Board to expend appropriated funds and gifts, grants, and contracts at the School's own facilities or in facilities of other component units of The University of Texas in Houston; authorizing joint appointments; requiring affiliation with the science programs at the Main University in Austin and with other medical units of The University of Texas, and cooperation with other institutions; suspending the operation of The University of Texas Post-
May 23, 1963 HOUSE JOURNAL 2515

graduate School of Medicine at Houston and authorizing establishment of a division of continuing education as a part of the Graduate School of Biomedical Sciences at Houston; making available to the Graduate School of Biomedical Sciences at Houston appropriations to and contracts entered into on behalf of The University of Texas Postgraduate School of Medicine at Houston; and declaring an emergency.

H. B. No. 678, "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 117th, 94th, 28th and 106th Judicial Districts of Texas, and for County Court at Law No. 1 and County Court at Law No. 2 of Nueces County, Texas, fixing minimum and maximum salaries to be paid, in addition to compensation for transcripts, statements of facts and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."


H. B. No. 688, "An Act to amend House Bill No. 8, Acts of 1941, Forty-seventh Legislature, Chapter 184, Article XV, Section 1, page 269, as amended by Senate Bill No. 141, Acts of 1947, Fiftieth Legislature, Chapter 328, Section 1, page 432, as amended by House Bill No. 2, Acts of 1950, Fifty-first Legislature, First Called Session, Chapter 2, Article XIV, Section 1, page 10, as amended by House Bill No. 365, Acts of 1957, Fifty-second Legislature, Chapter 402, Section XVII, page 695, as amended by House Bill No. 11, Acts 1959, Fifty-sixth Legislature, Third Called Session, Chapter 1, page 187, the same being Article 16.01 of Title 152A, Taxation-General, Revised Civil Stutes of Texas; to equalize the rate of taxation of transfer of shares of stock without designated monetary value; and declaring an emergency."

H. B. No. 672, "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 76th Judicial District of Texas; providing for severability; and declaring an emergency."

H. B. No. 537, "An Act amending Section 4(d) of Chapter 118, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Section 4(d) of Article 4528c, Vernon's Texas Civil Statutes), relating to per diem members of the Board of Vocational Nurse Examiners, so as to authorize per diem for each member of the Board in the amount of Twenty Dollars ($20) for each day of attendance; and declaring an emergency."

H. B. No. 766, "An Act providing for the salary and payment thereof of the official shorthand reporter of the 88th Judicial District of Texas; and declaring an emergency."

H. B. No. 987, "An Act amending Section 96 of Chapter 27, Acts of the Forty-second Legislature, Third Called Session, 1932 (compiled as Section 96 of Article 226f of Vernon's Texas Civil Statutes), so as to make the requirements governing advertising for bids by navigation districts coming within the purview of the Act conform with the requirements governing advertising for bids by counties and cities of this State; and declaring an emergency."

H. B. No. 738, "An Act establishing, authorizing, and providing for the County Industrial Training School District' located in any county in this State so as to provide vocational training for residents and nonresidents of such county; authorizing the election and terms in office of three (3) trustees, and authorizing them to appoint four (4) certain additional persons to serve with them on such governing board for a term of no longer than two (2) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the District's purposes; authorizing such District to levy, assess, and collect taxes; providing that the District shall be operated on its tax revenue, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the State, or require appropriations therefrom; authorizing the abolishment of said District and the disposition of its affairs; providing a
H. B. No. 739, "An Act providing for employment of one juvenile officer to serve any or all counties at the request of the 69th Judicial District, and establishing means for fixing and paying the salary and expenses of such juvenile officer; providing that any school district, city or town within the 69th Judicial District may request within the 69th Judicial District may participate in using the services of such juvenile officer by meeting certain conditions; and declaring an emergency."

H. B. No. 493, "An Act making it unlawful except under the provisions of this Act for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in Guadalupe, Dewitt, Gonzales, Midland and Madison Counties at any time, to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said Counties or to take or attempt to take any fish or other aquatic life or marine animals from said Counties by any means or method; providing the powers, duties and authority of the Parks and Wildlife Commission; requiring the Parks and Wildlife Commission to make investigation with respect to the depletion and waste of the wildlife resources of said Counties; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said Counties: defining depletion and waste: providing for the issuance of the antlers deer permit: providing for a public hearing; providing for the adoption of proclamations, rules or regulations of the Parks and Wildlife Commission and the effective period thereof; providing for the publication of the regulations: providing venue for suits to test the validity of this Act or of the proclamations, rules, regulations or orders of the Commission, providing a penalty: providing for the forfeiture of licenses: defining wildlife resources: suspending certain laws: prescribing a period of time within which the Parks and Wildlife Commission may conclude its investigation, hold its hearings and promulgate its proclamations, rules, regulations and orders: providing a severability clause; and declaring an emergency."

H. B. No. 573, "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."

H. B. No. 854, "An Act providing for the licensing, bonding a regulation of the handlers, dealers, buying and transporting agents, warehousing, packers, commission merchants, contract dealers and producers of vegetables, as these terms are defined herein: providing that such procedures shall be under the authority of the Commissioner of Agriculture: providing for reciprocity between this Act and House Bill No. 99, Acts of the Forty-fifth Legislature, 1937, as amended, with respect to bonding and licensing; repealing Chapter 443, Acts of the Forty-fifth Legislature, 1937, as amended, and providing that any rights accrued under such Act shall not be impaired and this Act shall not affect any proceedings instituted under such Act; providing that this Act shall not affect certain existing laws: providing for a saving clause; and declaring an emergency."

H. C. R. No. 38, To grant Lon Ed Howell permission to sue the State.

H. C. R. No. 48, To grant Egan Shield permission to sue the State and the Adjutant General of the State.

H. C. R. No. 50, Relative to a monument site adjacent to the De Zavala Cemetery.

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

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

(Mr. Jamison in the Chair)

REMARKS BY THE HONORABLE BOB RICKHARDT

On motion of Mr. Gladden, the following remarks of Mr. Rickhardt,
May 23, 1963 HOUSE JOURNAL 2517

made in addressing the House on personal privilege on today, were ordered printed in the Journal:
Mr. Speaker and Members of the House:

I rise on personal privilege under the second provision of the Rule having to do with the conduct of members individually in their representative capacities.

A number of members of the House who have voted against certain revenue losses by virtue of reductions in special business taxes have voted with the Governor on every one of his platform proposals. I have supported the Governor on every one of his platform proposals. By his statement issued today, the Governor places each and every one of those who have consistently supported him, in an untenable position, in which we can all be criticized for not affording real excellence in education, yet the wherewithal to accomplish such excellence was not in the reach of those of us who would have maintained an adequate tax base by opposing extensive cuts in existing taxes.

The Governor says: “I advocated numerous points of priority importance to Texas. First and foremost was excellence in education.” But he says “the appropriations bill, as it now stands, shortchanges the people of Texas where we can least afford it, in the critical area of higher education.” He points out that the joint conference committee reduced the amount recommended for higher education contained in the Governor’s budget message by $13 million.

The Governor is right that the appropriation bill is inadequate in the field of higher education. But he is wrong in asking that the pie be cut in such a way as to take from the afflicted and unfortunate in order to give to the talented and fortunate. There was no reason why Texas needed to make such a choice. The Governor at an earlier date could have put his foot down on tax cuts and giveaways and preserved enough money in the treasury to take care of both needs.

Here are the tax cuts and reductions below what would have been received had our present tax structure continued:

- Reduction in the sulphur tax ($1.40 per long ton to $1.03 per long ton)—$1,800,000 estimated loss;
- Exemption of State banks from franchise and sales taxes—$1,900,000;
- Exemption of vending machines from sales taxes—$2,600,000;
- Exemption of newspaper sales taxes—$2,700,000; and
- Removal of the extension of the temporary franchise tax for the second year of the biennium—$1,900,000.

These figures total $20,700,000 tax reduction at a time when the Governor is talking about excellence in education. Where was the Governor when these slashes in our present tax structure were made? Had we only extended the temporary franchise tax to the second year and refused to exempt State banks from franchise and sales tax coverage, we could have had more than the $13,000,000 needed for education. We could have gone ahead and reduced the sulphur tax and eliminated taxes on vending machines and newspapers and we still would have had sufficient money.

The Governor has a responsibility as well in the field of taxation as in the field of appropriations and it is his responsibility to try to bring these matters into balance. If he has permitted the pie to shrink to such small size as to make each of the portions too small to feed the various institutions and agencies adequately during the next biennium, it is not the responsibility of those who sliced the pie, but of those who baked it.

The slogan “excellence in education” has been but window dressing. The Governor knows that when the session is over the ivory towers will fold up into a mass of crumpled cardboard and it will be apparent to all that excellence in education is but a pitchman’s cry, a fraud and a mockery.

INTRODUCTION OF GUESTS

FROM PERU

On motion of Mr. Cavness, the following remarks made by Mr.
Macatee in introducing guests from Peru on this morning, were ordered printed in the Journal:

May 23, 1963

I would like to recognize Mr. Gonzalo Garcia-Barda, Chief Counsel, Office of the Clerk. Mr. Garcia-Barda is here to make first-hand observations of the U.S. Congress and several state legislatures. He intends to make a comparative study of organization and operations of legislative bodies.

Mr. Garcia-Barda is accompanied by Mr. Gerardo Fuentes, member of the U.S. Department of State, who is acting as his interpreter.

Mr. Garcia-Barda is a guest of the U.S. Government and the State of Texas.

(Speaker In The Chair)

REMARKS BY THE HONORABLE DON BROWN

On motion of Mr. Crews, the remarks of Mr. Brown of Galveston, addressing the House on personal privilege on today, were ordered printed in the Journal.

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 Bill No. 522.

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 522

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 522:

Messrs. Atwell, Hughes, Johnson of Dallas, Houston and Ball.

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 Bill No. 523.

APPOINTMENT OF CONFERENCE COMMITTEE ON S. B. NO. 523

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on S. B. No. 523:

Messrs. Atwell, Hughes, Johnson of Dallas, Houston and Ball.

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.

MOTION TO PASS H. B. NO. 92

Despite objections of the Governor, who Mr. Scoggins moved that H. B. No. 92 be passed, notwithstanding the objections of the Governor.

The motion that H. B. No. 92 be passed, notwithstanding the objections of the Governor, was lost by the following vote, not receiving the necessary two-thirds vote:

Yea—73

Adams                Hetton
Allen                Hollowell
Atwell               Hughes
Bail                 Jarras
Barfield             Johnson of Bexar
Bass of Harris       Kilpatrick
Birkner              Klager
Boyers               Liga
des
Brooks               McDonald
Brown of Galveston   Macatee
Brown of Taylor      Mann
Cain                  Markgraf
Caldwell              Miller
Cherry                 Morgan
Clayton               Murray
Cole                   Parker
Cowles                 Pearsley
Davis                  Peeler
Doke                  Pipkin
Eckhardt              Price
Fairchild             Quilliam
Floyd                  Richards
Foreman                Roberts
Garrison              Rodrigues
Gibbons               Satie
Gladden                Scoggins
Gleam                  Shadid
Green                  Smith
Groover                Stolenwrek
Harris of Galveston   Smith of Bexar
Harris of Dallas       Stewart
Haynes of Orange      Stolenwrek
Mr. Quilliam offered the following resolution:

H. C. R. No. 118

WHEREAS, The Legislature of the State of Texas heretofore established a committee of its members for the purpose of investigating itinerant students in the secondary schools in the State of Texas, more specifically, itinerant students of Spanish or Latin descent; and

WHEREAS, This committee had as its chairman, Don Kennard, then a member of the Texas House of Representatives, and now a member of the Senate from Tarrant County; and

WHEREAS, This committee hired and retained one Bob Sherrill for the purpose of making an investigation and study of itinerant students in secondary schools of the State of Texas, and while the said Bob Sherrill was so engaged in the performance of his duties he contacted one Robert Rich, Principal of Frenship Public School in Wolfforth, Texas; and

WHEREAS, The result of the contact made by the said Bob Sherrill with Robert Rich was an altercation resulting in serious and permanent bodily injuries to the said Robert Rich, all of which were incurred at and by the hand of Bob Sherrill when within the scope of his employment; and

WHEREAS, It is proper, equitable and just that the said Robert Rich should have the right to litigate his grievances against the Sovereign State of Texas alleging that the personal injuries done to him came to pass at the hand of an agent of the State; now therefore, be it

Resolved, by the House of Representatives of the State of Texas, with the Senate concurring, That the consent of the State of Texas is hereby given to Robert Rich to bring suit against the State of Texas and the committee of the Texas House of Representatives, in a court of competent jurisdiction have an action founded upon trespassing and/or a wrongful assault and battery asking for damages to the extent necessary to fully compensate the said Robert Rich for loss by way of injury, pain, suffering, and medical expense; and in case this suit is filed, services of citation or any other necessary process shall be upon the Attorney General of the State of Texas, and either of the parties to the suit shall have the right of appeal as in other civil cases; and, be it further

Resolved, That the Legislature of the State of Texas neither admits nor denies that Robert Rich has a valid claim; and be it further

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

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

The resolution was referred to the Committee on State Affairs.

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.

CONSIDERATION OF H. B. NO. 109 WITH SENATE AMENDMENTS

Mr. Pipkin moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 109.

The motion to reconsider the vote prevailed.

The House concurred in the Senate Amendments to H. B. No. 109 by the following vote:

Yea—141  
Nay—5


FINNIE

Finney Farmer Green Richardson McLauglih
May 23, 1963

Absence:

Cooke

Cowles

Haring

TEXT OF SENATE AMENDMENTS TO H. B. NO. 109

Amendment No. 1

Senate Committee Substitute for

H. B. No. 109

H. B. No. 109

A BILL

To Be Entitled

An Act amending Chapter 187, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Texas Shrimp Conservation Act, 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 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 repeal all laws or parts of laws in conflict to the extent of such conflict; to provide a saving clause; and declaring an emergency.

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

Section 1. Chapter 187, House Bill No. 12, Acts of the Fifty-sixth Legislature of Texas, Regular Session, 1959, known as the Texas Shrimp Conservation Act, is hereby amended so as to hereafter read as follows:

"Section 1. This Act shall be known as the 'Texas Shrimp Conservation Act' and it is hereby declared by the Legislature of the State of Texas that the shrimp resources of the State of Texas be conserved and protected from depletion and waste in order that the people of Texas and their posterity may enjoy the most reasonable and equitable privileges in the ownership and taking of such shrimp resources, and that the shrimp industry of Texas be protected from unlawful encroachment and be promoted and fostered consistent with the general good of the people of this State and to those ends, and in the interest of achieving fair, impartial, and uniform law enforcement, it is further declared by the Legislature of Texas to be the public policy of this State that any and all laws, acts, bills, rules, regulations, proclamations or orders relating to shrimp or the shrimp industry shall be carried out under this Act, any other provision of the law to the contrary notwithstanding.

"Section 2. It shall be the duty of the Game and Fish Commission to conduct, or cause to be conducted through any other agency that said Commission may designate, continuous research, investigations and studies of the supply, economic value, environment and breeding habits of the different species of shrimp and other factors affecting their increase or decrease, particularly with reference to the use of trawls, nets or other devices for the taking of shrimp, and with reference to industrial and other pollution of waters naturally frequented by shrimp, and to any and all other factors that enter into a reduction or increase in the supply of the shrimp resources of Texas. The Commission is hereby directed to gather statistical information on the marketing and processing, and on the harvesting, and catching, of shrimp landed at points in the State of Texas. The information shall set forth the quantity, in number of pounds, of shrimp landed at points in Texas, the waters from which taken, and the names of the various species. The Game and Fish Commission shall prepare forms for reports which shall be furnished to those persons licensed under this Act to unload shrimp within Texas who shall make monthly reports to the Commission on said forms, not later than the tenth day of each month. Pursuant to and based upon such studies and reports, said Commission shall enter its findings of fact with respect thereto in the permanent records of said Commission, which records shall be kept current and up-to-date as nearly as practicable and such findings of fact shall be published in the form of a report and presented to the Governor
and each Member of the Legislature prior to each Regular Session of the Legislature.

"Section 2. The following words, terms, and phrases used in this Act are hereby defined as follows:

(a) 'Coastal Waters,' as that term is used herein, means all of the salt waters of the State of Texas, including that portion of the Gulf of Mexico within the jurisdiction of this State, and for the purposes of this Act, said coastal waters of Texas are divided into two (2) classes, namely, the 'Inside Waters' and the 'Outside Waters.' The term 'Outside Waters,' as that term is used herein, shall mean the salt waters of this State contiguous to, and seaward from, the shore line of the State of Texas along the Gulf of Mexico as such shore line is projected and extended to a continuous and unbroken line, following the contours and meanders of such shore line, across bays, inlets, passa, rivers, streams and other bodies of water; the same being that portion of the Gulf of Mexico extending from such shore line seaward and within the jurisdiction of the State of Texas. The term 'Inside Waters,' as that term is used herein, shall mean all bays, inlets, outlets, passes, rivers, streams and other bodies of water landward from such shore line and contiguous to, or connected with, but not a part of, the Gulf of Mexico and within which the tide regularly rises and falls and in which salt water shrimp are found or in which salt water shrimp migrate.

(b) 'Major Bays,' as used herein, means the deeper, major bays areas of the inside waters, and for the purposes of this Act shall include Sabine Lake, Trinity Bay, Galveston Bay, East Galveston Bay, Matagorda Bay including Kille's Bay and East Matagorda Bay, Tree Fakalicious Bay, Espiritu Santo Bay, Lavaca Bay from the present causeway seaward, San Antonio Bay, Aransas Bay, Aransas Bay, Mustang Bay, and Corpus Christi Bay, all exclusive of tributary bays, bayous and inlets.

(c) 'Commission,' as used herein, means the Game and Fish Commision of the State of Texas.

(d) 'Person,' as used herein, means any person, firm, partnership, company, corporation, co-operative, association, or any legal entity whatsoever.

(e) 'Possess' In its different tenses, as used herein, includes the act of having in possession or control, keeping, detaining, restraining or holding, as owner, or under a fishing key, or as agent, bailie, or custodian of another; and whenever possession, sale, purchase, unloading or other handling of shrimp is prohibited, reference is made and intended, and shall apply, equally to such shrimp coming from without the State as to that taken within the State unless otherwise specifically provided.

(f) A 'Commercial Gulf Shrimp Boat,' as that term is used herein, is any boat or vessel which is required to be numbered or registered by and under the laws of the United States of America or of the State of Texas, and which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from the outside waters of the State of Texas for pay, or for the purpose of sale, barter or exchange, or which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from salt waters outside of the State of Texas for pay or for the purpose of sale, barter or exchange, or which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from salt waters outside of the State of Texas for pay or for the purpose of sale, barter or exchange, or which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from salt waters outside of the State of Texas for pay or for the purpose of sale, barter or exchange, or which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from salt waters outside of the State of Texas for pay or for the purpose of sale, barter or exchange.

(g) A 'Commercial Bay Shrimp Boat,' as that term is used herein, is any boat or vessel which is required to be numbered or registered by and under the laws of the United States of America or the State of Texas, and which is used for the purpose of taking or catching, or assisting in taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from the inside waters of the State of Texas for pay, or for the purpose of sale, barter or exchange.

(h) 'Commercial Bait Shrimp Boat,' as used herein, means any boat or vessel which is required to
be numbered or registered by and under the laws of the United States of America or of the State of Texas, and which is used for the purpose of taking or catching, or assisting in taking or catching, shrimp for use as bait and other edible aquatic products from the inside waters of Texas for pay, or for the purpose of sale, barter or exchange.

"(1) A 'Shrimp House Operator,' as used herein, means any person other than one who has purchased a license as a 'Wholesale Fish Dealer' as that term is defined by Section 1 (b) of Chapter 29, Forty-third Legislature of Texas, First Called Session, 1933, who operates a shrimp house, plant or other establishment for compensation or profit for the purpose of unloading and handling from commercial gulf shrimp boats or commercial bay shrimp boats, fresh shrimp and other edible aquatic products caught or taken from the coastal waters of this State, or from salt waters outside of this State and brought into this State without having been previously unloaded in some other state or foreign country.

"(2) A 'Bait-Shrimp Dealer,' as used herein, is any person other than one who has purchased a license as a 'Wholesale Fish Dealer,' as that term is defined by Section 1 (b) of Chapter 29, Forty-third Legislature of Texas, First Called Session, 1933, who operates an establishment where shrimp is sold, or is used as bait and other edible aquatic products caught or taken from the coastal waters of this State, or from salt waters outside of this State.

"(3) An 'Individual Bait-Shrimp Trawl,' as used herein means any trawl, net or rig used for the purpose of taking or catching, or attempting to take or catch, shrimp for one's own personal use.

"(4) The term 'at any time,' as used herein, means at any time of year, including both daytime and nighttime, and on any occasion.

"Section 4. (a) It shall be unlawful for any person (except for catching bait shrimp or except as otherwise specifically provided) to take or catch, or attempt to take or catch, at any time, in either the inside waters or in the outside waters of this State, any amount of shrimp which shall average in count of individual specimens more than sixty-five (65) heads-on shrimp to the pound, or which shall average in count of individual specimens more than thirty-nine (39) heads-on fresh shrimp to the pound, or for any person (except for catching bait shrimp or except as otherwise specifically provided herein), at any time, to possess in the State of Texas, or have on board any boat or vessel within the coastal waters of this State, or to buy, sell, transport or handle in any way, in the State of Texas, any amount of heads-on fresh shrimp which shall average in count of individual specimens more than sixty-five (65) heads-on fresh shrimp to the pound, or which shall average in count of individual specimens more than thirty-nine (39) heads-on fresh shrimp to the pound, regardless of whether or not such small fresh shrimp of said count shall have been caught or taken in the coastal waters of the State of Texas or in waters outside of the State of Texas.

"(b) The 'count' of shrimp, as provided for herein, shall be taken in the presence of any person possessing said shrimp either as owner, employee, agent, bailie, or other custodian, by an officer, agent, deputy or warden of the Game and Fish Commission who shall select from the entire quantity of shrimp being sampled a minimum of not less than three (3) representative samples for each one thousand (1,000) pounds, or fraction thereof, of either headless or heads-on shrimp, but in any event not less than three (3) samples for the entire quantity of shrimp being sampled; each sample shall consist of a sufficient number of specimens to weigh out five (5) pounds after having been allowed to drain for three (3) minutes, or more; after said sample shall have been weighed and determined to weigh five (5) pounds, the number of specimens in said five (5) pound sample shall be counted, and the count thus obtained shall then be divided by five (5) in order to ascertain the count per pound of such five (5) pound sample; after counts shall have been thus made of all samples taken of such entire quantity
of shrimp, the average count per pound of each sample taken shall be totaled and the final average count per pound of the entire quantity being sampled shall be determined by dividing that total by the number of samples counted, and such average count per pound so determined shall constitute prima facie evidence of the average count per pound of said shrimp in the entire cargo or quantity of shrimp sampled. Headless and heads-on shrimp shall always be sampled, weighed and counted separately.

"(c) In the event shrimp, which when caught and landed were of legal size according to the count as herein provided, are thereafter graded for size for the purpose of packaging, processing or other lawful purpose, and the smaller shrimp making up the average count of such entire lot as herein provided are graded out into a separate lot or lots, and such smaller shrimp thus segregated from such entire lot are above the average count as herein provided, the possession, purchase, sale, unloading, transportation or handling of such particular smaller graded shrimp shall not be unlawful.

