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
Alaniz
Allen
Arledge
Atwell
Ball
Banfield
Barnes
Bass of Bowling
Bass of Harris
Beckham
Berry
Birkner
Blaine
Boysen
Bridges
Brooks
Brown of Galveston
Brown of Taylor
Butler
Cahn
Caldwell
Canales
Cannon
Carpenter
Carriker
Carrasco
Chapman
Cherry
Clayton
Cole
Collins
Cook
Cory
Cotton
Coughran
Cowden
Cowles
Crain
Crews
Davis
de la Garza
Doke
Dolle
Dugan
Durham
Dunn
Dungan
Dunlap
Edwards
Ewing
Finch
Fitch
Niemeyer
Nugent
Parker
Parmer
Parrish
Peary
Peele
Penetration
Petty
Pipkin
Price
Quilliam
Rand
Rapp
Richards
Richmond
Richardson
Robertson
Robertson
Roberts
Rodriguez
Ross
Satterwhite
Schiller
Segrest
Shipley
Shutt
Smith
Smith
Stollenswerck
Thompson
Thurmond
Townsend
Trager
Walker
Ware
Weldon
Welsh
Wheeler
Whitfield
Whiting
Wilson
Wolf
Wood

A quorum of the House was announced present.

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

"Our Heavenly Father, we turn to Thee in prayer, because Thou art God, and we are not sufficient in strength or intellect for the work of this day without Thee.

"We ask for Thy healing hand to be placed on our Governor—to speed his recovery—and to grant him and his family Thy peace and sustaining grace.

"We thank Thee, O Lord, for the spirit of unity that joins our lives in this common task. May Thy presence be felt and acknowledged in each of our hearts throughout the passing hours of this day. And because of the knowledge of Thy presence, may our words and deeds be carefully chosen, in keeping with Thy teaching and motivated by selfless desires that will uplift, protect, and defend the people whom we represent in this State.

"For we ask it in Thy name.—Amen."

MESSAGE FROM THE SENATE

Austin, Texas, February 19, 1963

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

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

S. B. No. 88. 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-Peared Children; and declaring an emergency.

S. B. No. 99. Requiring certain cities to contribute amounts into firemen's retirement and pension funds; and declaring an emergency.

S. B. No. 126. 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 Wichita Falls State Hospital; and declaring an emergency.

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

SENATE BILL ON FIRST READING

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

S. B. No. 6 to the Committee on State Affairs.

HOUSE BILLS ON FIRST READING

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

By Simpson, Knapp and Moyer:
H. B. No. 588. A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns since the approval by the Governor of Texas of Chapter 126, Acts of the 57th Legislature, Regular Session, 1961, validating, ratifying, confirming and approving refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of refunding bonds for such purposes of counties, cities, (including Home-Rule cities) and towns; providing that this Act shall not apply to any contract, scrip warrant, time warrant or any refunding bond proceedings, governmental acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000), according to the last preceding federal census, or any contract, scrip warrant, time warrant or any refunding bond proceedings, governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the validity of which is now involved in litigation; providing a savings clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mann, Blaine, McNutt, Isaacks and McGregor:
H. B. No. 560. A bill to be entitled "An Act concerning sabbatical leaves of absence for faculty members of state-supported colleges and universities, and declaring an emergency."

Referred to the Committee on State Affairs.

By Cole:
H. B. No. 561. A bill to be entitled "An Act validating procedures heretofore had in connection with the creation, organization and operation of the Panin County Water Control and Improvement District Number One and providing said District shall continue to exist as a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas; finding that all property located within the boundaries thereof will be benefited, that no hearing on exclusions or plan of taxation shall be necessary but that the ad valorem plan of taxation shall be used; providing procedures for the holding of an election for the issuance of bonds and the manner in which they shall be issued and sold; providing that bonds issued by the District will be legal and authorized investments and eligible to secure deposits in certain circumstances; declaring the District essential to the preservation and conservation of natural resources of the State; providing the provisions of the Act shall be cumulative of prior acts on the subject; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.
By Requeal:

H. B. No. 561. A bill to be entitled "An Act to amend Section 15 of Article 1 of Chapter 467, Second Called Session, Forty-fourth Legislature, entitled the Texas Liquor Control Act and compiled in Vernon's Penal Code of Texas as Article 806-15, by adding a new paragraph so as to require a permit for the importation, transportation, warehousing, and delivering of United States bonded liquor for exportation purposes; and declaring an emergency."
Referred to the Committee on Liquor Regulation.

