The bill was read second time.

Mr. Brooks moved that further consideration of House Bill No. 260 be postponed until 11:00 o'clock a.m., February 26, 1963, and the motion prevailed.

The Benediction was offered by the Reverend I. W. Oliver, Chaplain.

APPENDIX

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: H. B. No. 386.


Criminal Jurisprudence: H. B. No. 56.


Municipal and Private Corporations: H. B. No. 349.


State Hospitals and Special Schools: H. B. No. 286.

TWENTY-FOURTH DAY
(Monday, February 18, 1963)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker
Adams
Alanis
Allen
Arledge
Atwell
Ball
Banfield
Barnes
Bass of Bowie
Base of Harris
Beckham
Berry
Birkner
Blaine
Bridges
Brooks
Brown of Galveston
Brown of Taylor
Bulow
Cain
Caldwell
Canal
Cannon
Carpenter
Carliner
Cavness
Chapman
Cherry
Clayton
Cole
Collins
Cook
Cory
Cotton
Coughran
Cowden
Cowles
Crain
Crews
Davis
de la Garza
Duke
Duggan
Dungan
Edwards
Enos
Fairchild
Finney
Fisher
Floyd
Fonder
Foreman
Garrison
Gibbens
Giann
Green

The motion to adjourn until 11:00 o'clock a.m. tomorrow was lost.

The motion to adjourn until 10:00 o'clock a.m. next Monday was lost.

The motion to adjourn until 11:00 o'clock a.m. next Monday then prevailed.

The Benediction was offered by the Reverend I. W. Oliver, Chaplain.

In accordance with the motion to adjourn, the House, at 11:13 o'clock a.m., adjourned until 11:00 o'clock a.m. next Monday.
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Grover Niemeyer
Guffey Nugent
Haines of Brazos Parker Hallmark Parmer
Harding Pearcy
Harris of Galveston Peeler
Harris of Dallas Petty
Haynes of Orange Pipkin
Healy Price
Hendry Rapp
Hinson Richards
Hollower Rosson
Houston Satterwhite
Isaacs Schiller
Johnson of Dallas Segrest
Johnson of Bexar Shannon
Kilpatrick Shipley
Kilgore Simpson
Kotchmann Slater
Kothmann Smith of Bexar
Lack Slaughter
Lattimore Smith of Jefferson
Ligarde Stenerwecck
McClinton Thompson
McDonald of Hidalgo Townsand
McGregor Trager
McIntrye Walker
McLaughlin Ward
McNutt Wells
Macaloney Whaley
Mann Wheeler
Mar כתב Miller Whitfield
Morgan Wilson
Moyer Woods
Mutchler

Absent—Excused
BoySEN Shutt
Richardson

A quorum of the House was announced present.

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

"Let us bow our heads and close our eyes and pause for a moment of silent prayer for the family of the Honorable George Richardson, whose father passed yesterday after a prolonged illness.

"Our Heavenly Father, Thou hast placed within us the responsibility and the capabilities for choosing good or evil. If we have secretly coveted the superior gifts of others and in so doing neglected our one talent, if we inwardly rejoice in the failure of others, if we give hospitality to thoughts that debase and degrade, if we are content with anything short of our best, if we have allowed our minds to wander, if we have been untrue, unfair, unbrotherly: O Thou who taketh away the sins of the world forgive us, cleanse us, renew us, restore our soiled souls, and lead us in the paths of righteousness for Thy name's sake.—Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Shutt for today on motion of Mr. Garrison.

The following Member was granted leave of absence for today, on account of illness:

Mr. Boyesen for today on motion of Mr. Diugan.

Mr. Richardson was granted leave of absence for today and the remainder of the week on account of the death of his father, on motion of Mr. Green.

MESSAGE FROM THE SENATE

Austin, Texas, February 18, 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. 168, Pipkin, et al, Relating to fishing in Laguna Madre in Cameron County; and declaring an emergency.

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

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 149, By Townsend: In memory of Dudley Buder Pumphrey.