Section 5. (a) It shall be unlawful for any commercial bay shrimp boat to be used for the purpose of taking or catching, or assisting in taking or catching shrimp and other edible aquatic products from the inside waters of Texas, without the owner thereof having first procured a license, to be known as a Commercial Bay Shrimp Boat License, from the Commission priviléging such boat to be so used within the inside waters of Texas. The fee for a Commercial Bay Shrimp Boat License shall be Thirty Dollars ($30) and such License shall be issued for a period of one (1) year and shall expire March 1st of the year following the date of issuance, and shall be secured from and issued by the Commission only during the months of January and February of each year. Such license shall include the right to use and operate within the inside waters of this State all shrimp trawls and fishing gear, except fish seines or nets, with which said boat is equipped, and the use of which is not otherwise prohibited by law; and said boat shall not be required to also have a ‘Commercial Fishing Boat License,’ as provided by Section 1 of Chapter 48 of the Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, or other Statutes of this State; but the captain and each paid member of the crew of said boat shall be required to have a Commercial Fisherman’s License issued by the Commission, and said boat shall be required to be licensed as a commercial gulf shrimp boat in order to operate within the inside waters of this State; the Commercial Bay Shrimp Boat License shall be a metal or plastic sign or emblem, of prescribed and uniform character and of a different color or design for each year, at least thirty-two (32) square inches in size, of a distinguishable character; color and design different from the emblem required of a commercial gulf shrimp boat or of a commercial gulf shrimp boat, issued by the Commission, and shall be prominently displayed on the bow, outside of the wheelhouse, or at other designated point on the outside of said boat as specified by said Commission and on each side of said boat, evidencing the payment of such boat License.

"(b) Such Commercial Bay Shrimp Boat License shall be issued by the Commission only to a person who, at the time he applies for such license, shall make a sworn affidavit that he will maintain adequate facilities to conduct such business and that he intends to derive the major portion of his livelihood from commercial shrimp fishery.

"(c) It shall be unlawful for any commercial bay shrimp boat to be used for the purpose of taking or catching, or assisting in taking or catching shrimp for use as bait only and other edible aquatic products from the inside waters of Texas, without the owner thereof having first procured a license, to be known as a Commercial Bait-Shrimp Boat License, from the Commission priviléging such boat to be so used within the inside waters of Texas. The fee for a Commercial Bait-Shrimp Boat License shall be Thirty Dollars ($30) and such License shall expire August 31st following the date of issuance; the License shall include the right to use and operate within the inside waters of this
State all shrimp trawls and fishing gear, fish seines or nets, with which said boat is equipped, the use of which is not otherwise prohibited by law; and said boat shall not be required to also have a "Commercial Fishing Boat License" as provided by Section 3 of Chapter 64 of the Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, or other Statutes of this State; but the captain and each paid member of the crew of said boat shall be required to have a Commercial Fisherman's License issued by the Commission, and said boat shall be required to be licensed as a commercial gulf shrimp boat in order to operate within the outside waters of this State. The Commercial Bait-Shrimp Boat License shall be a metal or plastic sign or emblem, of prescribed and uniform character and of a different color or design for each boat. December 15th, both dates inclusive.

"(e) A Commercial Bay Shrimp Boat License may be issued by the Commission in some month other than January or February. In the event, and only in the event, the applicant therefor has acquired, subsequent to the last date of February of the year for which license is sought, title to a shrimp boat, either by purchase or by having a new boat constructed, and makes affidavit of such fact and also makes further affidavit that prior to said last day of February applicant had not entered into an agreement to acquire such boat.

"Section 6. (a) It shall be unlawful for any person, at any time, to take or catch, or to attempt to take or catch, shrimp of any size or species within the inside waters of the State of Texas, except as hereinafter specifically provided.

"(b) It shall be unlawful for any person, at any time, to take or catch, or to attempt to take or catch, shrimp of any size or species within the natural or man-made passes leading from the inside waters to the outside waters of this State.

"(c) It shall be unlawful for any person (except for catching bait-shrimp as otherwise provided herein) to take or catch, or to attempt to take or catch, in the inside waters of this State, shrimp of any size or species, or to use or operate any net or trawl in the inside waters of this State for the purpose of taking or catching, or attempting to take or catch, shrimp, except during the period beginning thirty (30) minutes before sunrise and ending thirty (30) minutes after sunset.

"(d) It shall be unlawful for any person, at any time, to head any shrimp aboard a boat or vessel within the inside waters of this State, or to dump or deposit any shrimp heads in the inside waters of this State except in artificial passes, canals or basins.

"(e) It shall be unlawful for any person to have on board a boat in the inside waters of Texas for use on said inside waters more than one set of trawl doors (or other spreading device) and more than one set of try-net doors, except during the period from August 15th to December 15th, both dates inclusive.
(f) It shall be lawful for any bona fide licensed commercial bay shrimp boat operator to take or catch, or to attempt to take or catch, shrimp of any size or species during the period from May 15th to July 15th, both dates inclusive, within the major bays of the Inside waters of this State, provided, however:

"1. It shall be unlawful for any bona fide commercial bay shrimp boat operator during said period from May 15th to July 15th to take or catch more than three hundred (300) pounds of shrimp per boat per calendar day, or to have in his possession or on board any boat within the Inside waters of this State, or to unload or attempt to unload at any point in the State of Texas, more than three hundred (300) pounds of shrimp. Such shrimp shall be in their natural state with heads attached.

2. It shall be unlawful for any bona fide commercial bay shrimp boat operator during said period from May 15th to July 15th to take or attempt to take catch, shrimp more than one (1) net at a time (except for a try net), or to use any net or bag of a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said net or bag is less than six and one half (6 1/2) inches in length after such net or bag has been placed in use.

(i) It shall be lawful for any bona fide licensed commercial bait shrimp boat operator to take or catch, or attempt to take or catch, within the Inside waters of this State, shrimp of any size or species, for use as bait only; provided, however:

1. It shall be unlawful for any such commercial bait shrimp boat operator to take or catch more than one hundred and fifty (150) pounds of shrimp per boat per calendar day, or to have in his possession or on board any boat, or to unload or attempt to unload at any point in Texas, more than one hundred and fifty (150) pounds of shrimp. Such shrimp shall be in their natural state with heads attached.
"2. It shall be unlawful for any bona fide commercial bait shrimp boat, or vessel to unload, said shrimp or other edible aquatic products at any port or other point in Texas, without the owner thereof having first procured a license, to be known as a Commercial Gulf Shrimp Boat License, from the Commission, providing such boat to be so used or to so unload its cargo. The fee for a Commercial Gulf Shrimp Boat License shall be Thirty Dollars ($30) and such license shall expire August 21st following the date of issuance, and said Commercial Gulf Shrimp Boat License shall include the right to use and operate all shrimp trawls and fishing gear, except fish seines or nets, with which said boat is equipped, the use of which is not otherwise prohibited by law, and said boat shall not be required to also have a 'Commercial Fishing Boat License' as provided for by Section 8 of Chapter 85 of the Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, or other Statutes of this State, but the captain and each paid member of the crew of said boat shall be required to have a commercial fisherman's license issued by the Commission. A metal or plastic plate or emblem of a prescribed and uniform character and of a different color or design for each year, at least thirty-two (32) square inches in size, issued by the Commission, shall be permanently displayed on the bow, outside of the wheelhouse, or at other designated point on the outside of said boat specified by the said Commission and on each side of said boat, evidencing the payment of such boat license.

"(b) Such Commercial Gulf Shrimp Boat License shall be issued by the Commission only upon presentation to the Commission by the owner of the boat's United States Bureau of Customs official document or the Texas Certificate of number for a motor boat, and the name of the boat and the number appearing on said official document or Texas Certificate of number shall be placed by the Commission on the certificate of the Commercial Gulf Shrimp Boat License issued by the Commission. Such License shall not be transferable except that it may be transferred, upon application by the owner to the Commission,
from a boat that has been destroyed or lost to a boat acquired by the owner thereof as a replacement. No more than one (1) Commercial Gulf Shrimp Boat License shall be issued per licensing year for each boat.

"(c) It shall be unlawful for any person to take or catch, or attempt to take or catch, any shrimp, regardless of size or species, in any of the outside waters of the State of Texas from June 16 to July 15, both dates inclusive, of each year; provided, however, that, based upon sound biological data, the Game and Fish Commission of Texas may, and it is hereby empowered to, change the opening and closing dates of said forty-five-day period so as to provide for an earlier period beginning not to exceed fifteen (15) days prior to June 16 or for a later period ending not to exceed fifteen (15) days after July 15, provided further that said closed season shall always be for a period of forty-five (45) days. It shall be unlawful for any person, at any time, to possess in the State of Texas, or to have on board any boat or vessel within the coastal waters of this State, or to buy, sell, unload, transport or handle in the State of Texas, any such shrimp caught in any of the outside waters of this State during such closed season for said outside waters. Provided, however, it shall be lawful during said forty-five (45) day closed season for any commercial gulf shrimp boat operator to take or catch white shrimp in the outside waters of this State not exceeding a depth of four (4) feet; provided, however, it shall be unlawful to use more than one (1) net at a time and each trawl shall not exceed twenty-five (25) feet in width as measured along the corline from board to board (or any other spreading device).

"(d) It shall be unlawful for any person to take or catch, or attempt to take or catch, shrimp of any size or species, in the outside waters extending from the coast line of Texas up to and including seventy (70) miles in depth during the period beginning thirty (30) minutes after sunrise and ending thirty (30) minutes before sunset.

"(e) It shall be unlawful for any person to take or catch, or attempt to take or catch, shrimp in the outside waters extending from the coast line of Texas up to and including seventy (70) miles in depth during the period beginning December 16th of each year and ending on February 1st of the following year, both dates inclusive.

"(f) It shall be unlawful for any person at any time to catch or take any shrimp within the outside waters of this State with, or to have in possession in the State of Texas or on board any boat or vessel within the coastal waters of this State, any trawl for use in said outside waters, other than a trawl not to exceed of a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched members of said trawl is less than eight and three-quarters (8 3/4) inches in length after such trawl has been placed in use. Such measurement shall be made in the direction of said trawl which is normally under tension when in use. Any trawl net or net not used shall not exceed twelve (12) feet as measured from board to board, or between the extremes of any other spreading device.

"(g) The foregoing Sections 4, 7(e) and 11(f) of this Act shall not apply to the taking or catching of salehoe, provided, however, it shall be unlawful for any commercial gulf shrimp boat operator at any time to take or catch, or attempt to take or catch, salehoe in the outside waters with more than one trawl at a time and such trawl shall not exceed twenty-five (25) feet in width as measured along the corline from board to board (or any other spreading device), and the mesh size of said trawl shall be such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched members of said trawl shall be not less than six and one half (6 1/2) inches in length after such trawl has been placed in use.

"Section 9. (a) Salt-water shrimp in their fresh state, legally taken in either the inside waters or the outside waters of this State during the open season thereof, may be had in possession for a period of five (5) days after the end of such open season, but not thereafter except by a
bona fide licensed bait dealer or sports fisherman as otherwise provided herein.

"(b) All legal trawls in use or on hand at the time of the final passage of this Act which do not conform to the specifications of this Act may nevertheless be used, subject to the other specifications of this Act, not later than May 1, A.D. 1964, and not thereafter, but whenever a trawl which was in use or on hand at the final passage of this Act is replaced it shall be replaced with a trawl conforming to all of the specifications of this Act.

"Section 9. It shall be unlawful for any shrimp house operator to unload or handle from any commercial gulf shrimp boat or commercial bay shrimp boat fresh shrimp or other edible aquatic products caught or taken from the coastal waters of this State or from salt waters outside of this State and brought into this State without having been previously unloaded in some other State or foreign country, without the owner thereof having first procured a license, to be known as a Shrimp House Operator's License from the Commission privileging such shrimp house operator to so unload or handle such fresh shrimp. The fee for such Shrimp House Operator's License shall be Fifty Dollars ($50), and said license shall expire August 31st following the date of issuance.

"Section 10. (a) It shall be unlawful for any person to engage in the business of a bait-shrimp dealer, as that term is herein defined, without having first procured from the Commission a Bait-Shrimp Dealer's License which was in use or on hand at the time of the final passage of this Act which is now or hereafter defined by law, and no Bait-Shrimp Dealer's License shall be held by any person who also holds a Shrimp House Operator's License.

"(b) Such Bait-Shrimp Dealer's License shall include the right to sell, purchase and handle minnow, fish and other forms of aquatic life for the purpose of sale or resale for fish bait purposes, within the coastal counties of this State. The license for a bait dealer as provided for by Act of 1923, First Called Session, Forty-third Legislature, Chapter 29, Section 2, and as provided for by Act of 1933, First Called Session, Forty-third Legislature, Chapter 29, Section 3, as last amended by Acts of 1925, Forty-fourth Legislature, Regular Session, Chapter 345, and Acts of 1949, Forty-sixth Legislature, Chapter 209, shall continue in full force and effect as to all counties except the coastal counties of this State and as to any bait dealer in said coastal counties who do not sell or offer for sale or handle shrimp for sale or resale for bait purposes, provided, that any grocery stores in said coastal counties which do not unload or purchase shrimp directly from commercial bait-shrimp boats shall not be required to hold a Bait-Shrimp Dealer's License.

"Section 11. (a) It shall be lawful for any person to take or catch, or attempt to take or catch, in the coastal waters of this State, shrimp for use as bait, by the use of any 'individual bait-shrimp trawl' as defined herein, a cast net, dip net, bait trap or minnow net not larger than twenty (20) feet in length manually operated on foot only without the use of any mechanical means or devices.

"(b) It shall be unlawful for any person to have in his possession or on board any boat or vessel in the coastal waters of this State any individual bait-shrimp trawl without the owner thereof having first procured from the Commission a license, to be known as an 'individual Bait-Shrimp Trawl License' from the Commission privileging such trawl to be used within the coastal waters of this State; and the fee for such License shall be Three Dollars ($3) and said License shall expire on August 31st following the date of its issuance.

"(c) It shall be unlawful for any person, at any time, to use, or to have within his possession or on board any boat or vessel in the coastal waters of this State any individual
bait-shrimp trawl having a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl is less than eight and three-quarters (8 3/4) inches in length after said trawl has been placed in use and the distance between the doors or boards or other spreading devices shall not exceed twenty (20) feet, with doors or boards not to exceed dimensions of fifteen (15) inches by thirty (30) inches each, or a total of four hundred and fifty (450) square inches each, and it shall be unlawful to have in possession or to use more than one (1) such individual bait-shrimp trawl per boat.

"(d) It shall be unlawful for any person taking or catching, or attempting to take or catch shrimp for his own use under the provisions of this Act by means of an individual bait-shrimp trawl to have within his possession or on board any boat or vessel within the coastal waters of this State more than two (2) quarters of shrimp per person, or more than four (4) quarters per boat to be used for bait purposes only; provided, however, any person may sell or catch shrimp for his own personal use in an amount not to exceed one hundred (100) pounds of shrimp (in their natural state with heads attached) per day but only during the open season of the inside waters from August 15th to December 15th and of the outside waters of this State, each respectively, and an amount not to exceed fifteen (15) pounds of shrimp (in their natural state with heads attached) per day during the period May 15th to July 15th, both dates inclusive, in the major bays of the inside waters only, by means of said individual bait-shrimp trawl or of said cast net, dip net, bait trap or minnow seine. Provided, further, that it shall be unlawful for any person to sell, offer for sale or handle in any way for profit any shrimp so caught.

"(e) It shall be lawful for any person to possess and use, until August 15th, 1965, any duly tagged and licensed 'sports bait-shrimp trawl' as defined, and meeting the size and dimensions as specified, in House Bill No. 13, Chapter 187, Acts of the Fifty-sixth Legislature of Texas, 1965, known as the Texas Shrimp Conservation Act.

"Section 12. (a) Any valid 'Commercial Bay-Shrimp Boat License,' as provided for in House Bill No. 12, Chapter 187, Acts of the Fifty-sixth Legislature of Texas, 1965, which has been issued by the Commission during the months of January and February, 1965, may be used by the holder thereof in lieu of a Commercial Bay Shrimp Boat License or of a Commercial Bait-Shrimp Boat License until the first day of March A.D. 1964.

"(b) The license fees provided for herein are hereby expressly declared to be a privilege tax for the privilege of taking or catching, attempting to take or catch, buying, selling, unloading, transporting or handling, in any manner, any shrimp within the jurisdiction of this State.

"All moneys received from the sale of licenses provided for herein and all moneys received from penalties assessed for violation of this Act, after deduction of fees as allowed by law, shall be remitted to the Game and Fish Commission at Austin not later than the tenth day of the month following the date of collection, and shall be deposited by said Commission in the State Treasury to the credit of the Special Game and Fish Fund. The proceeds of such licenses shall be used by the Game and Fish Commission to enforce the provisions of this Act and the laws of this State relating to shrimping, salt-water fishing, oystering, and other commercial edible aquatic life.

"Section 13. (a) Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be, for the first offense, fined not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200); and, for the second offense, shall be fined not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) or be sentenced to serve not less than ten (10) days nor more than sixty (60) days in the county jail or shall be punished by both such fine and imprisonment; and, for the third and all subsequent offenses, shall be fined not less than
Five Hundred Dollars ($500) nor more than Two Thousand Dollars ($2,000) and shall be confined in the county jail for not less than thirty (30) days nor more than six (6) months.

"(b) Whenever a vessel is involved in the violation of any provision of this Act, without in anywise detracting from or mitigating against the presumption of innocence, the captain of said vessel may be considered primarily responsible for such violation, and each member of the crew may also be held responsible therefore, but the punishment for such violation shall be assessed only against the captain and crew members, or one or more of them, actually found to be guilty thereof. The owner of said vessel shall not be guilty of such violation unless it be shown and proved that such owner knowingly directed, authorized, permitted, agreed to, or aided or acquiesced in such violation.

"(c) Each day on which a violation occurs shall be considered, and is hereby expressly defined, declared and made a separate, distinct and new offense.

"(d) Upon conviction, for the third and all subsequent offenses of violating any provision of this Act, any and all licenses under which the operations involved in the violation are being conducted, issued by the Commission, shall automatically be cancelled, and such licenses shall not thereafter be renewed or re-issued for a period of twelve (12) months from the date of conviction.

"(e) It shall be unlawful for any person to operate in any manner upon any of the coastal waters of this State without having first secured the proper and appropriate license required by this Act and any person failing or refusing to secure such license shall be guilty of a misdemeanor and upon conviction shall be punished as for a violation of any other provision of this Act.

"(f) It shall be unlawful for any person whose license has been cancelled as herein provided to do business without a new license or to possess another license for the prohibited period and any person violating this provision shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than Two Thousand, Five Hundred Dollars ($2,500) nor more than Five Thousand Dollars ($5,000) and shall be confined in the county jail for not less than six (6) months nor more than one (1) year.

"(g) Any shrimp house operator, wholesale fish dealer, retail fish dealer, wholesale truck dealer, retail truck dealer or other person holding a license issued by the Commission who knowingly unloads, buys, or handles in any way any shrimp from an unlicensed commercial gulf shrimp boat, or unlicensed commercial bay shrimp boat, or who knowingly unloads, buys or handles in any way any shrimp of a prohibited size, or shrimp which has been caught in either the inside or outside waters of this State during the closed season of such waters, or bait shrimp in violation of any provision of this Act, or any bait shrimp dealer who knowingly unloads, buys or handles in any way from an unlicensed commercial bait-shrimp boat any bait shrimp shall be deemed guilty of a misdemeanor and upon conviction shall suffer the same penalties of fine, imprisonment, or both fine and imprisonment, and automatic cancellation of license, as provided by this Act for the violation of other provisions of this Act.

"(h) For the purposes of this Act the words 'second offense' and the words 'third and subsequent offenses' shall be construed to mean offenses for which convictions have been obtained within three (3) years prior to the date of the offense charged.

"Section 14. An adequate number of deputies and wardens and of patrol vessels or aircraft shall be employed by the Commission in the coastal counties and coastal waters of this State in enforcing the provisions of this Act and the laws of this State relating to shrimp, saltwater fishing, oysters, and other commercial edible aquatic life."

Sec. 2. Any and all other laws of the State of Texas, general and special, in conflict with any of the provisions of this Act are hereby expressly repealed but to the extent of such conflict only.
Sec. 3. Saving Clause. It is hereby declared to be the Legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any Section, word, clause, sentence, or part thereof and it is hereby declared to be the intent of the Legislature to have passed each sentence, Section, part or clause hereof irrespective of the fact that any other Section, sentence, clause or part thereof may be declared invalid.

Sec. 4. Emergency Clause. The fact that the present law does not adequately protect the shrimp resources of this State from depletion and waste, and the further fact that the Calendars of both Houses of the Legislature are crowded, create an emergency and an imperative public necessity authorizing the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and this Act shall be in full force and effect from and after its passage and it is so enacted.

Senate Amendment No. 2
Amend H. B. No. 109 by adding at the end of Section 7 (g) thereof, the following words:
Provided, further, that it shall be unlawful for any person taking or catching shellfish under this provision to take or catch, or have on board a vessel, any other species of shrimp which shall exceed ten percent (10%), in weight or numbers, of the entire catch.

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

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 318
Mr. Atwell submitted the following Conference Committee Report on Senate Bill No. 318:
Austin, Texas, May 21, 1963
Hon. Preston Smith, President of the Senate.
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 318, have met and adjusted our differences and beg leave to recommend that Senate Bill No. 318 be passed in the form attached hereto.

Respectfully submitted,
KAZEN, KRUEGER, MOFFETT, BLANCHARD, RATLIFF,
On the part of the Senate.
ATWELL, FEAGY, BLACK, CREWS,
On the part of the House.

By Kazen, Moffett:
S. B. No. 318
A BILL
To Be Entitled
An Act removing the Attorney General from the Board for Lease of Eleemosynary and State Memorial Lands, the Boards for Lease of Lands owned by the state agencies, Boards or agencies of the State of Texas, the Board for Lease of Texas Prison Lands, the Board for Lease of State Park Lands, the School Land Board, the Board to sell Judgments which cannot be collected, the State Depository Board, the State Tax Board, the Executive Committee of the Texas Traffic Safety Council, the State Board of Trustees for the Employees's Retirement System of Texas, the State Banking Board, the State Board of Canvassers, the Council to expend certain license fees and hunting-boat registration fees and certain fines, the Study Committee to study the development of certain Texas beaches; providing for membership on said boards or other agencies in lieu of the Attorney General; providing for the expenses of citizen members replacing the Attorney General on said boards or agencies; amending Article 130 of Subchapter 8 of Chapter 492, Acts of the 62nd Legislature, Regular Session, 1961, relating to the opening and
counting of certain election returns by the Secretary of State in the presence of the Governor or Attorney General, by substituting in the place of the Attorney General, a citizen of the state to be appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; amending Article 4412 of the Revised Civil Statutes of Texas, 1925, by requiring designated assistant attorneys general to attend meetings of these boards or commissions upon which the Attorney General formerly served as an ex officio member as of the effective date of this Act when requested to do so by such board or commission; increasing the membership of the Governor's Committee on Interstate Cooperation to six members and providing for their appointment; providing for severability; and declaring an emergency.

Be it enacted by The Legislature of the State of Texas:

Section 1. Section 1 of Chapter 32, Acts of the 41st Legislature, 4th Called Session, 1930 (codified as Article 3183a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. A Board is hereby created to consist of the Commissioner of the General Land Office, who shall be chairman, one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the particular president or chairman of the board or agency, or head of the department charged with the responsibility of management or control of lands now owned by, or that may hereafter be owned by, or held in trust for, the use and benefit of said department, agency or board. The title of each board hereby created shall be selected by each board for lease at its first meeting after the effective date of this Act. Each board for lease shall keep a complete record of all of its proceedings. A majority of each board for lease shall constitute a quorum for the transaction of business by that particular board. Each board for lease shall select a secretary who shall be nominated by the Commissioner of the General Land Office and approved by a majority of the particular board for lease."