By Slider:

H. B. No. 562. A bill to be entitled "An Act amending Subsection (a) of Section 15 of Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, as amended, to provide for the enforcement of the Water Safety Act by game wardens on Lake Texoma, Lake Texarkana, Garza-Little Elm Lake, Caddo Lake and Lake O'the Pines, in addition to the enforcement by peace officers of this State and its political subdivisions; and declaring an emergency."
Referred to the Committee on Game and Fisheries.

By Ksapp:

H. B. No. 563. A bill to be entitled "An Act relating to the suspension of the imposition or the execution of sentence on conviction or plea of guilty for felony crime or offense in certain instances; amending Section 3 of Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, as amended by Section 3 of Article 780d, Vernon's Code of Criminal Procedure of Texas; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Rapp and Pigskin:

H. B. No. 564. A bill to be entitled "An Act repealing Chapter 15, Acts of the 57th Legislature, First Called Session, 1961; relating to the sale of goods on both the two (2) consecutive days of Saturday and Sunday; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Cory, Slack and Jamison:

H. B. No. 565. A bill to be entitled "An Act to provide for temporary emergency interim succession to state and local public offices, except those of Governor and members of the Legislature, in order to assure continuity of government in periods of emergency caused by attack upon the United States; providing for severability; and declaring an emergency."
Referred to the Committee on State Affairs.

By Whatley and Parsley:

H. B. No. 566. A bill to be entitled "An Act amending portions of Chapter 34, Acts of the 56th Legislature, Regular Session, 1959 (compiled as Article 1431f of Vernon's Texas Penal Code); amending Section 1 to redefine the offense of shoplifting; amending Section 3 to provide certain punishments for the offense; and further amending said Act by adding thereto a Section 2a providing that in all prosecutions under this Act, process shall be issued and served, and witnesses shall be compensated as though the offense were a felony; providing for severability; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By de la Garza:

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No. 24, Acts of the First Called Session of the Forty-fifth Legislature (codified as Article 1287-2 of Vernon's Annotated Civil Statutes of Texas), relating to the bonding and licensing of dealers in citrus fruit in the State of Texas; providing for a bond based on the number or standard packed boxes of citrus handled; prescribing penalties for the violation of this act; providing for the giving of a single surety bond of twenty-five thousand ($25,000) dollars contingent upon faithful performance of all provisions of House Bill No. 59 and House Bill No. 557, Acts of the Regular Session of the Forty-fifth Legislature, and the licensing of any person under both acts on the payment of a single license fee; repealing the provisions of Chapter 13, 42nd Legislature, Regular Session; providing a saving clause; and, be it further

Resolved, That their photographs be placed in the picture panel of the House of Representatives and that each of them be presented with a copy of this Resolution as a memento of this occasion.

The resolution was referred to the Committee on Rules.

TO NAME CHARLES RIDGE FLOYD
MASCOT OF THE HOUSE

Mr. Mann offered the following resolution:

H. B. R. No. 166

Whereas, The newest candidate for Mascot of the House of Representatives in Charles Ridge Floyd, whose recent arrival in Houston, Texas, was heralded with appropriate congratulations in this great Hall; and

Whereas, Charles was born February 5, 1963, to the winsome Jean Floyd, wife of our honorable colleague, Representative Paul Floyd of Houston; now, therefore, be it

Resolved, That Charles Ridge Floyd be, and he is hereby, named Mascot of the House of Representatives of the Fifty-eighth Legislature of the State of Texas; and, be it further

Resolved, That his picture appear on the picture panel of the House of Representatives and that a copy of this Resolution be kept for him as a memento of this signal honor.

The resolution was referred to the Committee on Rules.