H. S. R. No. 150, By Townsend: In memory of Jim (Pop) Schafer.
BILLS SIGNED BY THE SPEAKER

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

S. B. No. 171, "An Act amending Article 852, Penal Code, 1925, to add Desert Bighorn sheep and Aoudad sheep to the list of game animals and declaring an emergency."

H. B. No. 158, "An Act amending Article 4 of Chapter 119, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended, relating to fishing in Laguna Madre in Cameron County; and declaring an emergency."

H. B. No. 168, "An Act amending Section 4a of Chapter 119, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended, relating to fishing in Laguna Madre in Cameron County; and declaring an emergency."

H. B. No. 189, "A bill to be entitled "An Act to amend Article 427, Acts of the Fortieth Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (9); fixing the operative date of the Act; providing a repealing clause, a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Moyer:

H. B. No. 542, A bill to be entitled "An Act providing for Medical Assistance for the Permanently and Totally Disabled by establishing a direct vendor payment program administered by the Department and/or by an insurance plan or hospital service plan and/or a medical service plan authorized to do business in Texas; authorizing the Department to prorate claims if necessary; prohibiting the payment of Medical Assistance for the Permanently and Totally Disabled to or on behalf of persons hospitalized in federal or state institutions for the mentally retarded or mentally ill or for tuberculosis; creating a special fund in the Treasury to be known as the 'Medical Assistance Fund for the Permanently and Totally Disabled'; amending Section 80 of Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (g); fixing the operative date of the Act; providing a repealing clause, a saving clause; and declaring an emergency."

Referred to the Committee on Education.

By Smith of Jefferson and Markgraf:

H. B. No. 540, A bill to be entitled "An Act providing for Medical Assistance for the Permanently and Totally Disabled on behalf of recipients of public assistance; defining terms; designating the State Department of Public Welfare to administer the program, to cooperate with the Department of Health, Education, and Welfare and to accept and expend moneys from the Federal Government; providing the requirements for receiving Medical Assistance for the Permanently and Totally Disabled; authorizing the Department to adopt rules and regulations for administering the program; authorizing the Department to determine the method of administration of Medical Assistance for the Permanently and Totally Disabled by establishing a direct vendor payment program administered by the Department and/or by an insurance plan or hospital service plan and/or a medical service plan authorized to do business in Texas; authorizing the Department to prorate claims if necessary; prohibiting the payment of Medical Assistance for the Permanently and Totally Disabled to or on behalf of persons hospitalized in federal or state institutions for the mentally retarded or mentally ill or for tuberculosis; creating a special fund in the Treasury to be known as the 'Medical Assistance Fund for the Permanently and Totally Disabled'; amending Section 80 of Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (g); fixing the operative date of the Act; providing a repealing clause, a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.
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."

Referred to the Committee on School Districts.

By Wilson:

H. B. No. 543, A bill to be entitled "An Act limiting its application to the Board of Regents of the State Teachers Colleges of Texas and to colleges under its supervision and control; recognizing the power of the Board or of any college president to suspend or dismiss any teacher, faculty member or administrator before expiration of the individual's contract of employment, but providing that such action must be based on good cause; defining and limiting 'good cause'; prescribing procedure for notification and for hearings before the Board, which may be had as of right both in cases of suspension or dismissal and in cases where a college president determines against recommending a teacher, faculty member or administrator to the Board for re-election or re-employment; providing that departure from the terms of this Act or denial of rights secured by it shall be grounds for dismissal from office and providing for severability."

Referred to the Committee on State Affairs.

By Alanis, Riove and Johnson of Hays:

H. B. No. 544, A bill to be entitled "An Act amending Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935, as amended, which is known as the Texas Liquor Control Act, by adding thereto an Article III; restricting issuance of additional Wine and Beer Retailers' Permits and Retail Dealers' On-Premise Licenses to sell beer by requiring a minimum spacing between licensed premises and by requiring that the number of such permits and licenses issued in a county bear a specified relationship to the population of the county; providing exceptions; prescribing procedure for consideration of applications and issuance of such permits and licenses by the board; restricting changes in the place of business designated in a license; repealing certain laws providing for severability; and declaring an emergency."