Sec. 2. Section 1 of Chapter 325, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 6077a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. There is hereby created Boards for lease of lands owned by any department, board or agency of the State of Texas, which boards for lease shall consist of the Commissioner of the General Land Office, a citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the particular president or chairman of the board or agency, or head of the department charged with the responsibility of management or control of lands now owned by, or that may hereafter be owned by, or held in trust for, the use and benefit of said department, agency or board. The title of each board hereby created shall be selected by each board for lease at its first meeting after the effective date of this Act. Each board for lease shall keep a complete record of all of its proceedings. A majority of each board for lease shall constitute a quorum for the transaction of business by that particular board. Each board for lease shall select a secretary who shall be nominated by the Commissioner of the General Land Office and approved by a majority of the particular board for lease."

Sec. 3. Section 1 of Chapter 13, Acts of the 41st Legislature, 4th Called Session, 1930 (codified as Article 6203a of Vernon's Texas Civil Statutes) is amended to read as follows:

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

Sec. 4. Section 1 of Chapter 416, Acts of the 51st Legislature, Regular Session, 1949 (codified as Article 6077a of Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. A board is hereby created to consist of the Commissioner of the General Land Office, a citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and the particular president or chairman of the board or agency, or head of the department charged with the responsibility of management or control of lands now owned by, or that may hereafter be owned by, or held in trust for, the use and benefit of said department, agency or board. The title of each board hereby created shall be selected by each board for lease at its first meeting after the effective date of this Act. Each board for lease shall keep a complete record of all of its proceedings. A majority of each board for lease shall constitute a quorum for the transaction of business by that particular board. Each board for lease shall select a secretary who shall be nominated by the Commissioner of the General Land Office and approved by a majority of the particular board for lease."

May 23, 1963 HOUSE JOURNAL 2533
one citizen of the state, appointed by the Attorney General, with the advice and consent of the Senate, who shall serve for a term of two (2) years; and the chairman of the Parks and Wildlife Commission, who shall perform the duties hereafter indicated; the board shall be known as the 'Board for Lease of State Park Lands.' The term 'board' wherever it appears hereafter in this Act shall mean the Board for Lease of State Park Lands. This board shall keep a complete record in writing of all its proceedings."

Sec. 5. Paragraph 5 of Section 5 of Page 465, Acts of the 46th Legislature, Regular Session, 1939, (codified as Article 6421c-3 of Vernon's Texas Civil Statutes) is amended to read as follows:

"5. There is hereby created a board to be known as the School Land Board, and to be composed of three (3) members, namely: the Commissioner of the General Land Office, who shall be chairman, the Governor and one citizen of the state, appointed by the Attorney General with the advice and consent of the Senate, who shall serve for a term of two (2) years."

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

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

Sec. 7. Article 2525 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 164, Acts of the 46th Legislature, Regular Session, 1937, is amended to read as follows:

"Art. 2525. Depository Board. The State Treasurer, as secretary, together with one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years and the Banking Commissioner, shall constitute the State Depository Board. Said Board shall have the right and the power to make and enforce such rules and regulations governing the establishment and conduct of State Depositories and the handling of funds therein as the public interest may require, not inconsistent with the provisions of the laws governing such depositories, which rules and regulations shall be in writing and entered upon the minutes of the Board. Said Board shall have the power to determine and designate the amount of state funds deposited by them in State Depositories that shall be 'demand deposits' and what amount shall be 'time deposits,' and may contract with said depositories regarding the payment of interest on 'time or demand deposits' not to exceed such rate as may be lawful under any Act of Congress and such rules and regulations as may be promulgated by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation. The term 'demand deposit,' as used herein, shall mean any deposit which is payable on demand, and the term 'time deposit', as used herein, shall mean any deposit with reference to which there is in force a contract that neither the whole nor any part of such deposit may be withdrawn by check or otherwise prior to the expiration of the period of notice which must be given in writing in advance of withdrawals. Whenever the word 'treasurer' is used in the statutes it shall mean the State Treasurer, and
May 23, 1963  HOUSE JOURNAL  2535

the word "board" shall mean the
State Depository Board."

Sec. 8. Article 7098 of the Revised
Civil Statutes of Texas, 1925, as last
amended by p. 545, Acts of the 46th
Legislature, Regular Session, 1939,
is amended to read as follows:

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

Sec. 9. Section 1 of Chapter 569,
Acts of the 47th Legislature, Regu­
lar Session, 1941, (codified as Ar­
ticle 4433b-1 of Vernon's Texas Civil
Statutes) is amended to read as
follows:

"Section 1. There is hereby estab­
lished a committee to be officially
known as the Governor's Committee
on Interstate Co-operation, and to
consist of six (6) members. Its
members shall be: The Secretary of
State, ex officio; the Attorney Gen­
eral, ex officio; one citizen of the
state, appointed by the Lieutenant
Governor with the advice and con­
sent of the Senate, who shall serve
for a term of two (2) years; one
citizen of the state appointed by the
Speaker of the House of Representa­
tives with the advice and consent
of the Senate, who shall serve for a
term of two (2) years; and two
(2) other administrative officials or
members of existing commissions to
be designated by the Governor. The
Governor shall appoint one of the
six (6) members of this Committee
as its chairman. In addition to the
regular members, the Governor shall
be an ex officio honorary non-voting
member of this Committee."

Sec. 10. Section 4 of Chapter 592,
Acts of the 55th Legislature, Regu­
lar Session, 1957, (codified as Ar­
ticle 6701i of Vernon's Texas Civil
Statutes) is amended to read as
follows:

"Sec. 4. Members of the Texas
Traffic Safety Council shall be des­
tinguished by the Governor, except
that there shall be an executive com­
mittee composed of the Governor as
chairman, the Director of the De­
partment of Public Safety as vice-
chairman, the State Highway Engi­
neer, one citizen of the State, ap­
pointed by the Governor with the
advice and consent of the Senate,
who shall serve for a term of two
(2) years; the Commissioner of Edu­
cation and the Director of the De­
partment of Public Welfare. The
executive committee shall determine
matters of policy and procedure
when the Council is not in session.
No person shall receive compensa­
tion or salary for his service as a
member of the Council."

Sec. 11. Subsection A of Section
6, Chapter 562, Acts of the 55th
Legislature, Regular Session, 1957,
as last amended by Chapter 492,
Acts of the 56th Legislature, Regu­
lar Session, 1959, is amended to
read as follows:

"A. State Board of Trustees.

1. The General Administration and
responsibility for the operation of
the Retirement System and for mak­
ing effective the provisions of the
Act are hereby vested in a State
Board of Trustees which shall con­
sist 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 ap­
pointed by the Governor to hold
office for the term of six (6) years
beginning September 1, 1964, and
ending August 31, 1964.

(2) A member who shall be ap­
pointed by the Chief Justice of the
Supreme Court of Texas to hold
office for a four-year term begin­
ing September 1, 1964, and end­
ing August 31, 1968.

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

It is provided that appointments
of trustees provided for after expira­
tion of such original term as provid­
ed herein shall be made for a term
of six (6) years.

b. Three (3) trustees shall be em­
ployee members of the Retirement
System and shall be nominated and
elected by the members of the Re­

tirement 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 (codified as Article 342-115 of Vernon's Texas Civil Statutes) is amended to read as follows:

"Art. 157. Any person intending to contest the election of any or all of the persons duly declared elected shall serve for a term of two (2) years, and Secretary of State or any two (2) of them; and their decision shall be rendered at least two (2) days before the time fixed by law for the meetings of the elections.

The State Banking Board shall have authority to promulgate rules and regulations prescribing the time and place of its meetings and the procedure to govern the same."

Sec. 12. Article 120 of Subchapter 8 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, (codified as Article 8.38 Vernon's Texas Election Code), is amended to read as follows:

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

Sec. 14. Article 157 of Subchapter 9 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, (codified as Article 8.39 Vernon's Texas Election Code) is amended to read as follows:

"Art. 157. Any person intending to contest the election of any or all of the persons duly declared elected shall serve for a term of two (2) years, and the State Treasurer and the Banking Commissioner shall have such powers and duties as are conferred upon it by this Code; and by other laws of this state; and its findings and determinations shall be subject to review and may be set aside by a court of competent jurisdiction. The orders of the State Board of Trustees may be appealed to a court of competent jurisdiction and the trial in the court of competent jurisdiction shall be de novo as if said matter had been originally filed in such court. The
Such decision, in which two (2) at least of such board shall join, shall be final, and certificate of election, in accordance therewith shall at once be issued by the Secretary of State to the proper parties. Where not otherwise herein provided, the provisions of law relating to contests for the validity of an election for members of the Legislature shall apply to such contests for presidential electors."

Sec. 15. Article 896 of the Penal Code of Texas, 1925, is amended to read as follows: 

"Art. 896. License fees under control of council.

All license fees and hunting-boat registration fees collected under this Act, and all fines that may be made from this fund shall be expended for land or other real estate only upon the authorization of a majority vote of a council composed of Game, Fish and Oyster Commissioner, one citizen of the state, appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years, and shall file its report to the Legislature, whether in Special or General Session, at the earliest time compatible with the performance of its duties. The report shall include recommendations for legislation, including the following subjects:

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

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

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

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

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

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

(g) Such other related matters as in the opinion of the interim committee should be included in such report as to facilitate the development of Texas' beaches as public recreational areas and to further their development as a tourist attraction."
Sec. 17. Article 4412 of the Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Art. 4412. First office assistant.

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

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

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

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

Sec. 20. The fact that the primary function of the Attorney General is to represent the state in all matters where legal advice or judicial proceedings may be required, and the fact that his ex officio duties curtail his availability to act as counsel to these boards and in many instances place him in the position of making a particular decision as an ex officio member and then subsequently having to defend such action in court 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. Atwell moved that the Conference Committee Report on S. B. No. 518 be adopted.

Mr. Collins moved, as a substitute motion for the motion by Mr. Atwell, that the Conference Committee Report on S. B. No. 518 be not adopted, and that a new Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Atwell moved to table the substitute motion by Mr. Collins.

A record vote was requested on the motion to table.

The motion to table the substitute motion by Mr. Collins prevailed by the following vote:

Yea—89

Adams  Brown  Butler  Chapman  Clayton  Cory  Coughran  Crews  Crews  de la Garza  Delk  Dugan  Duncan  Eckhardt  Edwards  Eguirel  Finney  Fletcher  Floyd

Nay—1

Arledge  Alanis  Atwell  Banfield  Barnes  Bass of Harris  Beckham  Birninger  Blaine  Boyen  Brooke  Brown of Taylor  Butler  Cain  Cavness  Chapman  Clayson  Corry  Coughran  Crew  Crews  de la Garza  Delk  Dugan  Duncan  Eckhardt  Edwards  Eguirel  Finney  Fletcher  Floyd

Moved by Mr. Atwell, seconded by Mr. Coughran, that the substitute motion of Mr. Collins prevail, and that the provision of the Conference Committee Report on S. B. No. 518 be adopted.

Mr. Atwell moved that the Conference Committee Report on S. B. No. 518 be adopted.

Mr. Collins moved, as a substitute motion for the motion by Mr. Atwell, that the Conference Committee Report on S. B. No. 518 be not adopted, and that a new Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Atwell moved to table the substitute motion by Mr. Collins.

A record vote was requested on the motion to table.

The motion to table the substitute motion by Mr. Collins prevailed by the following vote:

Yea—89

Adams  Brown  Butler  Chapman  Clayton  Cory  Coughran  Crews  Crews  de la Garza  Delk  Dugan  Duncan  Eckhardt  Edwards  Eguirel  Finney  Fletcher  Floyd

Nay—1

Arledge  Alanis  Atwell  Banfield  Barnes  Bass of Harris  Beckham  Birninger  Blaine  Boyen  Brooke  Brown of Taylor  Butler  Cain  Cavness  Chapman  Clayson  Corry  Coughran  Crew  Crews  de la Garza  Delk  Dugan  Duncan  Eckhardt  Edwards  Eguirel  Finney  Fletcher  Floyd

Moved by Mr. Atwell, seconded by Mr. Coughran, that the substitute motion of Mr. Collins prevail, and that the provision of the Conference Committee Report on S. B. No. 518 be adopted.

Mr. Atwell moved that the Conference Committee Report on S. B. No. 518 be adopted.

Mr. Collins moved, as a substitute motion for the motion by Mr. Atwell, that the Conference Committee Report on S. B. No. 518 be not adopted, and that a new Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Atwell moved to table the substitute motion by Mr. Collins.

A record vote was requested on the motion to table.

The motion to table the substitute motion by Mr. Collins prevailed by the following vote:
May 23, 1963  HOUSE JOURNAL  253

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<th>Yeas</th>
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A record vote was requested on the motion by Mr. Atwell that the House adopt the Conference Committee Report on S. B. No. 318. The motion to adopt the Conference Committee Report on S. B. No. 318 prevailed by the following vote: Yeas—55
MESSAGE FROM THE SENATE

Austin, Texas, May 23, 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. 173, By Floyd: Prohibiting the State Board of Education from adopting any policy which would require any school district to hire any guidance counselor; and declaring an emergency.

H. B. No. 203, By Johnson of Dallas: Amending the Texas Unemployment Compensation Act relating to old age benefits; and declaring an emergency. (As amended).

H. B. No. 370, By Hughes: Creating the 162nd Judicial District and the Criminal Judicial District No. 4 of Dallas County; and declaring an emergency. (As amended).

H. B. No. 395, By Smith of Jefferson: Declaring that no person shall be denied the right to work solely because of his age, etc., and declaring an emergency. (As amended).

Senate concurred in House amendments to S. B. 341 by viva voce vote.

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

RELATIVE TO EFFECTIVE DATE OF H. B. NO. 1075

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

S. C. R. No. 95

Whereas, H. B. 1075 was passed in the Senate on May 21, 1963, by a viva voce vote, and

Whereas, It is desired that said H. B. 1075 be immediately effective.

Now, Therefore Be It Resolved, by the Senate of Texas, the House of Representatives concurring that said H. B. 1075 be immediately effective.

S. C. R. No. 95 was adopted by the following vote:

Yeas—146
Adams
Allen
Allen
Atwell
Banfield
Barnes
Baas of Bowie
Baas of Harris
Beckham
Berry
Blesser
Blaine
Boyson
Bridges
Brooks
Brown of Galveston
Brown of Taylor
Butler
Cain
Calendall
Canales
Cannon
Carpenter
Carrick
Cavness
Chapman
Cherry
Clayton
Cole
Collins
Cory
Coughran
Cowdren
Cowles
Cran
Crews
Davis
de la Garza
Dole
Dougan
Duncan
Duncan
Edwards
Esquivel
Fairchild
Finney
Fletcher
Floyd
Fondren
Foreman
Garrison
Gladden
Green
Grover
Guffey
Haines of Brazos
Hallmark
Harding
Harling
Harris
Harris of Dallas
Haynes of Orange
Healy
Hedron
Hendryx
Hilson
Hollowell
Honnson
Hughs
Jencks
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Knapp
Koliba
Kothmann
Leck
Ligarde
McClintion
McDonald
Cran
of Hidalgo
McGregor
McIlhany
McLaughlin
McNutt
McNutt
McNutt
McNutt
Maas
Markgraf
Miller
Morgan
Moyer
Murray
Mutscher
May 23, 1963

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 85

Mr. Walker submitted the following Conference Committee Report on Senate Bill No. 85:

Austin, Texas, May 20, 1963

Honorable Preston Smith, President of the Senate
Honorable Byron M. 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. No. 85, 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.

LEE DUGGAN,
ATWELL.

On the part of the House.

S. B. No. 85

AN ACT

amending Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, (compiled as Article 4582b of Vernon’s Texas Civil Statutes), which regulates the professions of funeral directing and embalming and the conduct of funeral establishments; and declaring an emergency.

Be it Enacted By The Legislature of The State of Texas:

Section 1. Chapter 251, Acts of the 53rd Legislature, Regular Session, 1963, (compiled as Article 4582b of Vernon’s Texas Civil Statutes), is amended to read as follows:

“Section 1. Definitions.

“A. A ‘funeral director,’ as that term is used herein, is a person engaged in or conducting, or holding himself out as being engaged in:

1. Preparing, other than by embalming, for the burial or disposition of dead human bodies; and

2. Maintaining or operating a funeral establishment for the preparation and disposition, or for the care of dead human bodies.

“B. The term ‘first call’ shall mean the beginning of the relationship and duty of the funeral director to take charge of a dead human body and have same prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining to public health in this state are complied with. ‘First call’ does not include calls
made by ambulance, when the person dispatching the ambulance does not know whether a dead human body is to be picked up. A dead human body shall be picked up on first call only under the direction or personal supervision of a licensed funeral director. A dead human body may be transferred from one funeral home to another funeral home and to and from a morgue where an autopsy is to be performed without a licensed funeral director personally making the transfer.

"D. The term 'embalmer' as herein used is a person who disinfects or preserves a dead human body, entire or in part, by the use of chemical substances, fluids, or gasses in the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities, or by any other method intended to disinfect or preserve a dead human body. The placing of any such chemical or substances on or in a dead human body by any person who is not a licensed embalmer shall be deemed a violation of this Act, provided that this shall not apply to a registered apprentice working under the supervision of a licensed embalmer. All persons who are engaged in the business of embalming or who profess to be engaged in such business, or who hold themselves out to the public as embalmers, shall be licensed embalmers.

"E. The term 'apprentice' as herein used is a person engaged in learning the practice of funeral directing and/or embalming under the instruction, direction, and personal supervision of a duly licensed funeral director and/or embalmer and in the State of Texas in accordance with the provisions of this Act, and having been duly licensed as such by the Board prior thereto.

"F. The term 'apprenticeship' as used herein shall be construed as diligent attention to assigned duties and other subject matter in the course of regular employment in a licensed funeral establishment in this state. This regular employment must involve at least forty (40) working hours per week which may be calculated in any manner under actual working conditions and under the personal supervision of a licentee, in order for an apprentice to qualify as a licensed funeral director and/or embalmer.

"G. The term 'funeral establishment' as herein used is a place of business used in the care and preparation for burial or transportation of dead human bodies, or any place where one or more persons, either as sole owner, in cooperation, or through corporate status, represent themselves to be engaged in the business of embalming and/or funeral directing, or as so engaged. Such funeral directing and embalming shall be performed only under the supervision and direction of a licensed funeral director and/or embalmer.

"H. The term 'due notice' as herein used shall mean published notice of the time and place of regular meetings of the Board. Notice of time, place, and purpose of any meeting of the Board published in at least three (3) daily newspapers in three (3) separate cities in the state, at least fifteen (15) days prior thereto, shall be adequate notice for any regular meeting, including the giving of examinations, however, a notice of a meeting wherein a change in the rules and regulations of the Board are to be considered, shall be given by written notice to all licensees in the State of Texas, at the address registered with the Board, at least thirty (30) days in advance of any hearing thereon.

"I. The term 'mortuary science' as herein used, shall mean the scientific, professional and practical aspects, with due consideration given to accepted practices, covering the care, preparation for burial or transportation of dead human bodies, which shall include the preservation and sanitation thereof and restorative art, and as such is related to public health, jurisprudence, and good business administration.

"J. An 'accredited school or college of mortuary science' is a school or college which maintains a course of instruction of not less than forty-eight (48) calendar weeks or four (4) academic quarters or college terms and which gives a course of instruction in the fundamental subjects as set forth herein: (a) mortuary management and administration; (b) legal medicine and toxicology as
May 23, 1963

HOUSE JOURNAL

2543

It pertains to funeral directing; (c) public health, hygiene and sanitary science; (d) mortuary science, to include embalming technique, in all its aspects; chemistry of embalming, color harmony; discoloration, its causes, effects and treatment; treatment of special cases; restorative art; funeral management; and professional ethics; (e) anatomy and physiology; (f) chemistry, organic and inorganic; (g) pathology; (h) bacteriology; (i) sanitation and hygiene; (j) public health regulations; and (k) other course of instruction in fundamental subjects prescribed by the Board.

A. There is hereby created the State Board of Morticians, with offices located in Austin, Texas, consisting of six (6) members who shall be citizens of the United States and residents of the State of Texas, and shall be licensed embalmers and funeral directors in the State of Texas. Each shall have a minimum of ten (10) years, consecutively, of such experience in this state immediately preceding appointment. The members of said Board shall be appointed by the Governor, by and with the consent of the Senate for a period of six (6) years. Each member shall be subject to removal by the Governor for neglect of duty, incompetence, or fraudulent or dishonest conduct. The Governor shall remove from the Board any member whose license to practice funeral directing and/or embalming has been voided, revoked or suspended. The Governor, in appointing members to the Board, shall designate their terms so that two (2) places on the Board shall become vacant each two (2) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor for the unexpired term. No member of the Board shall be appointed for more than two (2) terms of service.

B. The members of said Board, before entering upon their duties, shall take and subscribe to the oath of office prescribed for other state officials, which oath shall be filed in the office of the Secretary of State, after having been administered under proper authority. Each person appointed to the Board shall be furnished with a certificate of appointment by the Governor which shall bear evidence of the taking of oath of office.

C. The Board shall meet in Austin, Texas, in regular session at least two (2) times each year for the transaction of business. Examination for funeral directors and embalmers shall be held at least once during each year at such times and places as the Board may designate and give due notice thereof. Special meetings or hearings may be held at such time and place as may be determined by and upon call of the President, Vice-President or three (3) members of the Board.

D. The Board shall elect a President, Vice-President, and Secretary from the members of the said Board who shall serve two (2) years, or until their successors shall be elected and qualified. In the absence of an Executive Secretary, the Secretary shall be bonded to the State of Texas in a sum equal to the maximum anticipated receipts of the Board and any premium payable for such bond shall be paid from the funds of the Board; likewise, the Board will require a bond of the Executive Secretary, if any, and such bond shall be deposited with the State Auditor of the State of Texas. The Secretary shall deliver all money on hand at the end of his term of office to his successor, and the Executive Secretary shall deliver all money on hand to the Secretary upon relief from duty. The President of the Board shall preside at all meetings of the Board unless otherwise ordered, and he shall assist all duties and performances incident to
the office of the President of the Board, and in his absence the Vice-President shall serve. A majority of the membership of the Board shall constitute a quorum for the transaction of business.

E. The Board shall make an annual report covering the work of the Board for the preceding fiscal year and such report shall include:

1. An itemized account of money received and expended and the purpose therefor which has been duly certified by the State Auditor or a Certified Public Accountant;

2. The names of all duly licensed funeral directors, embalmers, and funeral establishments. A copy of this report shall be furnished each licensed funeral director and embalmer in this state. A copy shall likewise be filed with the Secretary of State for permanent record, a certified copy of which, under the hand and seal of the Secretary of State, shall be admissible as evidence in all courts.

F. The Board shall preserve a record of its proceedings in a book kept for that purpose.

G. The Board shall keep a permanent, alphabetical record of all applicants for licenses and the action thereon. Such records shall also show, at all times, the current status of all such applications and licenses issued.

H. The Board may employ such inspectors, and clerical and technical assistants, legal counsel, including an Executive Secretary, as may be determined by it to be necessary to carry out the provisions of this Act, and the terms, conditions and expenses of such employment shall be determined by the Board.

I. Membership of the Board shall be reimbursed for necessary traveling expenses incident to attendance upon the business of the Board, and in addition thereto, each shall receive a per diem allowance of Twenty-Five Dollars ($25) for each day actually spent by such member upon attendance to the business of the Board, not to exceed fifty (50) days within a calendar year. The Board, in the absence of an Executive Secretary, notwithstanding membership on the Board, shall receive and pay a salary for the time he devotes to the business of the Board, and the amount and method of payment shall be fixed by the Board and in addition thereto, he shall receive necessary traveling expenses incurred in the performance of such duty; provided, however, he shall not be paid a per diem allowance during the time he is compensated on a salary basis; and provided that all such expenses, per diem allowance and compensation shall be paid out of the receipts of the Board. All fees received under the provisions of this law in excess of the necessary and proper expenses of the Board shall be held by the Secretary of the Board as a special fund with which to pay the expense of the Board in administering and enforcing this Act. No claim for traveling expenses or per diem allowance shall be allowed or paid unless the claim be in writing and signed by the claimant under oath.