TO NAME CAROL SUSAN, ELLEN ANN AND PAULA LYNN HAINES
MASCOTS OF THE HOUSE

Mr. Schiller offered the following resolution:

H. S. R. No. 167

Whereas, It has come to the attention of this Body, that Kathryn Ann Pendleton and Alisa Karen Pendleton and Alias are proper candidates for Mascots of the House of Representatives; and

Whereas, They are the beautiful little children of our esteemed colleague, the Honorable R. G. (Randy) Pendleton of Andrews, and his charming wife, Frances Ann. Kathryn Ann (Kathy) was born January 13, 1958, in Andrews, and Alisa Karen was born December 21, 1960, in Lubbock. Mr. and Mrs. George H. Pendleton and Mr. and Mrs. Henry F. Guilet of Andrews are the proud grandparents; and Mr. and Mrs. Billney of Dallas and Mr. and Mrs. J. G. Pendleton of Lubbock are the great-grandparents of these lovely little children; now, therefore, be it

Resolved, That Kathryn Ann Pendleton and Alisa Karen Pendleton be, and they are hereby named Mascots of the House of Representatives of the Fifty-eighth Legislature of the State of Texas; and, be it further

Resolved, That their photographs be placed in the picture panel of the House of Representatives and that each of them be presented with a copy of this Resolution as a memento of this occasion.

The resolution was referred to the Committee on Rules.
Whereas, this Friday, as on each February 22 for many years, top officials of the State of Texas will join with their counterparts from the states of Mexico in honoring the birthday of the first President of the United States and in affirming anew the common ideals and cordial relations between two of the great nations of the western hemisphere; and now therefore be it

Resolved, by the House of Representatives of the 68th Legislature of Texas, That we commend and congratulate the Honorable J. C. Martin, Jr., mayor of Laredo, Texas, and the Honorable Ernesto Ferrara, mayor of Nuevo Laredo, Mexico, for their leadership in arranging an outstanding George Washington Birthday Celebration this year in keeping with the finest traditions developed over the 63-year history of the observance; and be it further

Resolved, That the Speaker of the House of Representatives appoint a committee of seven (7) members of this body to the celebration and to deliver copies of this resolution to Mayor Martin of Laredo and Mayor Ferrara of Nuevo Laredo as an expression of our admiration, appreciation and good wishes.

The resolution was referred to the Committee on Rules.
H. B. No. 97, A bill to be entitled "An Act relating to the creating of Padre Island National Seashore, and declaring an emergency."

The bill was read second time on yesterday and further consideration of the bill was postponed until 10:30 o'clock a.m. today.

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

Committee Amendment No. 1

Amend H. B. 97 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The surface estate of that part of the following described lands situated in Kleberg, Kenedy, and Willacy Counties, Texas, to which the State of Texas has title or that have been acquired or that may be designated as the "Padre Island National Seashore" which area is described as follows:

Beginning at a point one statute mile North of the North end of North Padre Island on the easterly line of the Intracoastal Waterway; thence due East to a point on Padre Island one statute mile West of the mean high water line of the Gulf of Mexico; thence southerly, westerly paralleling the said mean high water line of the Gulf of Mexico a distance of three and five-tenths statute miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on the United States Coast and Geodetic Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on the United States Coast and Geodetic Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended; thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. B. Boyles and is depicted on sections 9 and 10 of the map on file in the General Land Office;

Due East to a point on the centerline of the Port Mansfield Channel; thence westerly along said centerline to a point three statute miles west of the said two-fathom line; thence northerly parallel with said two-fathom line to a point on 27 degrees 20 minutes north latitude; thence west along said latitude to the easterly line of the Intracoastal Waterway; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

Section 2. The Legislature of the State of Texas hereby withdraws from sale the surface estates of all State-owned lands in said area regardless of the purpose or purpose for which they are held and regardless of the instrumentality of the State for which they are held.