Referred to the Committee on Liquor Regulation.

By Cain:

H. B. No. 545, A bill to be entitled "An Act to create county traffic courts with original and appellate jurisdiction in certain traffic cases; prescribing the organization, jurisdiction, powers, and procedure of such courts; and conforming the jurisdiction and procedure of other courts thereto; repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Judicairy.

By Cain:

H. B. No. 546, A bill to be entitled "An Act to create Municipal Courts with original and appellate jurisdiction in certain cases in cities having a population of fifty thousand (50,000) or more; prescribing the jurisdiction, organization, procedure, and powers of such courts; prescribing the practice therein and the appeals therefrom; providing for the selection of a Judge of said Court and for an Alternate Judge; providing for the removal of the Judge; providing for the hiring of personnel and the reporting and recording of the proceedings of said Court; providing for a Seal of said Court; providing for the selection of a Jury and the right of trial by Jury; prescribing the conditions for vacating the office of said Court and providing therefor; providing for the conforming of the criminal jurisdiction of other Courts thereto; providing a repealing clause, severability clause, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Segrest:

H. B. No. 547, A bill to be entitled "An Act repealing Chapter 21, Acts of the 43rd Legislature, First Called Session, 1933 (compiled as Article 1896a of Vernon's Texas Civil Statutes), which provides for the adoption of a Home Rule Charter by counties in Texas, upon a vote of the qualified resident electors of such counties.
visions
State
same manner as for driving an
and amending
ency."

Banks and Banking.

Acts
Article
Session,
ence of Intoxicating liquor or

Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel Paper, and Contract Rights: Providing for Public Notice to Third Parties in Certain Circumstances; Regulating Proce-
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TO NAME WYNN ELIZABETH HARRIS AS NASCOT OF THE HOUSE

Mr. Satterwhite offered the following resolution:

H. S. R. No. 157

Whereas, In keeping with a cherished custom of this House to recognize children of its Members, it is hereby acknowledged that Wynn Elizabeth Harris, who became one year of age on September 26, 1962, is a proper candidate for Mascot of the House of Representatives; and

Whereas, She is the beautiful daughter of our esteemed colleague, the Honorable O. H. (Ike) Harris of Dallas, and his lovely wife, Ann Maria; now, therefore, be it

Resolved, That Wynn Elizabeth Harris be, and she is hereby, named Mascot of the House of Representatives; and, be it further

Resolved, That her photograph be placed in the picture panel of the House of Representatives and that she be presented with a copy of this Resolution to keep as a memento of this occasion.

The resolution was referred to the Committee on Rules.

WISHING GOVERNOR JOHN B. CONNALLY A SPEEDY RECOVERY

Mr. Segrest offered the following resolution:

H. S. R. No. 156

Whereas, The Texas House of Representatives wishes the Honorable Governor John B. Connally Godspeed in his recovery from surgery; and

Whereas, The House takes this opportunity to commend the courage of Governor Connally in persisting with the State's business and the opening of the 58th Legislature even though he sorely needed medical care; and

Whereas, The House is cognizant that a great man is Governor in that it has taken greatness for Governor Connally to team with the Legislature in his full stride, in spite of personal discomfort; now, therefore, be it

Resolved, That the Texas House of Representatives of the 58th Legis-
COGRATULATORY RESOLUTIONS

ADOPTED


H. S. R. No. 154, By Cowden: Recognizing Seventh and Eighth Grade Classes of St. Mary's Cathedral School, Austin, Texas.

H. S. R. No. 158, By Fletcher: Commending Judge C. M. Decker.

H. S. R. No. 159, By Cowden, Woods and Cherry: Congratulating Mr. Lester Levy.

HOUSE BILL NO. 10 ON SECOND READING

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

H. B. No. 10, A bill to be entitled "An Act amending Section 2 of Chapter 333, Acts of the 42nd Legislature, Regular Session, 1931, as amended by Section 1, Chapter 49, Acts of the 43rd Legislature, Regular Session, 1933, (compiled as Section 2, Article 1609a, Vernon's Texas Civil Statutes) so as to raise the maximum amount allowed to be spent by the county commissioners courts on office buildings or jails from One Hundred and Fifty Thousand Dollars ($150,000) to Two Hundred Thousand Dollars ($200,000) in cities other than the county seat; and declaring an emergency."