J. Except as otherwise provided by law, all records of the Board shall be open to inspection by the public during regular office hours.

K. All meetings of the Board shall be open and public.

L. The Board shall prescribe the form of the official application blank. It shall notify the proprietor of each licensed funeral establishment in this state that any person who seeks employment as a funeral director or embalmer must fill in this application blank, and that the person receiving the application must mail a copy of the official form to the Board. The Board shall inform the prospective employer of the status of the applicant's license to engage in the activity he proposes.

M. The Board may adopt such administrative procedures as may be desirable to effect the intent of the provisions of this Section.

"Sec. 3. Licenses—Funeral Directors and Embalmers.

A. The Board is hereby authorized and empowered and it shall be its duty to prescribe and maintain a standard of proficiency, character and qualifications of those engaged or who may engage in the practice
of a funeral director or embalmer and to determine the qualifications necessary to enable any person to lawfully practice as a funeral director, to embalm dead human bodies, and to collect the fees therefor. The Board shall examine all applicants, funeral directors and embalmers' licenses and for apprenticeship licenses and shall issue the proper license to all persons qualified and who meet requirements herein prescribed.

B. The minimum requirements for the issuance of licenses by this Board to practice funeral and/or embalming in Texas are as follows, to wit:

1. For a license to practice funeral directing: the applicant shall be found by the Board to be not less than twenty-one (21) years of age, a resident of the State of Texas, and a citizen of the United States, of good moral character, having graduated from an accredited high school or passed examination prescribed by the Texas Education Agency from an accredited school or college of mortuary science approved by this Board, having served an apprenticeship period of not less than twenty-four (24) months under the personal supervision of a licensed embalmer, and having satisfied the Board as to his proficiency through oral and written examination on the subjects of: (a) anatomy of the human body; (b) cavities of the human body; (c) the arterial and venous system of the human body; (d) blood and coloration; (e) bacteriology and hygiene; (f) pathology; (g) chemistry and embalming; (h) arterial and cavity embalming; (i) restorative art; (j) dissection; (k) embalming special cases; (l) contagious and infectious diseases; (m) sanitary science, and such other subjects as may be taught in a recognized school or college of mortuary science, and shall at the request of the Board, demonstrate his proficiency as an embalmer.

C. The Board is hereby authorized and empowered and it shall be its duty to approve a course of instruction to be given by any college of mortuary science or recognized school of higher learning that desires to be approved by the Board, and it shall be the duty of the Board to examine and supervise the activities of an accredited school or college of mortuary science so as to insure that said college or school is meeting the requirements of the Board.

D. It shall be the duty of the Board to prescribe and supervise the course of instruction received by an apprentice while serving his or her apprenticeship, consistent with the following requirements to establish such an apprenticeship registration procedure:

1. Apprenticeship for embalmers: A license to practice the science of embalming shall not be issued unless and until the applicant therefor has served an apprenticeship period of not less than twenty-four (24) months under the personal supervision and instruction of a licensed embalmer and has successfully com-
2546 HOUSE JOURNAL

A person qualifying in this manner shall serve at least one (1) year of apprenticeship immediately following the successful passing of the written examination accorded by the Board.

(2) An applicant for a license to practice the science of embalming who attains a grade of 75% or higher on the written examination given by the Board upon payment of a fee not to exceed Ten Dollars ($10) thereof, shall be registered as an apprentice within six (6) months of such examination.

(3) Each registered apprentice embalmer shall be issued a certificate of apprenticeship or other means of apprenticeship identification by the Board to be served in the State of Texas. During the period of apprenticeship he shall assist in embalming a minimum of one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall embalm after the first year of apprenticeship without aid but in the immediate presence and under the personal supervision of an embalmer duly and currently licensed in the State of Texas. No more than two (2) apprentices may receive credit done for work on any one body.

(c) An apprentice embalmer shall report within ten (10) days thereof to the entire Board of each separate case handled by him or with which he has assisted in handling. Each such report shall be noted by the license under which the apprentice performed his work. Throughout the period of apprenticeship, the apprentice shall report on at least one (1) such case of embalming each calendar month, within the month. In any month in which he did not embalm at least one (1) case under the direction of a licensed embalmer, a report shall be made to the Board notwithstanding.

2. Apprentice for Funeral Director: The term of apprenticeship for a funeral director's license shall be a period of not less than twelve (12) months, and may be served concurrently with apprenticeship for an embalmer's license; however, apprenticeship must be served either before or after the examination. A person desiring to become an apprentice funeral director shall make application to the Board on a form provided by the Board, and if the Board desires, he shall appear before at least one (1) member of the Board, or a designated representative thereof, for approval of his application, subject to review of it by the entire Board. Applicant must be at least nineteen (19) years of age, a person of good moral character and have completed the education requirements prescribed for a funeral director, except an applicant for a funeral director's license may elect to serve apprenticeship thereafter in like manner to that of one who has applied for a license to practice the science of embalming, by serving one (1) year of apprenticeship prior to completing a course of study in funeral directing prescribed by the Board and graduating from a school of embalming or college of mortuary science. The application for registration shall be sworn to and
accompanying a fee of not exceeding Ten Dollars ($10). If the application is accepted, applicant will be issued a certificate of apprenticeship registration upon determination by the board that his qualifications are satisfactory.

(a) An applicant for a funeral director's license and the examination thereof who has not completed one (1) year of apprenticeship prior to graduation from a school of embalming or college of mortuary science shall be admitted to apprenticeship only in the event he shall have attained a grade of 75% or higher on the written, oral and practical examinations given by the Board, and the payment of a fee of not exceeding Ten Dollars ($10) therefor, whereupon he shall be registered as an apprentice. Provided, however, the applicant must register as an apprentice within six (6) months of such examination.

(b) An apprentice funeral director must report within ten (10) days thereafter of each separate case with which he has assisted in handling. Each such report shall be certified to by the licensee under whom the apprentice performed the work. Throughout the period of apprenticeship the apprentice shall report on at least one (1) such case each calendar month, within the month. In any month within which he did not assist a funeral director in handling a funeral, a report shall be made to the board notwithstanding.

(c) During the course of apprenticeship each apprentice shall assist a licensed funeral director in this state to prepare, other than by embalming, and to make final disposition of not less than one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall handle, after graduation from an approved school of embalming or college of mortuary science, where one (1) year of apprenticeship was served prior to entrance into an institution for preparation by him to become a funeral director. The Board may require other evidence of his ability, in its discretion. No more than two (2) apprentices may receive credit for work done on any one body.

3. Annual renewal apprenticeship certificate: Each certificate of apprenticeship issued by the Board to an apprentice embalmer or apprentice funeral director must be renewed on the first day of January of each year and will be renewed upon payment by the apprentice of a renewal fee not to exceed Ten Dollars ($10), provided the apprentice has conducted himself with propriety and observed the rules and regulations of the Board with respect to his apprenticeship. Notice shall be mailed, during the month of December each year, to each registered apprentice at his last known address, notifying him that the renewal fee is due. If the renewal fee is not paid on or before the 31st day of January in the year in which it became due, a penalty in the sum of not to exceed Ten Dollars ($10) will be added to the renewal fee of each certificate when paid. Fifteen (15) days after the grace period as above provided if said annual renewal fee and penalty still remain unpaid, it shall be the duty of the Board, acting through its Secretary, to suspend his certificate for nonpayment of the annual renewal fee and to notify such apprentice of such suspension by registered mail, addressed to his last known address. If the said renewal fee and penalty is not then paid within thirty (30) days from date of such notice of suspension, the Board shall then cancel such certificate. Provided, however, after an apprentice certificate has been cancelled, the apprentice may apply for reinstatement within eighteen (18) months from the date such apprentice certificate was cancelled and the Board may, in its discretion, reinstate said apprentice provided he meets all other requirements of the Board.

4. Notification of the Board upon entry into apprenticeship: When an apprentice enters the employ of a licensed embalmer or funeral director, he shall immediately notify the Board the name and place of business of the licensed embalmer or funeral director, the name and place of business of the licensed funeral director and the name and place of business of the employer. Provided the apprentice and the employer both comply with the provisions of the act and the rules and regulations of the Board, the Board may, in its discretion, issue a certificate of apprenticeship to said apprentice. Provided further that the person employed shall be the person designated by name in said certificate of apprenticeship. Provided, however, if it is determined by the Board that this person who has been employed as an apprentice is not the person designated in said certificate of apprenticeship, the Board shall cancel such certificate and issue a new certificate to the person designated in said certificate of apprenticeship. Provided further that if an apprentice has been employed by two or more persons, the Board shall cancel such certificate and issue a new certificate to the employer of said apprentice if it is determined by the Board that the apprentice is not engaging in the business of a licensed funeral director or a licensed embalmer.

May 23, 1963 2547
funeral director whose services he has entered and the name of the funeral director or embalmer under whom he will train, and such notification shall be signed by the embalmer or funeral director in each case. If at any time thereafter such apprentice leaves the employ of the licensed embalmer or funeral director whose services he has entered, the said licensed embalmer or funeral director shall give to such apprentice an affidavit showing the length of time he has served as an apprentice with him and the number of cases handled while so employed; the original of said affidavit shall be filed with the Board and made a matter of record, and copy shall be furnished to the apprentice. The Board shall furnish report forms to be used by each apprentice.

5. Certificate of apprenticeship may be suspended or revoked as provided and set forth in Section 3, subsection H.

E. Any person engaged or desiring to engage in the practice of embalming or funeral directing in this state, in connection with the care and disposition of dead human bodies, shall make written application to the Board for a license accompanying same with a fee not to exceed Fifty Dollars ($50). The license or licenses when issued shall be signed by a member of the Board and made a matter of record, and copy shall be furnished to the apprentice. The Board shall furnish report forms to be used by each apprentice.

F. (1) The Board is authorized to make certain reciprocal arrangements. The State Board of Morticians, may, in its discretion, upon payment by an applicant of a fee of One Hundred Dollars ($100) grant a license to practice as a funeral director and/or embalmer to persons who furnish proof that they have been registered for at least three (3) years in such, in some other state or territory of the United States; provided that the licensing board of such other state or territory in its examination requires the same general degree of fitness required by this state. Said application shall be accompanied by an affidavit made by the President or Secretary of the Board of Mortician Examiners which issued the license, or a duly constituted registration officer of the state or territory by

known address that his annual registration fee is due and unpaid and that a penalty equal to the amount of the registration fee has been added. If such fee and penalty are not paid within fifteen (15) days after notification by regular mail, it shall be the duty of the Board to suspend the license and notify the licensee by certified mail, return receipt requested, of such suspension. Thirty (30) days after the Board shall have declared a license suspended, as provided herein, the license shall be automatically cancelled and the Board may thereafter in its discretion refuse to reissue the license until the applicant has passed a regular examination for license as provided in this Act. If any license issued under this Act shall be lost, destroyed, the holder of any such license may present his application for duplicate license to the State Board of Morticians, on a form to be prescribed by the Board, together with his affidavit of such loss or destruction, and that he is the same person to whom such license was issued, and such other information concerning its loss or destruction as the State Board of Morticians shall require, and shall, upon payment of a fee not to exceed Ten Dollars ($10), as determined by the Board, be granted a duplicate license; provided further, that the same fee as set forth above for duplicate license shall also apply to endorsements by the Board.
which the certificate or license was granted, and on which the application for registration in Texas is based, reciting that the accompanying certificate or license has not been canceled, suspended or revoked, and that the statement of the qualifications made in the application for a license in Texas is true and correct, Applicants for a license under the provisions of this Act shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of such application, stating that the license, certificate, or authority under which the applicant practiced as a funeral director or embalmer in the state or territory from which the applicant removed, was at the time of such removal in full force and effect and not cancelled, suspended or revoked. Said application shall also state that the applicant is the identical person to whom the said certificate, license, or commission was issued, and that no proceeding has been instituted against the applicant for the cancellation, suspension or revocation of such certificate or license in the state or territory in which the same was issued; and that no proceeding is pending against the applicant in any state or federal court for any offense which, under the laws of the State of Texas, is a felony, or a misdemeanor involving moral turpitude.

(3) Licenses granted under this subsection shall be on the following basis: Before a license is granted, the applicant shall receive a temporary permit good for one (1) year from the issuance by the Board. At the end of one (1) year, the holder of said temporary permit shall again appear before the Board and if he has complied with the laws of this state, the Board shall again consider his application for license and in its discretion, providing he meets all other requirements, may grant said applicant a license.

G. Licenses currently outstanding shall be recognized under this Act. Any person, personally holding a current funeral director's and/or embalmer's license granted by the proper authorities in this state, shall not be required to make application for or submit to an examination, but shall be entitled to a renewal of his license, upon expiration of such current license, under the terms and conditions as herein provided for the renewal of licenses of those who may be licensed after the passage of this Act. All such persons shall be subject to every other provision of this Act.

H. The State Board of Morticians is hereby authorized and empowered and it shall be its duty to conduct hearings to revoke, suspend, or place on probation any licensed funeral director and/or embalmer, or apprentice, and may refuse to admit persons to examination for any of the following reasons:

1. The presentation to the Board of any license, certificate, or diploma, which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination;

2. Conviction of a crime of the grade of a felony or of a misdemeanor involving moral turpitude;

3. Unfit to practice as a funeral director and/or embalmer by reason of insanity or has been adjudged by a court of competent jurisdiction to be of unsound mind;

4. The use of any advertising statement or character which misleads or deceives the public, or use, in connection with advertisements, the name of persons who do not hold a license as a funeral director or embalmer and represent them to be so licensed;

5. The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use any license, certificate or transcript of license or certificate, in or incident to an application to the Board of Morticians for license to practice as a funeral director and/or embalmer;

6. Altering, with fraudulent intent, any funeral director and/or embalmer license, certificate, or transcript of license or certificate;

7. The use of any funeral director and/or embalmer license, certificate, diploma, or transcript of any such funeral director and/or embalmer license, certificate, or diploma, which has been fraudulently purchased, issued, counterfeited, or materially altered;

8. The impersonation of, or acting as proxy for, another in any exami-
nation required by this Act for a funeral director and/or embalmer license.

9. The impersonation of a licensed funeral director or embalmer as authorized, or permitting, or allowing, another to use his license, or certificate to practice as a funeral director or embalmer or mortician in this state, for the purpose of embalming or practicing the science of embalming, in connection with the care and disposition of the dead, or acting as a funeral director or practicing as a funeral director in this state, in connection with the care and disposition of the dead;

10. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of a deceased, in proximity to a deceased person whose body has not yet been interred or otherwise disposed of; or the indecent exposure of a dead human body;

11. Refusing to promptly surrender a dead human body, upon the express order of a person in possession of lawful authority therefor, to a licensed funeral director or embalmer or an agent or employee of the same;

12. Wilfully making any false statement on a certificate of death;

13. Employment directly or indirectly of any apprentice, agent, assistant, embalmer, funeral director, employee, or other persons on a part-time, or full-time basis, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

14. Presentation of false certification of work done as an apprentice on apprenticeship records;

15. Unfitness by reason of drug addiction; and

16. Whenever a licensee, apprentice, or any other person, whether employee, agent or representative, or one in any manner associated with a funeral establishment shall solicit business or offer any inducement pecuniary or otherwise, for the purpose of securing or attempting to secure business for such funeral establishment, unless such solicitation is made pursuant to a permit issued under the provisions of Article 448b, Texas Vernon's Civil Statutes, Senate Bill No. 129, Acts of the 51st Legislature, Regular Session, 1965.

1. The Board may issue such rules and regulations as may be necessary or desirable to effect the intent of the provisions of this Section.

"Sec. 4. Funeral Establishments."

A. All funeral establishments shall be licensed by the Board. All licenses shall expire at midnight on August 31st of each year. The license fee shall not exceed Twenty-five Dollars ($25) for issuance of licenses to existing establishments and for renewal licenses. Funeral establishments existing at the time of the effective date of this Act shall be notified by order of the Board to pay an initial license fee and upon receipt thereof the initial license shall be duly issued. Funeral establishments created after the effective date of this Act shall apply for a license, and upon satisfaction to the Board that this Section has been complied with and upon receipt of the licensing fee, which shall not exceed One Hundred Dollars ($100), an initial license shall be duly issued to such new establishments. Not later than thirty (30) days prior to the expiration date of licenses, the Board shall cause to be issued notice in writing by mail to each licensed funeral establishment that a renewal fee not to exceed Twenty-five Dollars ($25) must be paid by September 1st before such license shall be renewed, and upon due receipt of such fees all existing licenses shall be considered automatically renewed. Any establishment which fails to pay its license renewal fee as herein provided within thirty (30) days after August 31st may be required by the Board to pay a penalty of Twenty-five Dollars ($25) in addition to the regular fee, and if the delinquency is more than thirty (30) days, the establishment shall not be permitted to operate as a funeral home until it has applied for and has been granted a new license as in the case of original applications and licenses for new funeral establishments.

B. No funeral establishment shall conduct funeral business as intended under this Act unless duly licensed.
C. Each funeral establishment shall be required to have a physical plant, equipment and personnel consisting of the following:

1. Adequate facilities in which funeral services may be conducted;
2. A preparation room being used by such establishment that meets the sanitary code of the State of Texas and the municipality in which same is located;
3. A physical plant which meets building standards and fire safety standards of the state and of the municipality in which the establishment is located;
4. Access to rolling stock consisting of at least one motor hearse;
5. A preparation room that is secluded from the public, properly ventilated, and containing an operating table, sewer facilities, hot and cold running water, and sufficient instruments, chemicals and so forth to embalm a dead human body;
6. A display room containing sufficient merchandise to permit reasonable selection, including five (5) or more adult caskets;
7. Sufficient licensed personnel who will be available to conduct the operation of the funeral establishment;
8. A physical plant located at a fixed place, and not located on any tax-exempt property or cemetery; and
9. A physical plant which meets the health standards on health ordinances of the state and of the municipality in which the establishment is located.

D. 1. Failure of a funeral establishment to substantially comply with the provisions of paragraph C of this Section shall constitute the only grounds upon which the Board may initiate formal complaint or other action against a funeral establishment or in regard to the license of a funeral establishment.
2. As to asserted violations of provisions of paragraph C of this Section, the Board shall have the following powers, rights and duties:
(a) The Board may, in any case, require a sworn statement setting forth matter complained of as a condition to taking further action.
(b) The Board shall cause an investigation to be made whenever a complaint is filed with or by the Board.
(c) As to the licenses of funeral establishments, except when the accused admits a violation and agrees is writing to a judgment of the Board suspending or revoking the license in question or placing the accused on probation, the Board shall have no power or authority to suspend or revoke the license of the accused. However, the Board shall have the right to institute a civil action in a District Court in the county in which the accused resides for the purpose of seeking a revocation or suspension of such license or probationary action all as hereinafter provided.
3. The term "Accusation" or "Complaint" shall embrace all complaints brought before the Board. By the terms "civil suit," "court action" or "formal complaint" is meant the pleading by which disciplinary action is instituted by the Board in a District Court of this state.
4. In any investigation or hearing by the Board it may require the attendance of witnesses by issuing notices to witnesses, and ordering them to appear and testify. The Board may require testimony to be given under oath or affirmation. Such notice to a witness shall be issued at the request of the Board, or the accused licensee or the organization whose application for license has been denied. Such notice must be in writing and signed by the presiding member of the Board, and shall notify the witness of the time and place to appear. Notice to a witness shall be served on him personally or by mailing the same to him by registered mail, return receipt requested. Proof of such may be made by certificate of the person making the same, with return receipt attached when made by registered mail.
5. If any witness fails or refuses to appear before the Board, such wit-
ness shall be compelled by a judge of any District Court to appear and testify at a hearing before such judge in the same manner as witnesses may be compelled to appear and testify in a civil suit in a District Court. Application for such hearing may be made by any party to such proceedings in any District Court of the county in which such witness resides or may be found. The judge shall fix by order a time and place for such hearing and shall provide for such notice to the Board and the accused or the applicant for a license or certificate which has been denied as he determines proper. If such witness fails to appear or testify he shall be punished as in cases of contempt.

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

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

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

(c) The formal complaint shall be the procedure by which the proceeding is instituted. The formal complaint shall be filed in the name of the Texas State Board of Morticians as plaintiff against the accused licensee as defendant and shall set forth the violation with which the defendant is charged. The prayer may be that the defendant be placed on probation or his (its) license suspended or revoked as the facts shall warrant.

(d) The answer of the defendant to the formal complaint shall either admit or deny each allegation of the petition, except where the defendant is unable to admit or deny the allegation, in which case defendant shall set forth the reasons he (it) cannot admit or deny.

(e) Proceedings under formal complaint shall be entitled to a preferred setting at the request of either party.

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

(g) At any time after the expiration of one year from the date of final judgment of revocation of a license, such party may petition the District Court of the county of his residence for reinstatement. Notice of such action shall be given to the Secretary of the State Board of Morticians.

(h) The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Section. Said action for an injunction shall be in addition to any other action, proceeding, or remedy recognized by law. The Board shall be represented by counsel designated by it, or, by the Attorney General and/or County and District Attorney of this state.
E. Each funeral establishment shall designate to the Board a funeral director in charge, and such funeral director in charge shall be directly responsible for the funeral directing and embalming business of the licensee. Any change or changes in such designation shall be given to the Board promptly.

F. The Board may issue such rules and regulations as shall comply with and shall affect the extent of the provisions of this Section.

G. Any premises on which funeral directing or embalming is practiced shall be open at all times to inspection by any agent of the Board or by any duly authorized agent of the state or of the municipality in which the premises are located. Each licensed funeral establishment shall be thoroughly inspected at least once each year by an agent of the Board or by an agent of the state or a political subdivision thereof whom the Board has authorized to make inspections on its behalf. A report of this annual inspection shall be filed with the Board.

"Sec. 4A. In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.

"Sec. 5. Rules and Regulations.

A. The Board is authorized to promulgate such rules and regulations as it may deem advisable governing the granting, suspension and revocation of licenses as prescribed by the provisions of this Act.

B. Whenever it is provided in this Act that the Board may or shall issue any rules and regulations, such rules and regulations thereunder proposed shall be effective only after due notice and hearing.

"Sec. 6. Revocation, Cancellation or Suspension of Licenses of Funeral Directors, Embalmers and Apprentices.

The State Board of Morticians shall have the right to cancel, revoke, or suspend or place on probation the license of any individual person licensed under this Act as provided by subparagraph (H) of Section 3 above.

Proceedings under this Section shall be initiated by filing charges with the State Board of Morticians in writing and under oath. Said charges may be made by any person or persons. The President of the State Board of Morticians shall set a time and place for hearing, shall cause a copy of the charges, together with a notice of the time and place fixed for hearing, to be served on the respondent; or his counsel; at least ten (10) days prior thereto. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to reside and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the date of the last publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereafter determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Act shall be privileged.
Any licensed funeral director and/or embalmer whose license has been revoked, suspended or renewal refused, or a person to whom the Board has refused to issue a license under this Act, shall have the right of appeal, from any such decision of the Board to any District Court in the county in which he resides within twenty (20) days from and after the date the said Board announces its final decision. In a suit brought to review orders, decisions, or other acts of the Board, the trial shall be de novo as that term is used and understood. In an appeal from a Justice of Peace Court to the County Court, and action of the Board shall be stayed pending all appeals. Upon application, the Board may issue a license to practice as a funeral director or embalmer to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such manner and form as the Board may require.