Section 3. The United States through the Secretary of Interior is granted permission, subject to the limitations contained in this Act, to acquire the area that has been defined as Padre Island National Seashore, and the School Land Board of the State of Texas is hereby authorized and directed forthwith to execute a deed of conveyance to the United States Government conveying all of the right, title and interest of the State of Texas in the surface estate of all lands described in Section 1 hereof, subject to the exceptions and reservations hereinafter set forth, under the terms of this Act for the Padre Island National Seashore for the use of the public as a recreation area, in consideration of the United States Government agreeing to establish and maintain land described in Section 1 hereof as a National Seashore area as provided...
for under an Act of Congress, being Public Law 87-312 enacted by the 87th Congress of the United States and to cede to the United States Government jurisdiction over said lands, and including lands acquired under Section 4 hereof, in conformity with the provisions of Article 5247, Revised Civil Statutes of Texas of 1925. Said deed shall be executed by a majority of the then members of the School Land Board and shall also reserve to the State of Texas the right to retain concurrent jurisdiction with the United States Government over every portion of the lands described in Section 1 hereof, in like manner and like effect as if no such session had taken place, and, reserving further to the State the right to levy and collect taxes on sales, use or gross receipts from sales of products or commodities upon which a tax is levied in this State, and to tax persons and corporations, their franchises, properties and incomes, on land or lands conveyed under the terms of this Act; and reserving also to the Railroad Commission, or to any person amenable to the same within the limits of the land constituting the "Padre Island National Seashore" as set out in Section 1 hereof, in like manner and like effect as if no such session had taken place, the right of Ingress and egress for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said land or lands conveyed, the right to vote at all elections within the counties in which said land or lands are located, upon like terms and conditions to the same extent as they would be entitled to vote in such counties had not such lands been conveyed as aforesaid to the United States of America.

Said State land shall not be conveyed unless the entire mineral interest is reserved in the State and unless the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining, development, or removal of the minerals in such land or waters with the right of restriction and use of so much of the surface of the land or waters as may be required for the purposes of reasonable development of oil, gas and other minerals, under such rules and regulations as may be established by the Railroad Commission of the State of Texas. The Secretary of the Interior shall be consulted before any such regulations are established and no such regulations once promulgated by the Railroad Commission shall become effective until thirty days (30) after copies thereof have been sent by certified mail to the Secretary of the Interior, Washington, D. C.

Section 4. The United States Government, through the Secretary of the Interior, is hereby authorized to purchase, condemn, receive, hold and acquire title to the surface estate of any land not owned by the State in the area described as the Padre Island National Seashore for use as a recreational park; provided that the acquisition of lands in such area shall not affect the mineral estate in the lands so acquired, nor the right of ingress and egress for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said land and waters with the right of housing employees for such purposes. The same reservations and regulations enumerated in Section 3 hereof, relating to civil and criminal process, levy and collection of taxes, mineral development, and voting rights, shall apply to all lands acquired by the United States Government under this section.

Section 5. The lands, spoil banks, easements or rights-of-way owned, leased, or otherwise controlled by the Willacy County Navigation District may be acquired for inclusion in Padre Island National Seashore with the consent of the District. All such lands, spoil banks, easements and rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District located in the Padre Island National Seashore shall be used solely for public purposes.

Section 6. The Secretary of the Interior is requested to provide for
roadways from the north and south boundaries of such public recreation area to the access highways from the Mainland to Padre Island. For the purpose of this section, the south boundary shall be considered the Port Mansfield cut.

Section 7. If any State-owned lands conveyed to the Federal Government for a national seashore area pursuant to this act are not used for such purpose within a period of ten (10) years from date of acquisition, or being so used thereafter cease to be used for the purpose of a national seashore area, then such lands not used as aforesaid shall ipso facto without further action by any parties hereto revert to the State of Texas and to the fund to which they belonged prior to the passage of this act.

Section 8. 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.

Section 9. All laws or parts of laws in conflict with the provisions of this act are repealed to the extent of such conflict only.

Section 10. The fact that the United States Congress has enacted legislation creating Padre Island National Seashore and the fact that such an area will be of great benefit not only to the people of Texas but also to the nation at large, and the fact that State-owned submerged lands in this area are presently for sale to certain districts, 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 that this act shall take effect and be in force from and after its passage, and it is so enacted.