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

HOUSE BILL NO. 55 ON SECOND READING

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

H. B. No. 55, A bill to be entitled "An Act amending Chapter 12, Acts of the 53rd Legislature, Regular Session, 1952, as amended (compiled as Article 3886h of Vernon's Texas Civil Statutes), so that in the Thirty-fourth Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Fourteen Thousand ($14,000) Dollars, and the maximum salary of the Assistants and Investigators shall not exceed Eleven Thousand ($11,000) Dollars for the First Assistant District Attorney and Eighty Five Hundred ($8,500) Dollars for other Assistant District Attorneys and Investigators in said District; containing a severability clause; and declaring an emergency."

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

HOUSE BILL NO. 58 ON SECOND READING

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

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

The bill was read second time. Mr. Whatley moved that further consideration of House Bill No. 58 be postponed until 12:00 o'clock noon today. The motion prevailed without objection.

HOUSE BILL NO. 62 ON SECOND READING

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

H. B. No. 62, A bill to be entitled "An Act amending Paragraph (1) of Section 1 of Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 as added by Chapter 442, Acts 42nd Legislature, Regular Session, 1931, as amended, compiled as Section 1 of Article 911b, Vernon's Texas Civil Statutes, so as to exclude cor-
The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. No. 62 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1 1/4. The term ‘Specialized Motor Carrier’ shall not apply to a motor vehicle, operated on any public highway or within the incorporated limits of cities or towns, which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line, or dolly, or is otherwise exclusively used to render assistance to other vehicles."

The amendment to Committee Amendment No. 1 was adopted.

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

H. B. No. 62 was passed to engrossment.

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 75, A bill to be entitled "An Act authorizing the Board of Directors of the Texas College of Arts and Industries to acquire land in Hidalgo County; to pledge future revenue of land acquired and bookstore revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency."

The bill was read second time.

Mr. Pipkin offered the following amendment to the bill:

Amend H. B. No. 75 by inserting the word "net" between the words "future" and "revenue" in the third line of Section 3.

The amendment was adopted.

H. B. No. 75 was then passed to engrossment.
H. B. No. 80, A bill to be entitled "An Act amending Article 6.01 of Chapter 6, Title 122A, Revised Civil Statutes of Texas, being Article 5.01 of Chapter 6, of House Bill 11, 54th Legislature, Third Called Session, 1959, levying an occupation tax on sulphur producers; providing the tax imposed shall be in lieu of the tax imposed by said Article 5.01; repealing all laws in conflict herewith; and declaring an emergency."

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

RECORD OF VOTE
Mr. Alaniz requested to be recorded as voting No on the passage of H. B. No. 80 to engrossment.

RECORD OF VOTE
Mr. Cotton requested to be recorded as voting No on H. B. 80. The Sulphur Tax Production Bill.

H. B. No. 97, A bill to be entitled "An Act relating to the creation of Padre Island National Seashore, and declaring an emergency."

The bill was read second time.

Mr. Murray moved that further consideration of House Bill No. 97 be postponed until 10:30 o'clock a.m. tomorrow.

The motion prevailed without objection.

H. B. No. 115, A bill to be entitled "An Act repealing Section 3a of Senate Bill 148, Chapter 262, page 784, Acts of the 54th Legislature, 1959, Regular Session, the Uniform Act for Fiduciary Transfers, and amending Section 3a thereof, by adding a new sub-section to be numbered Section 3ad providing that signatures on the transfer of securities coming within the terms of this Act shall be guaranteed by an officer of certain banks; and declaring an emergency."

The bill was read second time.