The State Board shall have the power to appoint committees from the membership. The duties of any committees appointed from the State Board of Morticians membership may consider such matters pertaining to the enforcement of this Act as shall be referred to such committees, and they shall make recommendations to the State Board of Morticians with respect thereto. The State Board of Morticians shall have the power, and may delegate the said power to any committee, to issue subpoenas, and subpoenas duces tecum, and to compel the attendance of witnesses, the production of books, records and documents, to administer oaths, and to take testimony concerning all matters within its jurisdiction. The State Board of Morticians shall not be bound by such rules of evidence or procedure, in the conduct of its proceedings, but the determination shall be founded on sufficient legal evidence to sustain it. The State Board of Morticians shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceedings, or remedy authorized by law. The State Board of Morticians shall be represented by the Attorney General and/or the County or District Attorneys of this state, or counsel designated and empowered by the board. Before entering any order canceling, suspending, refusing to renew, or revoking a license to practice as a funeral director and/or embalmer, the Board shall hold a hearing in accordance with the procedure as set forth in this Act.

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

“Sec. 7. Penalty.

Any person who practices as a funeral director, embalmer or apprentice in violation of any provision of this Act shall be fined not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500) or shall be imprisoned in the county jail for not more than thirty (30) days, or both. Each day of such practice shall constitute a separate offense.

“Sec. 8. Exemption.

Nothing herein shall be construed as requiring that funeral establishments be owned by licensed persons.”

Sec. 2. Effective Date.

This Act shall become effective on September 1, 1963.

Sec. 3. Severability.

A. Should any provisions of this Act be held to be invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the validity of any remaining portion of this Act, it being the legislative intent that this Act shall stand, notwithstanding the invalidity of any such provision or Section thereof.

B. Every provision of this Act, every Section and every part of every Section is hereby declared to be independent insofar as this relation shall be necessary to the validity of this Act; and the fact that any provision, Section or part of any Section is void, shall not be held to invalidate any other provision hereof.

Sec. 4. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict only.
Sec. 5. Nothing contained in this Act shall be construed as repealing, amending, modifying, altering, or in any way prohibiting the effect and application of the provisions of Senate Bill No. 129, Acts of the 58th Legislature, Regular Session, 1963. If there be any conflict between the provisions of this Act and said Senate Bill No. 129, the provisions of the latter Act shall prevail.

Sec. 6. Emergency Provision.

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

Mr. Walker moved that the Conference Committee Report on S. B. No. 85 be adopted.

The motion prevailed by unanimous consent.

RECESS

Mr. Slider moved that the House recess until 9:00 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House, at 5:36 o'clock p.m., took recess until 9:00 o'clock p.m. today.

NIGHT SESSION

The House met at 9:09 o'clock p.m. and was called to order by the Speaker.

REQUESTING THE SPEAKER OF THE HOUSE TO PROVIDE EACH MEMBER WITH A LIST OF MEMBERS OF ALL INTERIM COMMITTEES

Mr. Haynes of Orange offered the following resolution:

H. S. R. No. 575

Be It Resolved by the House of Representatives of the Fifty-eighth Legislature of the State of Texas, That the Speaker of the House be hereby requested to provide each Member of this House with a list of Members of all interim committees as soon as possible after such committees have been appointed.

The resolution was referred to the Committee on Rules.

PROVIDING FOR COMMITTEES TO NOTIFY THE SENATE AND THE GOVERNOR OF ADJOURNMENT SINE DIE

Mr. Moyer offered the following resolution:

H. S. R. No. 576

Be It Resolved by the House of Representatives of the Fifty-eighth Legislature, That the Speaker appoint two committees of five Members each, one to notify the Senate, and the other to notify the Governor, that the House is now ready to stand adjourned Sine Die.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 490

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

S. C. R. No. 94

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill No. 490 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 342

Mr. Guffey offered the following resolution:

H. C. R. No. 85

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Joint Rules be and the same are hereby suspended so that either House may take up and consider at any time House Bill No. 342.

The resolution was referred to the Committee on Rules.
Mr. Parker offered the following resolution:

Be It Resolved, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill 382 or House Bill 592 at any time.

The resolution was referred to the Committee on Rules.

Mr. Esquivel offered the following resolution:

Be It Resolved, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill 382 or House Bill 592 at any time.

The resolution was referred to the Committee on Rules.

Concerning Southern Pacific Co. Passenger Train Service Between Houston, Texas, and New Orleans, Louisiana

Mr. Smith of Jefferson offered the following resolution:

Providing for a Committee to Make Certain Study Relative to the Narcotic Traffic in This State

Mr. Smith of Jefferson offered the following resolution:

Committee on State Affairs.

Whereas, The narcotic traffic in Texas has helped to breed crime, corruption, and defiance of law and constitutes a most dangerous menace to the health and future well-being of the youth of this State; and

Whereas, During the past two years there have been many reported instances of violations of our laws dealing with narcotics; and of the sale of narcotics and of barbiturates and other dangerous drugs to children as well as to adults; and

Whereas, This problem is daily becoming more urgent and should be very seriously considered by the Legislature in order that suitable legislation be prepared to combat the dangers of narcotics addiction among young people in Texas; therefore, be it

Resolved by the House of Representatives, That an interim committee of five (5) members be appointed by the Speaker to inquire into the extent and effects of the narcotic traffic in this State, particularly as such traffic affects school children and other young people of this State; inquiring into the methods of enforcement of present State narcotic laws and into the matter of cooperation between State law enforcement officers of all kinds with the Narcotics Division of the Texas Department of Public Safety and with the narcotics enforcement officials of the United States government; to inquire generally into all matters directly dealing with the sale, distribution and use of narcotics, barbiturates and other dangerous habit-forming drugs; and be it further

Resolved, That the members of the Committee shall receive no remuneration but shall be reimbursed for actual expenses incurred in carrying out the provisions of this Resolution.


The resolution was referred to the Committee on State Affairs.

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Resolved, That the members of the Committee shall receive no remuneration but shall be reimbursed for actual expenses incurred in carrying out the provisions of this Resolution.


The resolution was referred to the Committee on State Affairs.

Concerning Southern Pacific Co. Passenger Train Service Between Houston, Texas, and New Orleans, Louisiana

Mr. Parker offered the following resolution:

Providing for a Committee to Make Certain Study Relative to the Narcotic Traffic in This State

Mr. Smith of Jefferson offered the following resolution:
May 23, 1963   HOUSE JOURNAL  2557

H. S. R. No. 581

Whereas, The Southern Pacific Company presently operates its passenger trains Nos. 5 and 6 between Houston, Texas, and New Orleans, La., and said company has given notice under Section 13a (1) of the Interstate Commerce Act of their desire to discontinue said passenger trains, effective May 15, 1963.

Whereas, The Interstate Commerce Commission issued an order on April 29, 1963, that an investigation of the proposed discontinuance of train service be instituted. It was further ordered that train service be continued pending such investigation and hearings.

Whereas, We, the duly elected Representatives of the people in the districts through which these said trains travel, are concerned with this matter and have considered the effects of this discontinuance of passenger train service upon our communities and citizens, and have concluded that the proposed discontinuance will not be in the public interest since it would cause a drastic reduction in service. Such reduction will not only deprive the general public of needed passenger train service, but also tend to give disrupted or less favorable mail and express service.

Whereas, The House of Representatives of the Fifty-eighth Legislature of the State of Texas, has considered the effects on the communities and citizens in the event these said trains are discontinued, now, therefore, be it

Resolved, That the House of Representatives go on record as being opposed to the discontinuance of Southern Pacific Company’s passenger trains Nos. 5 and 6 between Houston, Texas, and New Orleans, Louisiana.

The resolution was referred to the Committee on State Affairs.

HOUSE BILL NO. 861 WITH SENATE AMENDMENTS

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

H. B. No. 861, A bill to be entitled "An Act relating to certain motor vehicles; providing for the issuance of time permits and the conditions relating thereto; establishing the registration status of such permits; authorizing the Department to promulgate reasonable rules and regulations; providing a method of licensing such permits; prescribing a fee; providing for disposition of fees; providing for liability insurance under certain conditions; defining an offense and prescribing a penalty; repealing conflicting laws; containing a severability clause and declaring an emergency."

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

Yeas—135

Adams of Galveston
Adams of Orange
Butler
Cale
Caldwell
Canales
Carpenter
Carrick
Carnes
Chapman
Cherry
Clayton
Cole
Collins
Cory
Cottem
Couchman
Cowden
Cowles
Croom
Crews
Davis
de la Garza
Dobe
Duggan
Dungan
Duncan
Dykstra
Edwards
Eguiluz
Fairchild
Fisher
Foote
Floyd
Foreman
Frazier
Gibbons
Giddens
Glen
Green
Green of Hidalgo
Green of Rusk
Greene
Gregg
Griffin
Grover
Hale of Brazos
Hallmark
Harding
Haring
Harris
Harris of Galveston
Harris of Dallas
Harrington
Hays of Orange
Hayes
Hefton
Heitman
Hendryx
Hinson
Holliswell
Hughes
Huebner
Humphrey
Humphreys
Hunt
Hutcheson
Johnson
Jones
Jones of Galveston
Jones of Corpus Christi
Justice
Kilpatrick
Kinney
Klages
Kling
Kohls
Korthmann
Lack
McClinton
McDonald
McDonald of Rusk
McLaughlin
McMicklin
McNutt
Mann
Markgraf
Meadows
McClinton
McDonald
McDonald of Rusk
McMullin
McLaughlin
McNutt
Mann
Markgraf
Miller
Morgan
Moyer
Murray
Committee Amendment No. 1
Amend House Bill No. 861 by adding a new sentence at the end of Section 1, reading as follows:

"However, such temporary permits shall not be issued for the importation of agricultural commodities other than pineapples or bananas into Texas from a foreign country under the provisions of this section except for foreign export or processing for foreign export."

Committee Amendment No. 2
Amend House Bill No. 861 by adding a new sentence at the end of Section 2, paragraph (b), reading as follows:

"Such temporary permits shall not be issued for the importation of agricultural commodities other than pineapples or bananas into Texas from a foreign country under the provisions of this section except for foreign export or processing for foreign export."

Committee Amendment No. 3
Amend the first paragraph of Section 2 of House Bill 861 by striking the first sentence thereof and substituting therefor the following:

"A temporary permit valid for twenty-four (24) hours shall be issued for the fee of Two Dollars ($2)."

Committee Amendment No. 4
Amend House Bill 861 by striking all of Section 3.

Amend caption to conform to body of bill.

ADOPITION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 132

Mr. Hefton submitted the following Conference Committee Report on Senate Bill No. 132:

Austin, Texas, May 31, 1963

Hon. 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 Senate Bill 132 have met and had same under consideration, and beg to report it back with the recommendation that it pass in the form and text hereunto attached.

CREIGHTON,
WORD,
MOORE,

On the part of the Senate

ALLEN,
HEFTON,
BARNES,
FONDREN,

On the part of the House

S. B. No. 132

By Creighton

A BILL
To Be Entitled
AN ACT relating to registration of voters; amending the Election Code of the State of Texas to provide a general registration sys-
en to all voters in all elections, conditioned upon the adoption of an amendment to the Constitution of the State of Texas abolishing payment of the poll tax as a prerequisite for voting, and the enactment of a general registration law; providing that the county tax assessor-collector shall be the registrar of voters in each county, exempting certain persons from the requirement of registration, providing for a twenty-five cent (25¢) registration fee, providing procedures for registration and for cancellation of registration, and making other provisions to effectuate the establishment of a general registration system for all voters; further amending the Election Code of the State of Texas to provide a temporary registration system for qualifying registrants to vote for federal offices without payment of the poll tax, conditioned upon the adoption of an amendment to the Constitution of the United States; abrogating payment of a poll tax as a prerequisite for voting for federal offices prior to amendment of the Constitution of the State of Texas abolishing payment of the poll tax as a prerequisite for voting; repealing inconsistent and conflicting laws; stating the effect of the Act on existing laws; providing for the expenses of his office incident to voter registration as are placed upon him by law. The duties here imposed on the county tax assessor-collector are in addition to the other duties imposed by law, and the expenses of his office incident to the performance of these duties shall be borne by the county. Any application for registration also shall include the signature of the applicant. The provisions of this Act shall apply to all elections, including general, special, and primary elections, whether held by the state, by a county, municipality or other political subdivisions of the state, or by a political party.

May 23, 1963

Enacted By The Legislature of the State of Texas

Section 1. Effective on the first day of March following the date on which Section 2 of this Act takes effect, as provided in Section 6 hereof, Section 24 of the Election Code of the State of Texas (as compiled and published as Article 5.02 of Vernon's Texas Election Code) is amended to read as follows:

"34. Qualification and requirements for voting

"Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall not have resided in this state one year next preceding an election and the last six months within the district or county in which such person offers to vote, and who shall have registered as a voter if required to do so, shall be deemed a qualified elector; provided that any member of the Armed Forces of the United States or component branch thereof, or in the military service of the United States, may vote only in the county in which such person resided at the time of entering such service. Any qualified elector who is over sixty years of age on the day of an election at which he offers to vote and who does not reside in a city of ten thousand or more inhabitants may vote at the election without having registered as a voter, but no other person shall be permitted to vote unless he has registered in accordance with the provisions of this Code. The provisions of this section shall apply to all elections, including general, special, and primary elections, whether held by the state, by a county, municipality or other political subdivisions of the state, or by a political party."

"34a. Registrar of voters

"The county tax assessor-collector of each county in this state shall be the registrar of voters in that county; and as used in this Code, the term ‘registrar of voters’ or ‘registrar’ means the county tax assessor-collector. He shall be responsible for the registration of voters, keeping of records, preparation of lists of registered voters, and such other duties placed upon him by law. The duties here imposed on the county tax assessor-collector are in addition to the other duties imposed by law, and the expenses of his office incident to the performance of these duties shall be borne by the county. Any of these duties, except the hearing of appeals on denial of registration and the hearing of challenges of registration, may be performed through a deputy or deputies. To assist in defraying the expense to the county for the administration of voter registration, the tax assessor-

2559
No person who is over sixty years of age at the time of applying for registration shall be permitted to register unless he resides in a city of ten thousand or more inhabitants. Except as hereinafter stated, every person who at the time of applying for registration is in other respects a qualified elector, or who will become a qualified elector within ninety days from the first day of March following the date of his application for registration, shall be entitled to register as a voter of the precinct in which he resides; provided, however, that no person shall be entitled to vote at any election unless he is a qualified elector on the date of the election. The registration certificate of a person who registers before he becomes a qualified elector shall have stamped on it the following: ‘Not entitled to vote before (date on which he will become a qualified elector to be inserted in the blank), and this notation shall also be placed opposite his name on the list of registered voters.

"43a. Annual registration; period for registration; period for which registration is effective.

"Voters shall register annually. The first period for registration under this law shall begin in each county immediately upon the effective date of this law or as soon thereafter as the registrar has obtained the necessary registration certificate forms, and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43b. Registration for first voting year.

"For the purpose of voting at elections held during the voting year beginning on the first day of March immediately following the effective date of this registration law, all persons who paid a poll tax or obtained an exemption certificate between the preceding first day of October and thirty-first day of January whose names have been placed on the list of qualified voters for the year following except for the repeal of Section 64 of this Code, shall be deemed to have registered in accordance with the requirements of this registration law, and the registrar shall include the names of such persons on the list of registered voters for the first voting year hereunder, as well as the names of persons who received registration certificates under the provisions of this registration law. The poll tax receipts and exemption certificates issued to such persons shall take the place of registration certificates for all purposes in elections held during that year. No person who has received a poll tax receipt or an exemption certificate shall be entitled to vote during the first voting year unless he is a qualified elector on the date of the election.

"43c. Additional registration and registration period.

"If a person fails to vote during the first voting year, he shall not be entitled to vote during the second voting year, unless he registers for the second voting year and pays the poll tax or obtains an exemption certificate for the second voting year. The second voting year shall begin on the first day of March following the date of registration and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43d. Change of residence; rescission of registration certificate.

"If a person changes his residence within the county or elects to vote in another county in the state, he shall be entitled to register in the new county except as hereinafter provided. If he registers for a second voting year, he shall be entitled to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43e. Homicide or insanity; resignation of registration certificate.

"If a person is convicted of homicide, mutiny, treason, or other felony, or is adjudged to be insane, he shall be entitled to vote during the first voting year, unless he registers for the second voting year and pays the poll tax or obtains an exemption certificate for the second voting year. The second voting year shall begin on the first day of March following the date of registration and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43f. Persons entitled to register.

"No person who is over sixty years of age at the time of applying for registration shall be permitted to register unless he resides in a city of ten thousand or more inhabitants. Except as hereinafter stated, every person who at the time of applying for registration is in other respects a qualified elector, or who will become a qualified elector within ninety days from the first day of March following the date of his application for registration, shall be entitled to register as a voter of the precinct in which he resides; provided, however, that no person shall be entitled to vote at any election unless he is a qualified elector on the date of the election. The registration certificate of a person who registers before he becomes a qualified elector shall have stamped on it the following: ‘Not entitled to vote before (date on which he will become a qualified elector to be inserted in the blank), and this notation shall also be placed opposite his name on the list of registered voters.

"43g. Resignation of registration certificate.

"If a person is convicted of homicide, mutiny, treason, or other felony, or is adjudged to be insane, he shall be entitled to vote during the first voting year, unless he registers for the second voting year and pays the poll tax or obtains an exemption certificate for the second voting year. The second voting year shall begin on the first day of March following the date of registration and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43h. Change of residence; rescission of registration certificate.

"If a person changes his residence within the county or elects to vote in another county in the state, he shall be entitled to register in the new county except as hereinafter provided. If he registers for a second voting year, he shall be entitled to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43i. Homicide or insanity; resignation of registration certificate.

"If a person is convicted of homicide, mutiny, treason, or other felony, or is adjudged to be insane, he shall be entitled to vote during the first voting year, unless he registers for the second voting year and pays the poll tax or obtains an exemption certificate for the second voting year. The second voting year shall begin on the first day of March following the date of registration and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43j. Change of residence; rescission of registration certificate.

"If a person changes his residence within the county or elects to vote in another county in the state, he shall be entitled to register in the new county except as hereinafter provided. If he registers for a second voting year, he shall be entitled to vote at elections held during the period of one year beginning on the first day of March following the date of registration.

"43k. Homicide or insanity; resignation of registration certificate.

"If a person is convicted of homicide, mutiny, treason, or other felony, or is adjudged to be insane, he shall be entitled to vote during the first voting year, unless he registers for the second voting year and pays the poll tax or obtains an exemption certificate for the second voting year. The second voting year shall begin on the first day of March following the date of registration and shall end on the thirty-first day of January following. Each annual registration shall entitle the registrant to vote at elections held during the period of one year beginning on the first day of March following the date of registration.
registered as a voter, the tax collector shall accept payment and issue him a memorandum receipt but shall not issue the receipt provided for in Section 46 of this Code, during the first registration period, the tax collector shall continue to issue poll tax receipts provided for in Section 46 of this Code to all persons paying the tax who have not registered under the provisions of this registration law, but shall not issue any exemption certificates after the beginning of registration except to persons exempt on the ground of nonage or nonresidence for use during the remainder of that voting year.

"This section shall apply only to elections held during the first voting year under this registration law, and shall expire on the first day of March following the close of that voting year."  

"44a. Registration of former aliens"

"Notwithstanding the provisions of Section 44a of this Code prescribing the period for registration, a former alien upon becoming a naturalized citizen may register at any time thereafter for the voting year in which he became a naturalized citizen, and if naturalized during the month of February, for the ensuing voting year beginning on the first day of March thereafter, if at the time of applying for registration he is a qualified elector or will become a qualified elector before the end of the voting year for which he is registering; provided, however, that he must have registered at least four days before the day of any election at which he offers to vote.

"45a. Mode of applying for registration"

"A person may apply for registration in person or by mail. When an applicant for registration applies in person, he shall furnish the registrar the necessary information to enable the registrar to fill out the blanks in the registration certificate, and the registrar shall immediately make out and deliver a registration certificate to the applicant, if he is entitled to register. An application made by mail must be signed by the applicant and must contain all the information necessary to enable the registrar to fill out the blanks in the registration certificate. The registrar shall file and preserve all applications received by mail for a period of two years. On applications received by mail, the registrar shall mail the registration certificate to the voter for whom it is issued at his permanent address, or, if requested to do so by the applicant in writing, the registrar shall mail the certificate to such other address as the voter directs, or shall hold the certificate to be delivered to the voter in person.

"The husband, wife, father, mother, son, or daughter of a person entitled to register may act as agent for such person in applying for registration, without the necessity of written authorization thereof, may sign for the applicant when application is by mail, and may receive the registration certificate. Except as herein permitted, it shall be unlawful for any person to act as agent for another in applying for registration or in obtaining a registration certificate, and any person violating this provision shall be fined not exceeding five hundred dollars.
"It shall be unlawful for the registrar of voters knowingly to issue a registration certificate upon the application of anyone other than the person in whose name it is issued or of someone lawfully acting as his agent, or to mail or deliver a registration certificate to any person other than the person for whom it is issued or someone lawfully acting as his agent, and any registrar or deputy registrar who violates this provision shall be fined not less than one hundred nor more than one thousand dollars, and shall be removed from office.

"46a. Registration certificate books: form of certificate

"Before the beginning of the period for registration each year, the registrar shall procure a sufficient number of blank registration certificate books for the county. Each original certificate form shall be bound over a duplicate copy which when filled out, shall correspond with the original. The certificate forms shall be numbered consecutively in each county, beginning with No. 1 each year. Each form shall be headed 'Voter Registration Certificate for the Year [the date to be the year of the first day of March following the registration period] which dates shall contain appropriate blanks for filling in the information required by Section 47a of this Code. It shall also contain a blank space for political party affiliation of the voter, to be completed as provided in Section 119a of this Code. Each certificate issued shall show the date of issuance (the date on which the application for registration was received by the registrar if different from the date of actual issuance) and shall be signed and certified by the registrar and shall bear the seal of his office. The original certificate shall be detached and delivered to the registrant to identify him in voting, and the duplicate shall be retained by the registrar. The registrar shall keep securely in a safe place the duplicates from which the original certificates have been detached, and they must remain there except when taken out for examination, which must always be done in his presence. At the expiration of two years, they shall be burned by the registrar under the direction of the county judge.

"47a. Information required on certificate

"Each registration certificate and its duplicate shall show the following information with respect to the person for whom it is issued, his name, date of birth, sex, race, occupation, post-office address (or if living in an incorporated city or town, his street address), the voting precinct in which he resides, whether he is a native-born or a naturalised citizen, the state or country of his birth, the date on which he became a resident of the state, the date on which he became a resident of the county, and if residing in an incorporated city or town, the date on which he became a resident of such city or town, all of which dates shall be the date of commencement of the period of residence immediately preceding the application for registration. If the applicant is over twenty-one years of age, a statement of the number of years of age, the certificate shall show the date of birth by month, day, and year. If the applicant has resided in the state for more than one year, or in the county or city for more than one year, a statement of the number of years of residence shall be sufficient; if he has resided less than one year in the state or less than six months in the county or city, the certificate shall show by month, day, and year the date on which the residence began.

"Each applicant for registration shall furnish the foregoing information to the registrar. If the applicant is not twenty-one years of age, or in case of registration by mail, if the application is not completed the residence requirements of a qualified elector, the registrar shall place on the certificate and on the list of registered voters the notation required by Section 42a of this Code, filling in the date on which such person will become twenty-one years old, or the date on which he will have resided in the state one year and in the county six months, as the case may be.