Signed: McIlhany, Jarvis, Shipley, Thurmond and Cory.

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

Amend Committee Amendment to House Bill 97 by striking out the last sentence of Sec. 3 and inserting in lieu thereof the following:

"The Commissioner of the General Land Office shall prepare a list of the lands now owned in said area by the State of Texas or its instrumentalities for any purpose and deliver a certified copy of such list to the School Land Board."
The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to House Bill 97 by adding a section thereto as follows:

"Section 3B. Any deed or deed executed pursuant to the authority herein above set out shall be null and void and of no force and effect and any and all rights, titles, and interests granted and conveyed thereby shall revert to the State of Texas upon the happening of either of the following events:

(1) The initiation by any agent, agency, officer, department, or employee of the Federal Government of the United States, whether appointed or elected, of a suit at law or in equity in any Federal court of the United States to enlarge or expand the titles, rights, or interests granted by said deed or deeds.

(2) The initiation of any action by any agency of the Federal Government to enlarge or expand the titles, rights, or interests granted by said deed or deeds.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1, H. B. 97 by deleting the word forthwith in line 55, Section 2 and by adding the following words before the period in line 2:

"and in further consideration of the United States Government paying to the State of Texas for State-owned land a price per acre equal to the highest price paid by the United States Government for any private land and provided further that the State of Texas shall not convey any state-owned land until all of the privately-owned lands have been acquired by the United States Government."

Mr. Murray moved to table the amendment offered by Mr. Houston to Committee Amendment No. 1.

A record vote was requested.

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

Yea—119

Alaniz
Alaniz
Arledge
Banfield
Barnes
Bass of Bowie
Bass of Harris
Bekham
Berry
Birnner
Haine
Boyson
Bridges
Brooks
Brown of Galveston
Calhoun
Calm
Canales
Cannon
Carppenter
Carriker
Cavness
Cherry
Cherry
Clayton
Cole
Collins
Cook
Cory
Cotton
Coughran
Cowden
Cowins
Crews
Crow
de la Garza
Dok
Doyle
Dugan
duke
Edwards
Edwards
Evans
Floyd
Ford
Foreman
Foss
Gibbons
Gladden
Gibbons
Giddens
Glen
Green
Groover
Guffey
Haines of Brazos
Hallmark
Hart
Hart
Harris
of Galveston
Haynes of Orange
Hefton

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Parker
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Pearce
Pewler
Pendleton
Petty
Pipkin
Price
Quilliam
Rapp
Richards
Ritter
Roberts
Rodriguez
Sattierwhite
Schiller
Segest
Shannon
Shiley
Shutt
Simpon
Smith of Jefferson
Stewart
Thompson
Thurmond
Townsend
Trager
Walker
Weldon
Mr. Hollowell offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. 97 by adding another section to be known as Sec. 11, which shall read as follows: "The State of Texas grants to the U.S. Government only proprietary rights over the land described in this bill or to be acquired under the provisions of this bill and reserves to the State of Texas exclusive criminal and civil jurisdiction over the land described in Sec. 1 and Sec. 4 of said bill. The State of Texas reserves the right to execute all processes, both criminal and civil necessary to carry out its civil and criminal jurisdiction over this area."

Mr. Murray moved to table the amendment offered by Mr. Hollowell to Committee Amendment No. 1.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas-62

Nays-84

Year-62

February 19, 1963
The amendment offered by Mr. Hollowell to Committee Amendment No. 1 was then adopted.

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

Amend Committee Amendment No. 1 of H. B. No. 97 by striking the phrase "by a majority of the then members of" on lines 5 and 6 of page 2 of the printed bill in Sec. 3.

The amendment was adopted without objection.

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

Amend Committee Amendment Number 1 to House Bill 97, section 3, page 2, lines 7 and 8 of the printed substitute for said bill by adding the words "of exclusive jurisdiction both civil and criminal."

The amendment was adopted without objection.

The motion to table prevailed.