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

Strike out all below the enacting clause and insert in lieu thereof the following:

Section 1. Section 3a of Senate Bill 148, Chapter 262, page 784, Acts of the Fifty-sixth Legislature, 1969, Regular Session, is hereby amended to read as follows:

Section 3a. The signature on the transfer of any security coming within the terms of this Act shall be guaranteed by an officer of any banking corporation organized and existing under the laws of the State of Texas, as defined in Acts 1943, Forty-eighth Legislature, page 128, Chapter 97, Subchapter L, Article 2, Chapter I, Title 16, of the Civil Statutes of the State of Texas.

Section 2. The fact that the present law is inadequate discriminates.
against State-chartered banks regarding fiduciary and necessitates that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall be effective upon passage, and it is so enacted.

The amendment was adopted.

H. B. No. 115 was passed to engrossment.

HOUSE BILL NO. 161 ON SECOND READING

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

H. B. No. 161, A bill to be entitled "An Act authorizing the Game and Fish Commission to issue permits for the taking, carrying away or disturbing of marl, gravel, sand, shells or mudshell under certain conditions; directing the Game and Fish Commission to take into consideration the industrial requirements of the state as well as any injurious effect to oysters, oyster beds and fish inhabiting waters; requiring findings of fact in orders on applications for permit; authorizing the Game and Fish Commission to remove and replant oysters; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill 161 by inserting between Section 4 and Section 6 of the bill a new section to be known as Section 5 and renumbering Section 6 to read "Section 5," such Section 5 to read as follows:

"Section 2. Article 4053d of the Revised Civil Statutes is hereby amended so as to hereafter read as follows:

"Article 4053d. Sale of marl, gravel, sand, etc.

The Game and Fish Commission, by and with the approval of the Governor, may sell the marl, gravel, sand, shell or mudshell included within this Act upon such terms and conditions as it may deem proper; but for not less than four (4%) cents per ton; provided, however, that the price of shell and mudshell shall be fifteen (15¢) cents per cubic yard; and payment therefor shall be made to said Commission. The proceeds arising from such sale shall be transmitted to the State Treasurer and be credited to a special fund hereby created to be known as the sand, gravel and shell fund of the State, and may be expended by the said Commission in the enforcement of the provisions of the sand, shell and gravel laws and in the establishment and maintenance of fish hatcheries, when provided by legislative appropriation, and in the payment of refunds provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature, to counties, cities or towns or any political subdivision of a county, city or town, as provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature. And also providing that the authorization of refunds on sand, gravel and shell shall be extended to include refunds to the State Highway Commission on public roads and in the payment of such refunds in the manner prescribed for cities and counties. Provided further that no less than seventy-five per cent of the proceeds derived therefrom, after refunds above referred to have been cared for, shall go for the establishment and maintenance of fish hatcheries; and the sand, gravel, and shell fund is hereby appropriated for the purpose of carrying out the provisions of this Act. Said hatcheries shall be established from time to time in the State of Texas by the Game and Fish Commission, when in their judgment a suitable location is secured and arrangements therefor have been completed."

The amendment was adopted.

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

Amend H. B. 161 to delete the word "shall" in line 34 and substitute therefor the word "may."

Mr. Garrison moved to table the amendment offered by Mr. Brown of Galveston.
The motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. No. 161, Sec. 2, by striking therefrom starting at line 23 after word Commission and down to line 25 ending with word hatcheries.

Adams and Nugent.

The amendment was adopted without objection.

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

Committee Amendment No. 1

Amend House Bill No. 68 by striking all following the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 1429 of the Penal Code of Texas, 1925, is amended to read as follows:

"Section 1. Article 1429. Conversion by a bailee.

"Section 1. Any person having possession of a motor vehicle, trailer, equipment, or tool, or any other personal property of another by virtue of a contract of hiring or borrowing, or other bailment, who shall without the consent of the owner, fraudulently convert such property to his own use with intent to deprive the owner of the value of the same; shall be guilty of theft, and shall be punished as for theft of like property.