"48a. Correction of errors on certificates: lost certificates

"When after issuance of a registration certificate it is discovered that an error has been made in filling out the blanks on the certificate through
mistake of the registrar or through innocent mistake of the voter in supplying the information, the voter may present the certificate to the registrar for correction and the registrar shall correct the information on the original certificate and on the duplicate on file in his office. If the error has been in the election precinct of the voter’s residence and the original list of registered voters has already been prepared, upon correction of the error the registrar shall place the voter’s name on the supplemental list of registered voters for the precinct in which he resides. No person shall be entitled to vote in an election precinct of which he is not a resident. If an error in the election precinct has not been corrected on the certificate at the time the voter offers to vote at an election, he may vote in the precinct of his residence, if otherwise qualified, by making and leaving with the preceding judge of the election an affidavit that he is a bona fide resident of that precinct and qualified to vote at that election, and that the error on the certificate was not caused by an intentional misrepresentation on his part; provided, however, that if the election judge is not satisfied as to his right to vote, his vote shall not be accepted unless he also complies with the provisions of this Code relating to challenge of a voter at the polling place.

“The registrar shall not reissue a certificate to replace a certificate that has been lost or misplaced, or for any other reason, and a voter whose certificate has been lost or misplaced, when offering to vote, shall be required to make an affidavit of such fact as provided elsewhere in this Code.

“49a. Challenge of registration; appeal

“(1) Challenge of applicant. Any person applying for registration may be challenged by the registrar or deputy taking his application or by any registered voter of the county. If after hearing and considering the challenge the officer taking the application is satisfied as to the applicant’s entitlement to registration, he shall register the applicant, but if not so satisfied, he shall refuse to register the applicant. If refusal has been by a deputy registrar, the applicant may appeal to the registrar, who shall decide the challenge within seven days. When the registrar refuses to register an applicant, the applicant may appeal from the decision of the registrar to a district court of the county within thirty days after the registrar’s decision, and the decision of the district court shall be final.

“(2) Challenge of registered voter. Any registered voter shall have the right to challenge the registration of any other registered voter in his county by filing with the registrar of voters a sworn statement setting out the grounds for such challenge. The registrar shall give notice to the person whose registration has been challenged, and a hearing shall be held and a ruling made thereon. Either party to the controversy may appeal from the decision of the registrar to a district court of the county of registration within thirty days after the registrar’s decision, and the decision of the district court shall be final. A challenged voter may continue to vote until a final decision is made canceling his registration.

“(3) Jurisdiction of district court; trial of appeal. The district courts of this state shall have jurisdiction to hear and determine appeals from decisions of the registrar refusing an application for registration and from decisions of the registrar either canceling or refusing to cancel a registration. The trial in the district court shall be de novo. The court shall give priority to the appeal if an election is pending within sixty days.

“50a. Removal to another county or election precinct.

“If a voter, after receiving his registration certificate, removes to another county or to another election precinct in the same county, he may vote in the precinct of his new residence, if he has resided for the last six months in the state and for the last twelve months in the district or county in which he offers to vote, upon compliance with the following procedure. Not less than four days prior to any election at which he wishes to vote, he shall present his registration certificate to the registrar of the county of his new residence, or shall make affidavit of its loss, stating in such affidavit
where he received the certificate, and shall on each state in which election precincts be then residents, and that he has resided in the state for the last twelve months and in the district or county for the last six months. The registrar shall thereupon add his name to the list of registered voters of the precinct of his new residence, and unless such voter has complied with this procedure and his name appears on the certified list of registered voters of the precinct of his new residence, he shall not vote. If the voter has resided in a district for six months but less than six months in the county, the registrar shall note on the list of registered voters the date on which the voter moved into the county. When offering to vote, the voter shall also present to the judge of election his registration certificate, or shall make affidavit that it has been lost, stolen, or left at home.

"Whenever a voter changes his registration from one county to another county, the registrar of the county of his new residence shall forthwith give notice of that fact to the registrar of the county wherein the voter was formerly registered, who, upon receipt of such notice, shall cancel the former registration.

"51a. Notification of change of residence, etc.

"It shall be the duty of each registered voter to notify the registrar of a change of residence, a change of name, or of any other fact affecting his registration, and to present his registration certificate to the registrar for correction. The registrar shall make the necessary changes on the original certificate and on the duplicate certificate on file in his office, and shall show the change on the supplemental list of registered voters in the event the original list has already been prepared. If by virtue of the changed facts the registrant is no longer a qualified voter in the county, the registrar shall cancel the registration.

"51a. List of registered voters.

"Before the first day of March each year, the registrar of voters shall prepare from the duplicate registration certificate on file in his office, a certified list of registered voters for each election precinct of the county, arranged alphabetically by the names of the voters and showing the following information for each voter: registration number, name, address, year of birth, race, sex, and occupation. The registrar shall deliver to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county prior to the first day of March of the following year, one set of such lists for all precincts in the county if any election which may be held by such authority is county-wide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than county-wide. The registrar shall also furnish to each such authority, not less than four days prior to each election held by it, certified supplemental lists in the form herein prescribed of registered voters in each precinct whose names do not appear on the original list for such precinct, together with lists of the names of all persons whose registration has been cancelled or transferred to another precinct since preparation of the original lists. The authority shall furnish to the presiding judge in each precinct the original and supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the original list the names of persons whose registration has been cancelled or transferred to another precinct.

"The registrar shall furnish without charge to each clerk having the duty of conducting absentee voting in any election the appropriate lists for use in the conduct of absentee voting for the election.

"No charge shall be made for lists furnished for use in elections held at the expense of the county or any city or other political subdivision. For each set of original and supplemental lists which the registrar is required to furnish to the executive committee of a political party for use in its primary elections, the registrar shall be permitted to charge not more than five dollars,
to be paid by the party or the chairman of the county executive committee of each political party, for any year in which such party is holding primary conventions, one set of the original and supplemental lists for use in qualifying persons to participate in such conventions, for which the registrar shall be permitted to charge not more than five dollars.

"5a. Deputy registrar.

In each county containing a city of ten thousand or more inhabitants, other than the county seat, the registrar of voters shall have a duly authorized and sworn deputy in each such city to represent him for the purpose of accepting applications for registration and issuing registration certificates. The deputy registrar shall keep his office for such purpose at some convenient place in the city during the entire month of January of each year, and the registrar shall publish four weeks notice of the authority of the deputy and the location of the office. The registrar may have duly authorized and sworn deputies for the purpose of accepting applications for registration and issuing registration certificates at such other times and places as shall in his discretion be necessary or advisable; provided, however, that no deputy shall be paid for his services except with the approval of the commissioners court.

"5a. Statement of registrations

"On or before the first day of March of each year, the registrar shall make a statement to the Secretary of State and to the county clerk showing how many registration certificates have been issued in each election precinct in the county. Such statement shall become a record of the officer to whom the statement is made.

"5a. Penalty for false registration

"Any person who willfully makes any false statement to procure his registration as a voter or the registration of any person for whom he acts, as agent, or gives any false information in connection with such registration, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary not less than one nor more than three years."

Sec. 3. Effective on the first day of February following the date on which Section 2 of this Act takes effect, as provided in Section 4 hereof, the Election Code of the State of Texas is amended by adding thereto a new section numbered 56a, to read as follows:

"56a. Construction of other laws

"Whenever, under any provision of this Code or of any other statute of this state heretofore enacted, a person is required to have paid a poll tax or secured an exemption certificate as a qualification for any purpose, such statute shall be construed to mean that the person be registered as a voter in accordance with the provisions of this Code. All references to a poll tax receipt or an exemption certificate shall be construed to mean a voter registration certificate, unless the context clearly requires otherwise, and all references to the list of qualified voters shall be construed to mean the list of registered voters as provided for in Section 58a of this Code."

Sec. 4. Effective on the first day of February following the date on which Section 2 of this Act takes effect, as provided in Section 4 hereof, Sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56 of the Election Code of the State of Texas (compiled as Articles 5.09—1.24 of Vernon's Texas Election Code) are repealed. The repeal of Section 41 of the Election Code shall not affect liability for payment of a poll tax or the continued existence and force of Article 2.91 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1915.

Sec. 5. All existing laws requiring the payment of a poll tax or the obtaining of a certificate of exemption from the payment thereof as a prerequisite for voting shall continue to apply to all elections held prior to the effective date of Section 4 of this Act. Thereafter, all such laws shall be of no further force to require that the tax be paid or that an exemption certificate be obtained as a prerequisite for voting, but all such laws shall be construed as pro-
provided in Section 54a of the Election Code, enacted by Section 2 of this Act.

Sec. 6. Sections 1, 2, 3, 4, and 5 of this Act shall become effective and operative as a law only upon the condition that a constitutional amendment abolishing payment of the poll tax as a prerequisite for voting and authorizing the enactment of a general registration law is proposed by the 87th Legislature and becomes a part of the Constitution of Texas. In the event such a constitutional amendment shall fail to be adopted, the aforesaid sections of this Act shall not become effective or operative in whole or in part. In the event such an amendment is adopted, Sections 2 and 5 of this Act shall become effective on the date such amendment becomes a part of the Constitution of Texas and Sections 1, 3, and 4 shall become effective on the first day of February thereafter.

Sec. 7. This section of this Act shall become effective and operative as a law only upon the condition that the amendment to the Constitution of the United States proposed by Senate Joint Resolution No. 28 of the 87th Congress of the United States becomes a part of the Constitution of the United States prior to an amendment of the Constitution of the State of Texas abolishing payment of the poll tax as a prerequisite for voting, in which event this section shall take effect on the date of publication of the certifying statement of the Administrator of General Services that the amendment had become valid as a part of the Constitution of the United States. If such amendment to the Constitution of the United States is not adopted, or is adopted after the amendment of the Constitution of Texas as aforesaid, this section shall not become effective or operative in whole or in part. In the event this section becomes operative and Sections 1 through 5 of this Act also become operative, this section shall expire on the date that Sections 1, 3, and 4 of this Act take effect. Subject to the foregoing conditions, the Election Code of the State of Texas is amended by adding thereto a new section numbered Section 54a, to read as follows:

"54a. Voting for federal offices.

"Subdivision 1. Qualifications and requirements for voting for federal offices. Notwithstanding any other provision of this Code or of the Constitution of Texas, the payment of the poll tax shall not be required as a condition for voting for United States Senator, for United States Representative (including Congressmen-at-Large), or for President and Vice-President or electors for President and Vice-President of the United States, in any general, special, or primary election. To be eligible to vote for such offices, a person must be a qualified elector under the Constitution and laws of this state in all other respects. If he is not subject to payment of the poll tax, he must have obtained an exemption certificate in accordance with the provisions of this Code if he is required to hold an exemption certificate as a condition for voting generally. If he is subject to payment of the poll tax, he must have paid the tax and obtained a receipt therefor prior to the first day of February preceding the election; or he must have obtained a poll tax receipt without payment of the tax, in the manner and within the time provided in Subdivision 2 of this section.

"Subdivision 2. Issuance of poll tax receipts without payment of the tax. A person who is subject to payment of the poll tax and who is in other respects a qualified elector may apply to the tax collector of the county of his residence at any time between the first day of October and the thirty-first day of January following for issuance of a poll tax receipt without payment of the tax, to be used to identify him in voting for office nominated in Subdivision 1 of this section during the voting year beginning on the first day of February thereafter; provided, however, that a receipt to identify the voter at elections held during the voting year in which this section takes effect may be obtained at any time within the period of thirty days after the effective date, but must have been obtained at least four days before any election at which he offers to vote; and if this section takes effect during the month of January, a receipt to identify the voter at elec-
tions held during the ensuing voting year may be obtained at any time within the period of thirty days after its effective date. The applicant shall furnish to the tax collector all the information necessary to enable the tax collector to fill out the blanks in the poll tax receipt, and the tax collector shall issue the receipt as in cases where the poll tax is paid, except that he shall place the following notation on the face of the original and duplicate receipt: ‘Poll tax not paid.’ The application may be made in either of the manners authorized in Section 43 of this Code, and all laws pertaining to issuance of poll tax receipt shall apply to issuance of receipts without payment of the tax, except as otherwise provided in this section. At the time the tax collector makes up the lists of qualified voters, he shall make up separate lists of those persons to whom poll tax receipts have been issued without payment of the tax and shall furnish the lists to the election boards at the same time that he furnishes other lists.

“Subdivision 3. Voting on receipts issued without payment of the tax. A person subject to payment of the poll tax who has obtained a receipt without payment of the tax shall not be eligible to vote at any election or on any office or proposition except at elections for the offices enumerated in Subdivision 1 of this section. When such persons offer to vote, the election officers shall enter their names on a separate poll list and shall furnish them with a ballot containing only the offices and candidates on which they are entitled to vote. When other offices or propositions are to be voted on at the same election, the election officers may provide separate ballots, listing only the federal offices to be voted on, or use the regular ballots prepared for the election, from which all other offices and propositions have been stricken. When the ballot is to be cast on a voting machine, all other offices and propositions shall be locked out before the voter enters the machine. The returns of the election shall show, separate from other voters, the number of persons voting on poll tax receipts issued without payment of the tax.”

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance 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 to be severable.

Sec. 9. The necessity for enacting a law for registration of voters in sufficient time to prevent a hiatus between the present law and the new law, in the event of adoption of a constitutional amendment abolishing payment of the poll tax as a prerequisite for voting, 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 that this Act shall take effect and be in force as hereinabove provided, and it is so enacted.

Mr. Helton moved that the House adopt the Conference Committee Report on S. B. No. 132.

(Mr. Jarvis in the Chair)

Mr. McGregor moved, as a substitute motion for the motion by Mr. Helton, that the Conference Committee Report on S. B. No. 132 be not adopted, and that a new Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Fondren moved to table the substitute motion by Mr. McGregor.

A record vote was requested on the motion to table.

The motion to table the substitute motion by Mr. McGregor prevailed by the following vote:

Yeas—82

Adams  Brown of Taylor
Allen  Butler
Arlidge  Cain
Atwell  Cavness
Bail  Chapman
Barnfield  Clayton
Barrow  Collins
Bass of Bowie  Cotten
Beckham  Coughran
Blaine  Cowden
Boyson  Cowles
A record vote was requested on the motion by Mr. Hefton to adopt the Conference Committee Report on H. B. No. 122. The motion to adopt the Conference Committee Report on H. B. No. 122 prevailed by the following vote:

Yeas—88

Johnson of Dallas
Johnson of Harris
Johnson of Travis
Johnson of Galveston
Johnson of Corpus Christi
Johnson of Bexar
Johnson of Harris
Johnson of Travis

Nays—63

San Antonio
San Antonio
San Antonio
San Antonio
San Antonio
San Antonio
San Antonio
San Antonio

The following voted in a minority on the motion to adopt the Conference Committee Report on H. B. No. 122:

Yeas—62

San Antonio
San Antonio
San Antonio
San Antonio
San Antonio
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San Antonio

Nays—63

San Antonio
San Antonio
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San Antonio
San Antonio
May 23, 1963  

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<td>McLubhy</td>
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Mr. Barnes moved to reconsider the vote by which the Conference Committee Report on S. B. No. 132 was adopted and to table the motion to reconsider.  

A record vote was requested on the motion to table.  

(Speaker in the Chair)

The motion to table the motion to reconsider the vote by which the Conference Committee Report on S. B. No. 132 was adopted prevailed by the following vote:

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<tr>
<th>Yeas</th>
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<td>Schiller</td>
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<td>Johnson of Dallas</td>
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<td>McDonald</td>
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<td>of Midland</td>
<td>Rider</td>
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<td>McDonald of Rusk</td>
<td>Stollenwerck</td>
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<td>Parry</td>
<td>Wheeler</td>
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<td>Petty</td>
<td>Woods</td>
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<td>Absent</td>
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Reason for Vote

I voted against the Conference Committee Report on S. B. 132.

Doke Knapp  

Johnson of Dallas Mutscher  

Doke Knapp
because the voters of Texas as well as of McLennan County voted last year to abolish the poll tax. This bill provides for a poll tax in disguise. In my opinion the courts will declare this tax unconstitutional within two or three years. Furthermore, the bill contains other provisions, such as abolishing agents which will limit the number of eligible voters. Since I am for a registration system which would permit the maximum number of citizens to participate in elections, I could not vote for S. B. 132.

Dick Cherry.

REASON FOR VOTE
I voted "No" on concurring with the Conference Committee's Report on S. B. 132 because I feel that the 25 cent fee will be held unconstitutional and will result in a special session. I feel that the vote cast in my district strongly directed me to oppose any form of poll tax and I further feel it is my duty to follow the instructions of my constituents.

Dudley R. Mann, Jr.

REASON FOR VOTE
I voted yes on S. B. 132 to concur with Conference Committee Report because the people of my district indicated by their vote in the November 1962 election that they wanted to retain a poll tax or registration fee.

Schiller.

SENATE BILL NO. 77 ON SECOND READING
Miss Isacks moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No.77.

The motion prevailed by unanimous consent.

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

S. B. No. 77, A bill to be entitled "An Act relating to and fixing minimum and maximum salaries of the official shorthand reporters in each of the county courts at law, civil and criminal in El Paso County, Texas; and declaring an emergency."

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

SENATE BILL NO. 77 ON THIRD READING
Miss Isacks moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—136

Adams
Alexes
Allen
Arledge
Atwell
Banfield
Barnes
Base of Bowie
Base of Harris
Beckham
Berry
Birkner
Blaine
Boyean
Bridgman
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannon
Carriker
Carreras
Chapman
Cherry
Clayton
Cole
Collins
Cory
Coughran
Cowden
Cowles
Crawford
Crow
Davis
De la Garza
Deke
Dugan
Duncan
Eckhardt
Edwards
Eubanks
Fairchild
Finney
Fletcher
Floyd
Fondren
Foreman
Forsythe
Garrison
Gibbens
Gladads
Glen
Gruver
Haines of Brazos
Hallmark
Harding
Hard
Harrie
Harrie of Galveston
Harrie of Dallas
Harras of Orange
Heatly
Heflin
Hendrix
Hillman
Hilton
Houston
Hughes
Isacks
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Kilpatrick
Knapp
Kollie
Lack
Ligarde
McClinton
McDonald of Hidalgo
McDonald of Rank
McGregor
McIlhany
McLaughlin
McVitt
Masane
Miller
Morgan
Moyer
Murray
Mutcher
Niemeyer
Ninham
Parker
Parrish
Parsley
May 23, 1963  HOUSE JOURNAL  2571

Peary                       Shutt
Peeler                      Simpson
Pendleton                   Slack
Pipkin                      Smith of Bexar
Price                       Stewart
Quilliam                    Thompson
Rapp                        Thurmond
Richards                    Townsend
Richardson                  Traeger
Bitter                      Ward
Rodrigues                   Weldon
Rosson                      Whitley
Satterwhite                 Whitfield
Schiller                    Wieting
Segrest                      Wilson
Shannon                     Woods
Shipley
Nays—5

Ball                      Slider
Hollowell                   Walker
Markgraf
Absent
Carpenter                   Guffey
Cook                        Klager
Cotten                      Kohlmann
Crain                       Stollenwerck

The Speaker then laid Senate Bill No. 77 before the House on third reading and final passage.

The bill was read third time and was passed.

SENATE BILL NO. 48 ON SECOND READING

Miss Isaacks moved that all the necessary rules be suspended for the purpose of taking up and considering at this time Senate Bill No. 48.

The motion prevailed by unanimous consent.

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

S. B. No. 48. A bill to be entitled "An Act relating to and fixing minimum and maximum salaries of the official shorthand reporter for the 34th, the 41st, the 65th and the 120th Judicial Districts of Texas; and declaring an emergency."

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

SENATE BILL NO. 48 ON THIRD READING

Miss Isaacks moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Adams
Alas
Allen
Atwell
Banfield
Barres
Bass of Bowie
Bass of Harris
Beckham
Berry
Birkner
Blaine
Boyson
Bridge
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannon
Carr
Carriger
Carroll
Carver
Cherry
Clayton
Cole
Collins
Cory
Coupland
Coudron
Cowden
Cowles
Cran
Crow
Davis
de la Garza
Duke
Duggan
Dungan
Eckhardt
Edwards
Esquivel
Fairchild
Finney
Fletcher
Floyd
Fomren
Foreman
Gibbens
Giulian
Gill
Ginn
Green
Groover

Nays—5

Adams
Alas
Allen
Atwell
Banfield
Barres
Bass of Bowie
Bass of Harris
Beckham
Berry
Birkner
Blaine
Boyson
Bridge
Brooks
Brown
Brown of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannon
Carr
Carriger
Carroll
Carver
Cherry
Clayton
Cole
Collins
Cory
Coupland
Coudron
Cowden
Cowles
Cran
Crow
Davis
de la Garza
Duke
Duggan
Dungan
Eckhardt
Edwards
Esquivel
Fairchild
Finney
Fletcher
Floyd
Fomren
Foreman
Gibbens
Giulian
Gill
Ginn
Green
Groover

May 23, 1963  HOUSE JOURNAL  2571
The bill was read third time and passed.

MOTION TO PLACE SENATE BILL NO. 143 ON SECOND READING

Mr. Chapman moved that all the necessary rules be suspended for the purpose of taking up and consider-
ing at this time Senate Bill No. 143.

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

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

YEAS—75

Collins
Cook
Craw
Duggan
Richard
Buckley
Finney
Fletcher
Fondren
Gibbons
Gladden
Glen
Green

NAY—48

Price
Richard
Richardson
Roberts
Rose
Schiiller
Shipley
Shipley
Black
Ward

Present—Not Voting

Cook
Cotton
Stollenwerck

The Speaker then laid Senate Bill No. 48 before the House on third reading and final passage.

The bill was read third time and was passed.
The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 48, "An Act amending the Texas Motor Vehicle Safety-Responsibility Act relating to the deposit of security following certain accidents, the proof of financial responsibility in certain instances, the suspension of certain licenses, registrations and nonresident operating privileges, and certain penalties; providing for severability; and declaring an emergency."

H. B. No. 58, "An Act amending Article 1429 of the Penal Code of Texas, 1925, relating to conversion by a bailee; and declaring an emergency."

H. B. No. 410, "An Act creating an additional Probate Court in Dallas County to be known as Probate Court Number 2 of Dallas County; providing for the jurisdiction and powers of said Court; providing for the transfer of cases and pending proceedings to such Court; providing for the qualifications, appointment and election of a Judge of said Court; and for the compensation of such Judge; providing that all writs and processes theretofore issued shall be returnable to such Court; providing that the laws applicable to the Probate Court of Dallas County shall be applicable to Probate Court Number 2 of Dallas County; providing for the oath and bond of the Judge of said Court and the filling of a vacancy of the office of the Judge of such Court; providing for a special Judge of said Court; providing the Act shall not be effective until January 1, 1965; containing a saving clause and declaring an emergency."

H. B. No. 686, "An Act to amend paragraph 3 of Section 3.39, Insurance Code of Texas, as amended, to permit life, health and accident insurance companies to invest not more than twenty-five per cent (25%) of their capital, surplus and contingency funds in the stock of any one fire and casualty company; providing for severability; and declaring an emergency."

H. B. No. 1023, "An Act restricting lands on which a person may shoot or attempt to shoot or trap wild fox in Angelina County unless such fox is rabid; providing a penalty; and declaring an emergency."

HOUSE BILL NO. 370 WITH SENATE AMENDMENTS

Mr. Hughes called up with Senate Amendments for consideration at this time, H. B. No. 370.

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

The motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 370

The Speaker announced the appointment of the following Conference Committee, on the part of the House on H. B. No. 370:

Messrs. Haynes of Orange, Hughes, Cavness, Whatley and Smith of Bexar.

HOUSE BILL NO. 452 WITH SENATE AMENDMENTS

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

H. B. No. 452, A bill to be entitled "An Act limiting the maximum working hours for firemen and Peace Officers of all counties over five hundred thousand (500,000) population according to the last preceding Federal Census and declaring an emergency."