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

H. B. No. 97 was then passed to engrossment.

Mr. Bridges moved to reconsider the vote by which H. B. No. 97 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE

Mr. Ball requested to be recorded as voting No on the passage of H. B. No. 97 to engrossment.

RECORD OF VOTE

Mr. Houston requested to be recorded as voting No on engrossment of H. B. No. 97.
HOUSE BILL NO. 161 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its 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 mussels 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 on yesterday and further consideration of the bill was postponed until 11:00 o'clock a.m. today.

Mr. Eckhardt again raised the point of order, temporarily withdrawn on this morning, on further consideration of H. B. No. 161 at this time on the ground that the consideration of the bill is in violation of Joint Rule 9A.

The Speaker overruled the point of order.

Mr. Eckhardt moved to reconsider the vote by which Committee Amendment No. 1 was adopted.

A record vote was requested on the motion to reconsider.

Yeas—64

Nays—3

Mr. Eckhardt again raised the point of order, temporarily withdrawn this morning, on further consideration of H. B. No. 161 at this time on the ground that the consideration of the bill is in violation of Joint Rule 9A.

The Speaker overruled the point of order.

Mr. Eckhardt moved to reconsider the vote by which Committee Amendment No. 1 to H. B. No. 161 was adopted, as lost by the following vote:

Mr. Eckhardt temporarily withdrew his point of order on further consideration of H. B. No. 161.

RECESS

Mr. Fletcher moved that the House recess until 2:00 o'clock p.m. today.

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

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

Mr. Fidler moved that the House recess until 10:00 o'clock a.m. tomorrow.
Mr. Esquivel offered the following amendment to the bill:

Amend H. B. 161 by striking out and deleting all of Section 2 thereof (Page 1 of said Bill, lines 48 through 52) and re-numbering the succeeding sections accordingly.

The amendment offered by Mr. Esquivel was lost.

Mr. Adams moved the previous question on the passage of H. B. No. 161 to engrossment, and the motion was seconded.

The motion for the main question prevailed.

Mr. Esquivel raised the point of order that any amendments on the Speaker's table to H. B. No. 161, but not yet offered, should be considered by the House under the previous question.

The Speaker overruled the point of order.

A record vote was requested on the passage of H. B. No. 161 to engrossment.

H. B. No. 161 was passed to engrossment by the following vote:

**Year---82**

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Jarvis     Pipkin
Johnson of Dallas  Rapp
Klager     Richards
Koliba     Ritter
Kothmann    Schiller
Latham     Segrest
McClintion Shannon
McDonald of Hidalgo Shipley
McDonald of Rusk Simpson
Miller      Black
Mower       Slider
Murray      Thurmond
Nutschner  Townsend
Niemeier    Tregler
Nugent      Whaley
Parsley     Wheeler
Peecher     Whited
Petty

Nays—62

Alaniz    Isaacks
Baso of Bowie Jarnacq
Bass of Harris Johnson of Bexar
Berry      Kilpatrick
Bridges    Lack
Brooks     Ligarde
Brown of Galveston McGregor
Caldwell  McLaughlin
Canales    McNutt
Cannon     Mann
Carrizo     Marigrad
Carriker    Morgan
Chapman    Parker
Cherry      Parme
Cole       Pflanze
Collins     Pendleton
Cotten      Price
Crab       Quintan
Davis       Roberts
Eckhardt   Rodrigues
Esquivel   Rosson
Gladden    Smith of Jefferson
Glen        Stewart
Green       Stollenwerk
Harling     Thompson
Harris      Walker
of Galveston Ward
Harris of Dallas Weiden
Haynes of Orange Wells
Hixson       Wething
Hollowell   Wilson

Absent

Finney     Smith of Bexar
Mascaze    Woods

Absent—Excused

Richardson

(The above record vote was requested by Mr. Haring. Mr. Harris of Galveston, Mr. Brooks and Mr. Smith of Jefferson.)

REASON FOR VOTE

I voted against H. B. 161 because it is one of the rankest special interest bills that has ever been enacted by this House. The major change provided in the bill is to force the State of Texas to sell oyster shell to Parker Brothers, Haden and other shell dredgers at the rate of 15¢ per cubic yard. This is exactly like requiring the State to sell its offshore oil for $3.00 per barrel to the oil companies.