"Section 2. Any person who has obtained a motor vehicle, trailer, equipment or tool, or any other personal property, under a contract of hiring or borrowing or other bailment, in writing, the failure to return such motor vehicle, trailer, equipment or tool, or other personal property upon termination of said contract of bailment within ten days after being given notice of termination of said contract, shall be prima facie evidence of an intent that such person intended to convert the property to his own use and to deprive the owner of the value of same.

"Section 3. The word 'notice' as used herein shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing. Such notice in writing shall be by registered or certified mail or by telegram, addressed to such person as it appears on such contract of bailment, and shall be presumed to have been given when any of the following conditions are met:

The bill was read second time on this morning and further consideration of the bill was postponed until 12:00 o'clock noon today.

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

Committee Amendment No. 1

Amend House Bill No. 58 by striking all following the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 1429 of the Penal Code of Texas, 1925, is amended to read as follows:

"Article 1429. Conversion by a bailee.

"Section 1. Any person having possession of a motor vehicle, trailer, equipment, or tool, or any other personal property of another by virtue of a contract of hiring or borrowing, or other bailment, who shall without the consent of the owner, fraudulently convert such property to his own use with intent to deprive the owner of the value of the same; shall be guilty of theft, and shall be punished as for theft of like property.

"Section 2. Any person who has obtained a motor vehicle, trailer, equipment or tool, or any other personal property, under a contract of hiring or borrowing or other bailment, in writing, the failure to return such motor vehicle, trailer, equipment or tool, or other personal property upon termination of said contract of bailment within ten days after being given notice of termination of said contract, shall be prima facie evidence of an intent that such person intended to convert the property to his own use and to deprive the owner of the value of same.

"Section 3. The word 'notice' as used herein shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing. Such notice in writing shall be by registered or certified mail or by telegram, addressed to such person as it appears on such contract of bailment, and shall be presumed to have been given when any of the following conditions are met:
"(a) A return receipt is in the possession of the sender signed by the person to whom it was addressed or an agent thereof, or
"(b) The envelope has been returned to the sender thereof with a notation thereupon 'refused by addressee,' or 'unclaimed' or any other notation similar or commonly used by the United States Post Office, or
"(c) The telegram has been returned to the sender thereof with a notation thereupon 'refused by addressee,' or 'unclaimed' or any other notation similar or commonly used by the telegraph office, or
"(d) The envelope bears a notation of notification to said addressee and the addressee has failed to exercise his right to pick up said envelope at the United States Post Office or United States Post Office Sub-station designated on said notice, or
"(e) That the envelope is returned to the sender with a stamp normally used by the United States Post Office showing that no such address exists, or
"(f) That the envelope is returned to the sender with a stamp normally used by the United States Post Office showing that the person does not live, reside or office at the address so indicated, or
"(g) That the telegram is returned to the sender indicating that the person does not live, reside or office at the address so indicated."

Section 2. EMERGENCY CLAUSE.
The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended.

Mr. Eckhardt offered the following amendment to Committee Amendment No. 1:
Amend Committee Amendment Number 1 by striking all of Section 3 prior to the colon on line 35 and inserting in lieu thereof the following:
"Notice," as used herein shall be notice in writing sent by registered or certified mail or telegram, addressed to such person at the place listed on the contract of bailment, and it shall constitute prima facie evidence that such notice was given if any of the following conditions are met:
The amendment was adopted without objection.
Committee Amendment No. 1, as amended, was adopted.
H. B. No. 58 was passed to engrossment.

HOUSE BILL NO. 174 ON SECOND READING
The Speaker laid before the House on its second reading and passage to engrossment,
H. B. No. 174, A bill to be entitled "An Act to provide that a tax collector may issue to certain people under certain circumstances a certificate showing that neither their land nor themselves are liable for delinquent taxes and that the liability for such taxes is thereafter a personal liability of the person under whom the taxes became delinquent and thereby making a court action to accomplish the same thing unnecessary; requiring the tax collector to issue an affidavit certifying that there has been no fraud or collusion; and declaring an emergency."
The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 233 ON SECOND READING
The Speaker laid before the House on its second reading and passage to engrossment,
H. B. No. 233, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 18th Judicial District of Texas; providing for severability; and declaring an emergency."
The bill was read second time.