On motion of Mr. Gladden, and by unanimous consent, the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 452

Amendment No. 1

Amend H. B. No. 452 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. Except in cases of emergency as determined by the
sheriff or constable of such county it is unlawful for any county having more than five hundred thousand (500,000) inhabitants according to the last preceding Federal Census to require or permit any Peace Officer to work more hours during any calendar week than the number of hours in the normal work week of the majority of the employees of said County other than Peace Officers.

Section 2. The fact that in some counties Peace Officers are working excessive hours creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended and such Rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Amend caption to conform to body of bill.

HOUSE BILL NO. 1048 WITH SENATE AMENDMENTS

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

H. B. No. 1048, A bill to be entitled "An Act amending the Texas Probate Code by adding a new Section 404A to allow the guardian to make all funeral arrangements for a deceased ward, to pay all such expenses out of the estate of the deceased ward, and to allow such guardian to pay all other existing debts as the court may approve; and declaring an emergency."

On motion of Mr. Gladden, and by unanimous consent, the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1048

Amend Section 1: One of House Bill 1048 by adding the words "Subject to the approval of the Court after the word "guardian" and before the word "may" and striking the word "the Court may approve" at the end of said section.

Amend caption to conform to body of bill.

HOUSE BILL NO. 974 WITH SENATE AMENDMENTS

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

H. B. No. 974, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 33, Chapter 44, Acts of the 57th Legislature, 3rd Called Session. 1963; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

On motion of Mr. Caldwell, and by unanimous consent, the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 974

Amendment No. 1

Amend House Bill No. 974 by amending Section 1 thereof to read as follows:

Section 1: That from and after the effective date of this Act, Section 2 of Senate Bill No. 33, Chapter 44, Acts of the 57th Legislature of Texas, 3rd Called Session, 1963, shall be and the same is hereby amended so as to hereafter read and be as follows:

"Sec. 2. Said District shall be considered to be organized and existing for the reclamation and drainage of its overflowed lands and other lands needing drainage, and to accomplish such purpose the District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges, and duties conferred and imposed by the General Laws of the State of Texas, now in force or hereafter enacted, applicable to fresh water supply districts created under authority of Section 59 of Article XVI, Constitution of Texas, but to the extent that the provisions of such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Without limiting the generalization of the foregoing, it is expressly provided that all said powers now or hereafter conferred by such General Laws upon fresh water supply districts for the purpose of conserving, transporting and distributing fresh water are hereby specifically conferred upon this District for the purpose of reclaiming and draining its overflowed lands and other lands needing drainage; and in addition, said District shall be authorized to build, construct,
purchase, acquire, improve, enlarge, extend, repair, maintain or replace all walls, dams, dikes, levees, embankments, canals, drains, tanks, laterals and pumps which its Board of Supervisors deems necessary to carry out the purpose of such District's creation. Said District shall have authority to act jointly with individuals, with firms, with corporations, with partnerships, with other districts, with political subdivisions of the state, with other states, with cities and towns and with the federal government in the performance and accomplishment of any of the things permitted hereunder upon such terms and conditions as may be deemed advisable by said District's Board of Supervisors. Said District shall also have the power to make, construct, or otherwise acquire improvements either within or without the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws. Not by way of limitation, the District shall have the right of eminent domain to condemn and acquire the right-of-way over and through private lands, except property used for cemetery purposes, that its Board of Supervisors deems necessary for making the canals, drains, levees and other improvements of the District and for making the necessary outlets therefor, but the power of eminent domain shall be limited to within the boundaries of said District. No right-of-way shall be condemned through and across all of an incorporated city or town without the consent of its governing body. Such proceedings shall be in the name of the District and under the direction of its Supervisors. No appeal from the finding and assessment of damage by the commissioners appointed for that purpose shall suspend the work of the Supervisors in prosecuting the work in all of its details. The District in exercising its right of eminent domain, shall be governed by the provisions of and in the manner prescribed in Title 52, Articles 2264 to 3271, both inclusive, Vernon's Civil Statutes of Texas, together with all amendments thereof and additions thereto. Also, the Supervisors are empowered to acquire the necessary right-of-way for all canals, drains, ditches and levees and other necessary improvements of the District by gift, grant, purchase or condemnation. The total principal amount of bonds which said District may have issued and outstanding at any one time shall not exceed seven per cent (7%) of the last approved assessed valuations of all taxable property within said District. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph property and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.”

Amendment to conform to body of bill.

HOUSE BILL NO. 968 WITH SENATE AMENDMENTS

Mr. Esquivel called up with Senate Amendments for consideration at this time, H. B. No. 968, A bill to be entitled “An Act to amend Article IV of Chapter 334, Acts of the 51st Legislature, 1949, (compiled as Section 2 of Article 3232-14 of Vernon's Civil Statutes of Texas), as last amended by Section 6 of Chapter 1, Acts of the 57th Legislature, Second Called Session, 1961, to provide that as local maintenance school fund assignment, pursuant to the Minimum Foundation School Program, shall be charged to the Bexar County School for Boys Independent School District or to the Bexar County School for Girls Independent School District, and declaring an emergency.”

On motion of Mr. Esquivel, and by unanimous consent, the House concurred in the Senate Amendments.
Amend H. B. 948 by striking from the first line of Section 1 therein the words and figures "Article IV" and substituting in lieu thereof the words and figures "Article VII."

Amend caption to conform to body of bill.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 231

Mr. Haines of Brazos submitted the following Conference Committee Report on Senate Bill No. 231:

Austin, Texas, May 22, 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 House and Senate on Senate Bill No. 231, have adjusted our differences and beg leave to recommend that Senate Bill No. 231 be passed in the form attached hereto.

Respectfully submitted,

MOORE,
CRUMP,
CREIGHTON,
KRUEGER,
HERRING,

On the part of the Senate.

HAINES OF BRAZOS,
SCHILLER,
COUGHRAN,
ATWELL,
CANALES,

On the part of the House.

S. B. No. 231

A BILL
To Be Entitled

AN ACT providing for additional compensation to the judge of the 85th Judicial District in addition to the compensation paid by the state; providing that the additional compensation shall be paid by the commissioners court of Navarro County; and declaring an emergency.

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

Section 1. In addition to the compensation provided by law and paid by the state, the commissioners court of Navarro County shall pay the district judge of the 85th Judicial District Four Thousand Dollars ($4,000) per annum for performing the duties of judge of the juvenile court.

Sec. 2. In addition to the compensation provided by law and paid by the state, the commissioners court of Navarro County shall pay the district judge of the 13th Judicial District Four Thousand Dollars ($4,000) per annum for performing the duties of judge of the juvenile court.

Sec. 3. 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, 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 the House adopt the Conference Committee Report on S. B. No. 231 prevailed.

Mr. Haines of Brazos moved to reconsider the vote by which the Conference Committee Report on S. B. No. 231 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 767 WITH SENATE AMENDMENTS

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

H. B. No. 767. A bill to be entitled "An Act providing that any county not presently required to use the jury wheel system and having a population of thirty-one thousand (31,000) or more, according to the last preceding federal census, may upon
a proper determination by the commissioners court adopt the use of
the jury wheel for the selection of jurors; providing for the selection
of those qualified to serve as jurors; and declaring an emergency."

On motion of Mr. Walker, and by unanimous consent, the House con­
curred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS

TO HOUSE BILL NO. 757

Amend H. B. No. 757, Section 2,
by changing the period on line 4
of Section 2 to a semi-colon and adding the fol­
lowing:

"provided, however, that when the
list of jurors drawn from the wheel
is exhausted and additional jurors
are needed, the court may direct
the sheriff to summon such talesmen as
may be deemed necessary."

Amend caption to conform to body
of bill.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 863

Mr. Crews submitted the follow­
ing Conference Committee Report on
House Bill No. 863:

Austin, Texas, May 20, 1963

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

Sirs:

We, your Conference Com­
mittee, appointed to adjust the dif­
f erences between the Senate and the
House of Representatives on H. B.
No. 863, have met and had same
under consideration, and beg to re­
port it back with the recommendation that it do pass in the form
attached.

WATSON,
RATLIFF,
PARKHOUSE,
REAGAN,
OWEN.

On the part of the Senate.

HEATLY,
COOK,
WHITNEY,
CREWS,
HENDRYX.

On the part of the House.

By Heatly:

H. B. 863

A BILL
To Be Entitled

An Act amending Chapter 3, of
the Insurance Code of the State of
Texas by amending Article 3.11
thereof, providing for the payment of
stockholder dividends from earned
surplus of the company as defined
in, and in the manner authorized
or provided by the Texas Business
Corporation Act; providing for re­
peal of conflicting sections; provid­
ing for severability; and declaring
an emergency.

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

Section 1. That Article 3.11 of
the Texas Insurance Code, S. B.
236, Acts of 1951, Fifty-second Leg­
islature, Chapter 491, as amended
by S. B. 12, Acts 1955, Fifty-fourth
Legislature, Page 916, Chapter 284,
Section 9, and Section 1 of S. B.
215, Acts of 1963, Fifty-eighth Leg­
islature, be amended to read as fol­
lo ws:

"Article 3.11. Dividends; How
Paid.

"No life insurance company shall
declare or pay any dividends to its
policyholders, except from the ex­
pense loading and profits made by
such company; provided, however,
any such company not showing a
profit may pay dividends on its par­
ticipating policies from the expense
loading on such policies; and pro­
viding further, that any payment
of dividends from the expense load­
ing shall not be discriminatory as be­
tween policyholders. This shall not
prohibit the issuance of policies
guaranteeing, by coupons or other­
wise, definite payments or reductions
in premiums, but any such guarantee
contained in policies or coupons is­sued after the effective date of this
Act shall be treated as a definite
contract benefit and so valued ac­
cording to the reserve requirements
of this chapter using

in the case of
policies or coupons issued prior to
the operative date of Article 3.44a
(The Standard Non-forfeiture Law)
reserve valuation net premium for
such benefits which is a uniform per­
centage of the gross premium, pro­
vided that any policy containing such a contract benefit may be valued on a basis which provides for not more than one (1) year preliminary term insurance, or in the case of policies or coupons issued on or after the operative date of Article 2.14, the commissioners reserve valuation method as defined in Article 2.28. No such company shall declare or pay any dividends to its stockholders, except from the earned surplus of said company, as defined in, and in the manner authorized or provided by the Texas Business Corporation Act. Nothing in this section with respect to reserves shall apply to any policy issued prior to September 7, 1955.

Section 2. All laws or parts of laws relating to stockholder dividends of life insurance companies organized under Chapter Three of the Insurance Code which are in conflict with this act are expressly repealed to the extent of the conflict only; and this act shall prevail over any conflicting provisions or laws.

Section 3. Severability. If any of the provisions of this Act is held invalid for any reason, such invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision, and the provisions of this Act are declared severable.

Section 4. Emergency clause. The fact that life insurance companies are not now permitted to pay out dividends from their earned surplus as defined in, and in the manner provided by the Texas Business Corporation Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring the bills to be read on three several days in each house be suspended and such Rule is suspended; and this Act shall take effect and be in force from and after passage, and it is so enacted.”

Mr. Crews moved that the Conference Committee Report on H. B. No. 863 be adopted.

The motion prevailed by unanimous consent.

HOUSE BILL NO. 1020 WITH SENATE AMENDMENTS

Mr. Wieting called up with Senate Amendments for consideration at this time,
Amend House Bill 1020 in the following three ways:

1. By adding to Section 2, after the word, "use," in line 49, the following:
   "ratio of the different species of wildlife resources,"

2. By striking Section 16 and substituting in lieu thereof the following:
   "Sec. 16 (a) The term 'Commission' and 'Game and Fish Commission' as used herein shall mean, as the context may require, either the Game and Fish Commission, the Parks and Wildlife Commission, or the Parks and Wildlife Department.

   (b) Once the Parks and Wildlife Commission has succeeded to the duties of the Game and Fish Commission, the quorum referred to in Section 8 hereof shall be two (2) members or the Chairman and one (1) member of said Commission.

   (c) This Act shall be effective immediately upon its passage for the purpose of allowing the Commission to conclude its studies, to hold hearings and to pass regulations, but no law shall be repeated, nor any regulation be deemed effective until September 1, 1965."

3. By adding to Section 17, at the end thereof, the following: "and that this Act shall be in effect from and after its passage, and it is so enacted."

Amendment No. 2

Amend H. B. 1020 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL
To Be Entitled
An Act placing responsibility for the regulation of the wildlife resources of San Patricio County in the Game and Fish Commission or its successors; and declaring an emergency."

Amend caption to conform to body of bill.

HOUSE BILL NO. 1045 WITH SENATE AMENDMENTS

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

H. B. No. 1045, A bill to be entitled "An Act re-enacting and amending Chapter 76, Acts of the 50th Legislature, 1947, (compiled as Article 9249-1 of Vernon's Texas Civil Statutes), as amended, relating to Pension Systems for policemen in cities of nine hundred thousand ($900,000) or more inhabitants which do not now have a police, firemen and fire alarm operators pension system or organized under another law, and declaring an emergency."

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

Yeas—142


Brown of Galveston  Butler  Callwood  Canales  Cannon  Carrick  Caverson  Chapman  Cherry  Clayton  Cook  Cory  Cotten  Coughran
Amend House Bill 1064 by adding a new section 13 to the quoted sections of Section One of the bill, to read as follows:

"(b) If any member of the Pension System has not completed ten (10) years or more years of service in the Police Department and is killed or dies from any cause growing out of or in consequence of any act which is clearly not in the actual performance of his official duty, his surviving widow and/or dependents shall be refunded any contributions which the member made to the Pension System, provided that only contributions made by the member himself shall be refunded."

Amend caption to conform to body of bill.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 270

Mr. Hoch described the Conference Committee Report on Senate Bill No. 270.

Mr. Hughes moved that the Conference Committee Report on S. B. No. 270 be adopted.

The motion prevailed.

Mr. Hughes moved to reconsider the vote by which the Conference Committee Report on S. B. No. 270 was adopted and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE

Mr. Shutt and Mr. Floyd requested to be recorded as voting "Nay on
the adoption of the Conference Committee Report on S. B. No. 270.

RECORD OF VOTE

Mr. Garrison requested to be recorded as voting No on adoption of Conference Committee Report on S. B. No. 270.

HOUSE BILL NO. 804 WITH SENATE AMENDMENTS

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

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 herein for each item, not 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."

On motion of Mr. Mutscher, and by unanimous consent, the House concurred in the Senate Amendments.

The Speaker announced that H. B. No. 804 was passed subject to the provision of Section 49A, Article III, of the Constitution.

HOUSE BILL NO. 487 WITH SENATE AMENDMENTS

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

H. B. No. 487, A bill to be entitled "An Act relating to the salaries of all state officers and employees except the salaries of the District Judges and other compensation of District Judges, shall be for the period beginning September 1, 1963 and ending August 31, 1965, in such sums or amounts as may be provided for by the Legislature in the General Appropriations Act. It is specifically declared to be one of the intents hereof that the Legislature shall also fix the amount of supplemental salaries hereafter, out of court fees and receipts, to be paid to the clerks and other employees of the Courts of Civil Appeals, the Supreme Court and the Court of Criminal Appeals. It is further provided that in instances where the General Appropriation Act does not specify or regulate the salaries or compensation of a state official or employee, the law specifying or regulating the salary or compensation of such official or employee is not suspended by this Act."

"Sec. 2. All laws and parts of laws fixing the salaries of all state officers and employees, saving only the exceptions specified in Section 1 of this Act and the Position Classification Act of 1961 (Chapter 123, Acts, 1961, Fifty-seventh Legislature, Regular Session), are hereby specifically suspended insofar as they are in conflict with this Act. It is specifically declared to be one of the intents hereof that any and all laws authorizing payment of supplemental salaries from court receipts and fees to clerks and other employees of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals, are suspended insofar as they are in conflict with this Act."

"Sec. 3. The fact that salaries of many state officers and employees were fixed by Statute, and that these Statutes hamper the appropriations committees of both Houses of the Legislature in adjusting the salaries of said officers and employees in their efforts to balance the state's budget, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each
An Act amending Section 105 of Chapter 421, Acts of the 50th Legislature, 1947, as amended by Section 2 of Chapter 280, Acts of the 53rd Legislature, 1953, (compiled as Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 105 (a) The Texas Education Agency and the State Board of Control, by and with the advice of the Director of the Department of Public Safety, shall have joint and complete responsibility to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses for the transportation of school children; repealing all laws in conflict; and declaring an emergency."

Amendment to H. B. No. 886

An H. B. No. 886 by striking out all below the enacting clause and inserting in lieu thereof the following:

"A BILL
To Be Entitled
An Act amending Section 105 of Chapter 421, Acts of the 50th Legislature, 1947, (compiled as Section 105 of Article 6701d, Vernon's Texas Civil Statutes) to vest joint and complete authority and responsibility in the Texas Education Agency and the State Board of Control, by and with the advice of the Director of the Department of Public Safety, to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses used for the transportation of school children; providing for responsibility for issuance of specifications; providing for competitive bidding; repealing all laws in conflict; and declaring an emergency."

Amendment to H. B. No. 886

An H. B. No. 886 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 105 of Chapter 421, Acts of the 50th Legislature, 1947, as amended by Section 2 of Chapter 280, Acts of the 53rd Legislature, 1953, (compiled as Section 105 of Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 105 (a) The Texas Education Agency and the State Board of Control, by and with the advice of the Director of the Department of Public Safety, shall have joint and complete responsibility to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. The State Board of Control shall coordinate and correlate all specification data, finalizes and issue the specifications so adopted as provided for by Section 10, Chapter 304, Acts of the 56th Legislature, 1967, (codified as Article 664-3, Vernon's Texas Civil Statutes.) In the promulgation of such regulations, emphasis shall be placed on safety features and long-range maintenance free factors; provided, however, all school buses shall be purchased on competitive bids as provided for by Article 664-3, Vernon's Texas Civil Statutes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations. The State Board of Control shall purchase equipment to conform to these standards (as prescribed by the above mentioned body).

"(b) It shall be unlawful to operate any flashing warning signal light on
May 23, 1963

any school bus except when any said school bus is being stopped or is stopped on a highway for the purpose of permitting school children to board or alight from said school bus."

"Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only."

"Sec. 3. 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; and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

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

H. B. No. 524, A bill to be entitled "An Act amending the Revised Civil Statutes of Texas, 1925, by adding thereto a new article, to be known as Article 2752a, providing for competitive bidding on all purchases by a public school of a value over One Thousand Dollars ($1,000); providing for notice and publication; and declaring an emergency."

On motion of Mr. Whitfield, and by unanimous consent, the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 524

Amendment No. 1

Floor Amendment

Amend H. B. 524 by adding a new sentence at the end of the second sentence of section one of the bill to read as follows, to wit:

"Nothing in this act shall apply to fees received for professional services rendered, including but not limited to architects fees, attorney's fees, and fees for fiscal agents."

Senate Amendment No. 2

Amend caption to conform to body of bill.

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

H. B. No. 909, A bill to be entitled "An Act to amend Article 7212, Revised Civil Statutes of Texas, 1925, as amended, so as to expressly authorize a county to employ those having special skills and experience to assist the Board of Equalization; providing for the payment of the contractual obligation incurred by the county out of general fund and authorizing the issuance of warrants under limited conditions; providing a severance clause and declaring an emergency."

On motion of Mr. Moyer, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 909.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 909

Amendment No. 1

Amend House Bill No. 909 by striking out all of Section 2 thereof and substituting therefor the following, to wit:

"If any Section, subsection, paragraph, sentence, clause, phrase or word in this Act or application thereof to any person, school, district or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity."

Amend caption to conform to body of bill.

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

H. B. No. 210, A bill to be entitled "An Act amending Paragraph a, Subsection (4), Section 1, Article 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, compiled as Paragraph a, Subsection (4), Section 1 of Article 2922-13, Vernon's Texas Civil Statutes, by redefining the term "any school bus except when any said school bus is being stopped or is stopped on a highway for the purpose of permitting school children to board or alight from said school bus."
exceptional children' so as to include emotionally disturbed children; defining 'emotionally disturbed children,' and declaring an emergency.

On motion of Mr. Pearcy, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 210.

Mr. Pearcy moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 210 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 210

Senate Floor Amendment No. 1 to House Bill 210

Provided further that the state­wide total of all classroom teacher units allocated for emotionally dis­turbed children under this Article in each year beginning September 1, 1963, shall be limited to six (6) classroom teacher units per year. It is the intent of the Legislature that these six (6) classroom teacher units per year be allocated as a pilot study only, to ascertain the most practi­cal and effective means of educating emotionally disturbed children.

Amend caption to conform to body of bill.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 404

Mr. Cowden submitted the following Conference Committee Report on House Bill No. 404:

Austin, Texas, May 22, 1964

Honorable Preston Smith, President of the Senate

Honorable Byron Tunnel, Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives, on H. B. No. 404, 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.

WATSON, HARDMAN, COLESON, WORD, REAGAN,

On the part of the Senate.

CREWS, COWDEN, WOODS, FONDREN, ROSSON,

On the part of the House.

H. B. No. 404

By Cowden, Woods

A BILL
To Be Entitled

AN ACT repealing one article of the Revised Civil Statistics of Texas, 1925; namely, Article 1399, which requires joinder of the husband and privy acknowledgement of the wife in any conveyance of the separate lands of the wife.

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

Section 1. The following article of the Revised Civil Statistics of Texas, 1925, is hereby repealed: Article 1399, which requires joinder of the husband and privy acknowledgement of the wife in any conveyance of the separate lands of the wife.

Section 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cowden moved that the Con­ference Committee Report on H. B. No. 404 be adopted.

A record vote was requested.

The Conference Committee Report on H. B. No. 404 was adopted by the following vote:

Yeas—148

Adams Allen Atkins Arledge
May 23, 1963

HOUSE BILL NO. 203 WITH SENATE AMENDMENTS

Mr. Johnson of Dallas called up with Senate Amendments for consideration at this time, H. B. No. 203.

Mr. Johnson of Dallas moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on H. B. No. 203.

The motion prevailed by unanimous consent.

HOUSE BILL NO. 144 WITH SENATE AMENDMENTS

Mr. Gladden called up with Senate Amendments for consideration at this time, H. B. No. 144, a bill to be entitled "An Act amending Section 1 of Chapter 159, Acts of the 54th Legislature, Regular Session, 1955, as amended, compiled as Article 989a, Vernon's Code of Criminal Procedure, so as to establish the office of Medical Examiner in all counties having a population of more than five hundred thousand (500,000), according to the last preceding census; and declaring an emergency."

On motion of Mr. Gladden, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 144.

Mr. Gladden moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 144 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO H. B. NO. 144

Amend H. B. No. 144 by striking all below the enacting clause and
An Act amending Section 1 of Chapter 169, Acts of the 54th Legislature, Regular Session, 1955, as amended by Section 1 of Chapter 327, Acts of the 57th Legislature, Regular Session, 1961, compiled as Section 1 of Article 989a, Vernon's Code of Criminal Procedure, is amended to read as follows:

"Section 1. Subject to the provisions of this act, the commissioners court of any county having a population of more than five hundred thousand ($500,000) and not having a reputable medical school as defined in Articles 4501 and 4502, Revised Civil Statutes of Texas, shall establish and maintain the office of Medical Examiner and in all counties having a population not less than one hundred twenty thousand (120,000) the commissioners courts of such counties may establish and provide for the maintenance of the office of Medical Examiner. Population shall be according to the last preceding federal census."

"Section 2. This Act shall take effect on January 1, 1965."

Section 2. The importance of this legislation and the crowded condition of the calendar in both Houses 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.