Mr. Ritter offered the following committee amendment to the bill:
Committee Amendment No. 1
Amend H. B. 233 to read as follows:
Change the figure "$8400," wherever it appears in the bill, to "$7500."
The amendment was adopted.
H. B. No. 233 was then passed to engrossment.

HOUSE BILL NO. 235 ON SECOND READING

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

H. B. No. 235, A bill to be entitled "An Act authorizing the Commissioners courts of counties within the 121st Judicial District to pay certain amounts to the district judge of such district to defray certain necessary expenses: providing for severality; and declaring an emergency."
The bill was read second time.
Mr. Fetty offered the following committee amendment to the bill:
Committee Amendment No. 1
Amend Section 2 of House Bill No. 235 to read as follows:
Sec. 2. The total amount authorized to be paid by Section 1 of this Act shall not exceed Forty-eight Hundred Dollars ($4,800) per annum, and none of these commissioners courts shall pay more than Twelve Hundred Dollars ($1,200) per annum toward the total amount authorized herein."
The amendment was adopted.
H. B. No. 235 was passed to engrossment.

HOUSE BILL NO. 238 ON SECOND READING

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

H. B. No. 238, A bill to be entitled "An Act making it unlawful to hunt, take, or kill wild fox in Shelby County, Texas; provided, however, it shall not be unlawful to kill wild fox in the act of destroying domestic fowls or other domestic stock; and provided, further, whenever the State Health Officer finds and declares that the health of the people of Shelby County is menaced by rabies, caused by rabid foxes, it shall be lawful to kill or destroy wild foxes until the State Health Officer shall declare the danger from rabid foxes shall have passed."
The amendment was adopted.
H. B. No. 238 was passed to engrossment.

HOUSE BILL NO. 239 ON SECOND READING

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

H. B. No. 239, A bill to be entitled "An Act providing that it shall be unlawful to take or kill collared peccary or javelina in Brooks County at any time; making it unlawful to take or kill or have in possession any collared peccary or javelina for purposes of barter or sale, or to sell or offer for sale any collared peccary or javelina: providing penalties for violations; and declaring an emergency."
The bill was read second time.
Mr. Butler offered the following committee amendment to the bill:
Committee Amendment No. 1
Amend H. B. No. 239 by inserting the words "and Karnes County" wherever they appear in the bill.
The amendment was adopted.
H. B. No. 239 was passed to engrossment.

HOUSE BILL NO. 249 ON SECOND READING

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

H. B. No. 249, A bill to be entitled "An Act requiring cities having a population of three hundred fifty thousand (350,000) or more, but
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less than four hundred thousand (400,000), according to the last preceding federal census, to increase the disability benefits contained in their Firemen's Retirement and Relief Fund, to make deductions from the salaries of firemen, to provide monthly contributions of specified amounts into the Firemen's Retirement and Relief Fund, and to provide a specified investment policy for surplus funds; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. Gladden moved that further consideration of House Bill No. 249 be postponed until 10:00 o'clock a.m. next Monday, February 25.

There was no objection offered and it was so ordered.

ADJOURNMENT

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

The motion prevailed.

The Benediction was offered by the Rev. J. W. Oliver, Chaplain.

In accordance with the motion to adjourn, the House, at 3:12 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 13, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 12, A bill to be entitled "An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 223, Acts of the Fifty-first Legislature, 1949, as to change the name of West Texas State College to 'West Texas State University';" ratifying and confirming in behalf of West Texas State University all legislative Acts and appropriations heretofore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

NELSON COWLES, Chairman.

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H. B. No. 168, An Act amending Section 4a of Chapter 119, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended, relating to fishing in Laguna Madre in Cameron County; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

SHANNON, Chairman.

SENT TO GOVERNOR

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H. B. No. 168.