Amendment No. 3

Amend H. B. No. 144 by striking all above the enacting clause and inserting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT amending Section 1 of Chapter 169, Acts of the 54th Legislature, Regular Session, 1955, as amended, compiled as Article 989a, Vernon's Code of Criminal Procedure, so as to establish the office of Medical Examiner in all counties having a population of more than five hundred thousand ($500,000) and not having a reputable medical school as defined in Articles 4501 and 4502, Revised Civil Statutes of Texas, according to the last preceding census, and declaring an emergency.

HOUSE BILL NO. 542 WITH
SENATE AMENDMENTS

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

H. B. No. 542, A bill to be entitled "An Act to amend Chapter 427, Acts of the 53rd Legislature, Regular Session, 1953, so as to provide that a school district may under certain circumstances and conditions issue warrants to obtain funds with which to employ a person, firm or corporation, deemed to have special skills and experience to assist the board of equalization; providing a severance clause; and declaring an emergency."

On motion of Mr. Moyer, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 542.

TEXT OF SENATE AMENDMENTS
TO HOUSE BILL NO. 542

Amendment No. 1

Amend House Bill No. 542, Section 1 thereof, by inserting after the words "renovating of" and before the word "buildings" the following: "school."

Amend caption to conform to body of bill.

HOUSE BILL NO. 542 WITH
SENATE AMENDMENTS

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

H. B. No. 589, A bill to be entitled "An Act amending Paragraph (b) of Section 1, Chapter 83, Acts of the 57th Legislature, Third Called Session, 1962, to provide that no state funds shall be used to supplement the salary of county judges in certain counties for serving in an office capacity as county superintendent; and declaring an emergency."

On motion of Mr. Caldwell, and by unanimous consent, the House concurred in the Senate Amendments to H. B. No. 589.
TEXT OF SENATE AMENDMENTS
TO HOUSE BILL NO. 589
Committee Substitute for House
Bill No. 589
A BILL
To Be Entitled
An Act creating the office of county
board of school trustees in certain
counties; providing the manner of
selection and terms of office of
trustees; providing for secretarial
assistance for the county judge in
performing the duties of county
superintendent; repealing all laws
or parts of laws in conflict; and
declaring an emergency.

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

Sec. 1. From and after the
effective date of this Act in any
county in this state having a popula-
tion of not less than seventy-five
thousand (75,000) and not more
than eighty thousand (80,000) ac-
cording to the last preceding federal
census, the general management and
control of the public free schools
and high schools in each county shall
be vested in five (5) county school
trustees elected from the county,
one of whom shall be elected from
the county at large by the qualified
voters of the county and one from
each commissioners precinct by
the qualified voters of each commis-
sioners precinct; who shall hold office for
a term of two (2) years. The time
for such election shall be the first
Saturday in April of each year; the
order for the election of county
school trustees to be made by the
county judge at least thirty (30)
days prior to the date of said elec-
tion, and which order shall desig-
nate as voting places or places at
which votes are cast for the district
trustees of said common and inde-
pendent school districts, respectively.
The election
officers appointed to
hold the election for district trustees
in each of said school districts, re-
spectively, shall hold this election for
county school trustees.

Sec. 2. It shall be no valid objec-
tion that the voters of a commision-
ers precinct are required by the
operation of this Act to cast their
ballots at a polling place outside
the commissioners precinct of their
residence.

sec. 3. The commissioners court of
each county within the scope of
Section 1 shall appoint county school
trustees to serve until the first regu-
larly scheduled election as provided
herein.

Sec. 4. All five (5) county school
trustees shall be elected at the first
regularly scheduled election. Two
(2) of the trustees elected at this
election shall serve initial terms of
one (1) year. Two (2) or three
(3) county school trustees shall
thereafter be elected, alternately, at
each subsequent election. The county
school trustees shall draw lots to de-
termine which two (2) shall serve
initial terms of one (1) year.

Sec. 6. All vacancies occurring be-
 tween elections shall be filled by
appointment of the remaining trus-
tees.

Sec. 7. The county judge of each
such county shall continue to per-
form, without additional compensa-
tion, duties formerly constituting the
role of the county superintendent.
The commissioners court shall pro-
vide funds for secretarial and steno-
graphic assistance to the county
judge in performing these duties.

Sec. 8. All laws or parts of laws
in conflict with the provisions of
this Act are repealed to the extent
of such conflict only.

Sec. 9. The importance of this
legislation and the crowded
condition of the calendar in both houses
create an emergency and an impera-
tive public necessity that the Con-
stitutional Rule requiring bills to be
read on three several days in each
house be suspended, and that 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.

Floor Amendment 1
Amend H. B. 589 by adding a new
Sec. 7 as follows and renumbering
present Secs. 7 and 8:

Sec. 7. The County School Trustees
shall not detach territory from any
Independent School District in such
county and annex such territory to
another Independent School District
without the prior consent of the
School Trustees of the District from
which territory is being detached as well as the prior consent of the School Trustees of the District to which such detached territory is to be annexed.

Floor Amendment No. 2

Amend the Committee Substitute for House Bill No. 888 by adding the following words between the words “county” and “shall” in Section 1, thereof:

“unless otherwise provided by law.”

Amend caption to conform to body of bill.

HOUSE BILL NO. 1021 WITH SENATE AMENDMENTS

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

H. B. No. 1021, A bill to be entitled “An Act placing responsibility for the regulation of wildlife resources of Aransas County in the Game and Fish Commission; and declaring an emergency.”

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

YEAS--146

Adams
Allen
Arledge
Atwell
Ball
Banfield
Barnes
Bass of Bowie
Bass of Harris
Beachum
Berry
Bird
Booyen
Bridges
Brooks
Brown of Galveston
Brown of Taylor
Butler
Cain
Caldwell
Canales
Cannon
Carpenter
Carriker
Cavness
Chapman
Cherry

Goffey
Haines of Brazos
Hallmark
Harris
Harris of Galveston
Hedges of Orange
Hefley
Henson
Hendryx
Hilton
Hollowell
Houston
Hughes
Jenkins
Jameson
Jarvis
Johnson of Dallas
Johnson of Bexar
Klipper
Klag
Knapp
Koliba
Kothmann
Lack
Ligande
McClinton
McDonald
McDonald of Hidalgo
McGregor
McHays
McLaughlin
McNutt
McNutt of Hidalgo
McNutt of Starr
McNutt of San Patricio
McNutt of Cameron
McNutt of Gregg
McNutt of Jasper
McNutt of Llano
McNutt of Waller
McNutt of Wharton
McNutt of Zavala
McNutt of Yoakum
Ofelia

Parker
Parsley
Peavy
Peeler
Pederson
Pettigrew
Piggin
Price
Quillian
Rapp
Ritter
Roberts
Rodriguez
Rosson
Satterwhite
Schiiller
Schof
Speak
Shipley
Shott
Simrson
Split
Smie
Smith of Bexar
Smith of Galveston
Smith of Hunt
Smith of Jefferson
Smith of Johnson
Smith of Sabine
Smith of Trinity
Smith of Wharton
Smith of Wise
Smith
Smith of Tulare
Smith of Hidalgo
Smith of Starr
Smith of Scout
Smith of Cameron
Smith of Gregg
Smith of Jasper
Smith of Llano
Smith of Waller
Smith of Wharton
Smith of Zavala
Smith of Yoakum
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Smith

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1021

Amendment No. 1

Amend House Bill 1021 by striking Sections 16 and 17 thereof and by substituting in lieu thereof the following three Sections to be called Sections 16, 17 and 18:

“Sec. 16. This Act shall be effective from and after its passage until...”
September 1, 1965 for the purpose of allowing the Commission to conclude its studies, hold hearings and pass regulations, but no law shall be suspended nor any regulation be deemed effective until September 1, 1963."

"Sec. 17. The terms 'Commission' and 'Game and Fish Commission,' as used herein, shall mean, as the context may require, either the Game and Fish Commission, the Parks and Wildlife Commission, or the Parks and Wildlife Department."

"Sec. 18. The need to manage scientifically the wildlife resources of Aransas County 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 the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amendment No. 2

Amend House Bill 1021 by striking all above the enacting clause and substituting in lieu thereof the following:

"A BILL
To Be Entitled
AN ACT placing responsibility for the regulation of the wildlife resources of Aransas County in the Game and Fish Commission or its successors; establishing a net-free zone; and declaring an emergency."

Amend caption to conform to body of bill.

APPPOINTMENT OF CONFERENCE COMMITTEE ON H. B. NO. 203

The Speaker announced the appointment of the following Conference Committee on the part of the House, on H. B. No. 203:

Messrs. Johnson of Dallas, Gibbens, Cory, Garrison and Parsley.

REASON FOR VOTE

I have been absent from the House Chamber on a number of votes this day because I have been attempting to work out an agreement with the Senate on the Congressional Redistricting Bill. I do not let anyone vote my voting machine during my absence from the House, and as a consequence there will be a number of votes on which I am shown absent.

James Cotten

ADJOURNMENT

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

The motion prevailed.

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

In accordance with the motion to adjourn, the House, at 10:52 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on State Affairs has filed favorable reports on the following resolutions: H. C. R. No. 15, H. C. R. No. 118, S. C. R. No. 35, S. C. R. No. 51.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 22, 1963

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

Sir:

Your Committee on Engrossed Bills to whom was referred H. B. No. 1032, A bill to be entitled "An Act empowering and di-
recting 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."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 112, paying tribute to James Newton Demaret by naming him Ambassador-at-Large for the State of Texas.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 24, granting Robert G. Storey permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 44, granting permission to Orena Heath McLanahan, A. F. McLanahan, Belle Heath Watson, and Gladys Heath Skidmore, F. E. Skidmore to bring suit against the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 81, granting permission to LeBlanc, Inc., to bring suit against the State of Texas and the Board of Directors of Texas Southern University.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 86, creating Committee on State and Local Policy.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 86, creating Committee on State and Local Policy.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 91, granting the City of Commerce permission to bring suit against the State of Texas and the Veterans Land Board.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 93, directing the Board of Control to designate and furnish suitably a room in the Capitol Building where nondenominational prayer and worship may be held by State officers and employees.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, May 22, 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. 115, requesting the Governor to return to the House of Representatives House Bill No. 902 for further consideration.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 209, An Act making it unlawful to wilfully import or convey or to wilfully cause to be imported or conveyed false information concerning the presence at any place of a bomb or other explosive or incendiary devices; prescribing the punishment; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 493, An Act making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to hunt, or possess, any game bird or game animal in Guadalupe, DeWitt, Gonzales, Midland and Madison Counties at any time; to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said Counties or to take or attempt to take any fish or other aquatic life or marine animals from said Counties by any means or method; providing the powers, duties and authority of the Parks and Wildlife Commission; requiring the Parks and Wildlife Commission to make investigation with respect to the depletion and waste of the wildlife resources of said Counties; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said Counties; defining depletion and waste; providing for the issuance of the antlerless deer permit; providing for the adoption of proclamations, orders, rules or regulations of the Parks and Wildlife Commission; requiring the Parks and Wildlife Commission and the effective period thereof; providing for a public hearing; providing for the adoption of proclamations, orders, rules or regulations of the Parks and Wildlife Commission and the effective period thereof; providing for the publication of the regulations; providing venue for suits to test the validity of this Act or of the proclamations, rules, regulations or orders of the Commission; providing a penalty; providing for the forfeiture of licenses; defining wildlife resources; suspending certain laws; prescribing a period of time within which the Parks and Wildlife Commission may conclude its investiga-
Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 600, An Act authorizing and directing the Board of Regents of The University of Texas to establish a graduate school of biomedical sciences in Houston, Harris County, Texas, to be known as The University of Texas Graduate School of Biomedical Sciences at Houston, and to be operated as a component unit of The University of Texas system; providing for a dean to be responsible to the Board of Regents through the Chancellor; authorizing said Board of Regents to conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and related academic areas pertinent to medical education and research; providing for the awarding of degrees; authorizing the Board of Regents to make rules and regulations for the operation, control, and management of the new Graduate School; authorizing the Board to accept and administer grants and gifts in aid of the establishment and administration of the School; authorizing the Board to expend appropriated funds and grants, and contract funds at the School's own facilities or in facilities of other component units of The University of Texas in Houston; authorizing joint appointments; requiring affiliation with the sciences programs at the Main University in Austin and with other medical units of The University of Texas, and cooperation with other institutions; and establishing the operation of The University of Texas Postgraduate School of Medicine at Houston and authorizing establishment of a division of continuing education as a part of the Graduate School of Biomedical Sciences at Houston; making available to the Graduate School of Biomedical Sciences at Houston appropriations to, and contracts entered into on behalf of, The University of Texas Postgraduate School of Medicine at Houston; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 516, An Act abolishing the office of County Attorney of Upshur County and creating the office of Criminal District Attorney of Upshur County; providing for appointment of the Criminal District Attorney until the next General Election, and thereafter for his election; prescribing his qualifications, powers, duties, and compensation; providing for appointment and compensation of an assistant and a secretary, and prescribing the powers and duties of the assistant; authorizing payment of expenses of the Criminal District Attorney and his assistant; making other provisions to effectuate the purpose of the Act; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 514, An Act amending Article 1661 of the Penal Code of the State of Texas, 1925, relating to the offense of obtaining board or lodging by means of trick or deception or false or fraudulent representations and refusal to pay therefor by adding a new provision prohibiting any person from leaving the premises of any hotel, motor hotel, Inn or tourist court with intent not to pay for the services received; establishing a presumption of departure not to pay, under certain circumstances; providing penalties for violation; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 614, An Act amending Article 601 of the Penal Code of the State of Texas, 1925, relating to the offense of obtaining board or lodging by means of trick or deception or false or fraudulent representations and refusal to pay therefor by adding a new provision prohibiting any person from leaving the premises of any hotel, motor hotel, Inn or tourist court with intent not to pay for the services received; establishing a presumption of departure not to pay, under certain circumstances; providing penalties for violation; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 512, An Act abolishing the office of County Attorney of Upshur County and creating the office of Criminal District Attorney of Upshur County; providing for appointment of the Criminal District Attorney until the next General Election, and thereafter for his election; prescribing his qualifications, powers, duties, and compensation; providing for appointment and compensation of an assistant and a secretary, and prescribing the powers and duties of the assistant; authorizing payment of expenses of the Criminal District Attorney and his assistant; making other provisions to effectuate the purpose of the Act; and declaring an emergency.
May 23, 1963  HOUSE JOURNAL  2593

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 537, An Act amending Section 4(d) of Chapter 118, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Section 4(d) of Article 4528c, Vernon’s Texas Civil Statutes), relating to per diem for members of the Board of Vocational Nurse Examiners, so as to authorize per diem for each member of the Board in the amount of Twenty Dollars ($20) for each day of attendance; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 573, 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.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 601, An Act amending Article 21.14 of Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as last amended (codified as Article 21.14, Insurance Code, Vernon’s Texas Civil Statutes), by adding a new Section 3a to provide that a surviving spouse and children, if any, may under certain circumstances share in the profits of a local recording agent; providing certain exceptions under certain conditions; providing that those persons or trusts hereinafter licensed prior to March 1, 1943, as silent, inactive or non-active partners without having been required to take and successfully pass the written examination required by the Texas Insurance Code shall continue to receive renewals of such licenses; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 668, An Act to amend House Bill No. 8, Acts of 1941, Forty-seventh Legislature, Chapter 184, Article XV, Section 1, page 269, as amended by Senate Bill No. 141, Acts of 1947, Fiftieth Legislature, Chapter 238, Section 1, page 432, as amended by House Bill No. 3, Acts of 1950, Fifty-first Legislature, First Called Session, Chapter 402, Section XVII, page 695, as amended by House Bill No. 4, Acts of 1950, Fifty-first Legislature, Second Called Session, Chapter 183, Section 1, page 157, the same being Article 16.01 of Title 122A, “Taxation-General,” Revised Civil Statutes of Texas; to equalize the rate of taxation of transfer of shares of stock without designated monetary value; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 672, An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 75th Judicial District of Texas; providing for severability; and declaring an emergency.
Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 680, An Act authorizing independent or consolidated school districts to borrow money for current maintenance expenses; providing for the method of evidencing such loans by the issuance of negotiable notes; provided said loans shall not exceed seventy-five per cent (75%) of the previous years' income; prescribing the conditions under which such notes may be issued; enacting other provisions related to the subject; providing that this Act is cumulative of Article 2827, Vernon's Annotated Revised Civil Statutes of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 697, An Act providing for employment of one juvenile officer to serve with them on such governing board for a term of no longer than two (2) years; providing certain powers and duties of such board; authorizing the issuance of bonds and notes in the accomplishment of the district's purposes; authorizing such district to levy, assess, and collect taxes; providing that the district shall be operated on its tax revenue; tuition, if any, gifts, donations, and endowments, and shall never become a charge against the State, or require appropriations therefrom; authorizing the abandonment of said district and the disposition of its affairs; providing a severability clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 729, An Act providing for employment of one juvenile officer to serve any or all counties at their request within the 69th Judicial District, and establishing means for fixing and paying the salary and expenses of such juvenile officer; providing that any school district, city or town within the 69th Judicial District may participate in using the services of such juvenile officer by meeting certain conditions; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 747, An Act amending Section 3 under Section 1 of Chapter 314, Acts of the Forty-fourth Legislature, Regular Session, 1945, as amended by Chapter 140, Acts of the Forty-fifth Legislature, Regular Session, 1946, and Chapter 221, Acts of the Fifty-third Legislature, Regular Session, 1963 (codified as Section 3 of Article 3899b, Vernon's Texas Civil Statutes), to allow the Commissioners Court of the county to increase the allowance for the use of personally owned automobiles of the County Tax Assessor and Collector and his deputies, enacting other provisions related to the subject; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 766, An Act providing for the salary and payment thereof
May 23, 1963

HOUSE JOURNAL 2595

of the official shorthand reporter of the 88th Judicial District of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 779, An Act repealing Chapter 443, Acts of the Forty-fifth Legislature, 1937, as amended, with respect to bonding and licensing; repealing Chapter 443, Acts of the Forty-fifth Legislature, 1937, as amended, and providing that any rights accrued under such Act shall not be impaired and this Act shall not affect any proceedings instituted under such Act; providing that this Act shall not affect certain existing laws; providing for a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 878, An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 117th, 94th, 28th and 105th Judicial Districts of Texas; of Nueces County, Texas, fixing minimum and maximum salaries to be paid, in addition to compensation for transcripts, statements of facts and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 811, An Act to authorize and require the appointment of an official shorthand reporter of the 106th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowances for travel and hotel expenses; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 854, An Act providing for the licensing, bonding and regulation of the handlers, dealers, buying and transporting agents, warehousemen, packers, commission merchants, contract dealers and producers of vegetables, as these terms are defined herein; providing that such procedures shall be under the authority of the Commissioner of Agriculture; providing for reciprocity between this Act and House Bill No. 98, Acts of the Forty-fifth Legislature, 1937, as amended, with respect to bonding and licensing; repealing Chapter 443, Acts of the Forty-fifth Legislature, 1937, as amended, and providing that any rights accrued under such Act shall not be impaired and this Act shall not affect any proceedings instituted under such Act; providing that this Act shall not affect certain existing laws; providing for a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 939, An Act providing for the compensation of the official shorthand reporter of the 9th Judicial District of Texas; providing for the manner of payment; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.
H. B. No. 2577, An Act amending Section 49 of Chapter 27, Acts of the Forty-second Legislature, Third Called Session, 1932 (compiled as Section 6 of Article 2368 of Vernon's Texas Civil Statutes), so as to make the requirements governing advertising for bids by navigation districts coming within the purview of the Act conform with the requirements governing advertising for bids by counties and cities of this State, and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

H. B. No. 1037, An Act authorizing the Commissioners Court of Jim Hogg County to supplement the salary of the District Judge of the 49th Judicial District of Texas; making other provisions relating thereto; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

H. B. No. 1060, An Act making it unlawful to hunt axis deer in Lafourche Parish, so as to provide that this Act shall terminate on January 1, 1964, and shall be of no further force or effect thereafter; suspending all laws in conflict with this Act during the operation of this Act; providing a penalty for violation; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

H. C. R. No. 85, granting permission to Lou Ed Sowell to use the State of Texas and the Texas Department of Corrections.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

H. C. R. No. 48, granting permission to El Paso County to bring suit against the State of Texas and the Adjutant General of the State of Texas.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

H. C. R. No. 60, authorizing and directing the State Board of Control to accept, for and on behalf of the State of Texas, the transfer from the General Service Administration of the United States Government of approximately one hundred and forty-two (142) acres of land adjacent to the De Zavala Cemetery and burial plot of Lorenzo De Zavala to be retained by the State as a monument site and a protective area.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.
May 23, 1963

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 83, granting permission to Jessie Herring Johnson, Les K. Johnson and Armstrong Transfer and Storage Company, Inc., to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

Austin, Texas, May 23, 1963

The House met at 10:00 a.m., pursuant to adjournment, and was called to order by the Speaker. The roll of the House was called and the following Members were present:

Mr. Speaker

Adams

Alanis

Allen

Arledge

Atwell

Ball

Banfield

Barnes

Beckham

Berry

Birkner

Blaine

Boyseen

Bridges

Brooks

Brown

of Galveston

Brown

of Taylor

Butler

Cain

CADWELL

Chamal

Cannon

Carpenter

Carriker

Carreras

Chapman

Cherry

Clayton

Cole

Collins

Cook

Cory

Cotien

Coughran

Cowden

Cowles

Crain

Crews

Davis

de la Garza

Deke

Duggan

Duncan

Eckhardt

Edwards

Esquivel

Fisher

Floyd

Fondren

Foreman

Garrison

Gibbons

Giddens

Glen

Green

Grover

Haines of Brazos

Harding

Harling

Harris

Cain

of Galveston

Harris of Dallas

Haynes of Orange

Hefly

Hefton

Hendryx

Hinson

Hollowell

Houston

Hughes

Imaacks

Jambon

Jarvis

Johnson of Dallas

Kilpatrick

Kilger

Kloha

Kothmann

Lack

Ligrarde

McClinton

Mcclinton

May 23, 1963

H. B. No. 309.

H. B. No. 493.

H. B. No. 500.

H. B. No. 514.

H. B. No. 516.

H. B. No. 537.

H. B. No. 573.

H. B. No. 601.

H. B. No. 608.

H. B. No. 672.

H. B. No. 690.

H. B. No. 729.

H. B. No. 738.

H. B. No. 747.

H. B. No. 766.

H. B. No. 779.

H. B. No. 811.

H. B. No. 834.

H. B. No. 875.

H. B. No. 928.

H. B. No. 957.

H. B. No. 1037.

H. B. No. 1069.

H. C. R. No. 33.

H. C. R. No. 45.

H. C. R. No. 50.

H. C. R. No. 64.

H. C. R. No. 83.

SEVENTY-FOURTH DAY

(Friday, May 24, 1963)

The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker. The roll of the House was called and the following Members were present:

Mr. Speaker

Adams

Alanis

Allen

Arledge

Atwell

Ball

Banfield

Barnes

Beckham

Berry

Birkner

Blaine

Boyseen

Bridges

Brooks

Brown

of Galveston

Brown

of Taylor

Butler

Cain

CADWELL

Chamal

Cannon

Carpenter

Carriker

Carreras

Chapman

Cherry

Clayton

Cole

Collins

Cook

Cory

Cotien

Coughran

Cowden

Cowles

Crain

Crews

Davis

de la Garza

Deke

Duggan

Duncan

Eckhardt

Edwards

Esquivel

Fisher

Floyd

Fondren

Foreman

Garrison

Gibbons

Giddens

Glen

Green

Grover

Haines of Brazos

Harding

Harling

Harris

Cain

of Galveston

Harris of Dallas

Haynes of Orange

Hefly

Hefton

Hendryx

Hinson

Hollowell

Houston

Hughes

Imaacks

Jambon

Jarvis

Johnson of Dallas

Kilpatrick

Kilger

Kloha

Kothmann

Lack

Ligrarde

McClinton

Mcclinton

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