Under existing law the Game and Fish Commission can sell shell for what the market will bring. This is a price-setting bill binding the State.

The bill also recognizes the Game and Fish Commission as the responsible party to replant oyster beds. Presently the exploiters of shell are under a duty to do this if their action interferes with such beds. So the State has an additional cost shifted to it and off the shoulders of those who exploit our natural resources.

Furthermore, the conservation authority of the Game and Fish Commission is weakened, not strengthened.

Eckhardt.

HOUSE BILL NO. 10 ON THIRD READING

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

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 1605a, 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 third time and was passed by the following vote:
The Speaker laid before the House, on its third reading and final passage, H. B. No. 55, A bill to be entitled "An Act amending Chapter 12, Acts of the 53rd Legislature, Regular Session, 1953, 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 or 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 containing a severability clause; and declaring an emergency."

The bill was read third time and was passed.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 58, A bill to be entitled "An Act amending Article 1429 of the Penal Code of Texas, 1925, relating to conversation by a bailee; and declaring an emergency."

The bill was read third time and was passed.
Mr. Gladden moved to reconsider the vote by which H. B. No. 58 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 62 ON THIRD READING

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

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, 47th Legislature, Regular Session, 1941, as amended, compiled as Section 1 of Article 911b, Vernon's Texas Civil Statutes, so as to exclude certain wrecker vehicles from the term 'specialized carrier;' repealing all laws in conflict; providing for a severability; and declaring an emergency."

The bill was read third time.

Mr. Crain offered the following amendment to the bill:

Amend House Bill No. 62 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 314, Acts of the 41st Legislature, Regular Session, as heretofore amended (and now codified as Article 911b, Vernon's Texas Civil Statutes), is amended hereby by the addition thereto of a new section numbered and reading as follows:

'Section 1 1/4. The term 'Specialized Motor Carrier' and 'Specialized Equipment' shall not include wrecker type vehicles used incidental to or as an adjunct to the carrying on of the primary business of buying, selling, exchanging, repairing, storing, servicing or wrecking motor vehicles.'

Section 2. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Section 3. If any section, subsection, paragraph, sentence, clause, phrase or word in this Act, or application thereof, to any person 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.

Section 4. 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."

The amendment was adopted without objection.

H. B. No. 62 was then passed.

Mr. Slider moved to reconsider the vote by which H. B. No. 62 was passed and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

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

The motion prevailed.

The Benediction was offered by Representative Birkner, as follows:

"Father, grant us anew the blessings of Thy comforting presence and abiding spiritual strength as we leave the duties of this place to assume our responsibilities in other areas of thought and service.

Through Christ our Lord.—Amen."

In accordance with the motion to adjourn, the House, at 3:05 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Education: H. B. No. 9, H. B. No.
REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 18, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred:

H. B. No. 50, A bill to be entitled “An Act amending Chapter 12, Acts of the Forty-second Legislature, Regular Session, 1951, as amended by Section 1, Chapter 49, Acts of the Forty-third Legislature, Regular Session, 1953 (compared as Section 2, Article 1605a, 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.”

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred:

H. B. No. 62, A bill to be entitled “An Act amending Chapter 314, Acts of the Forty-first Legislature, Regular Session, as heretofore amended (and now codified as Article 911b, Vernon’s Civil Statutes), by the addition of a new Section thereto, excluding from the definition ‘Specialized Motor Carrier,’ motor vehicles operated on any public highway or within the incorporated limits of cities or towns, which have been altered or designed and equipped for and exclusively used to render assistance to other vehicles; containing a severability clause; and declaring an emergency.”

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963
Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred:

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...”
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revenue of land acquired and book­store future net revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 80, A bill to be entitled "An Act amending Article 5.01 of Chapter 5, Title 122A, Taxation-General, Revised Civil Statutes of Texas, being Article 5.61, of Chapter 5, of House Bill No. 11, Fifty-sixth 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."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 174, A bill to be entitled "An Act to provide that tax collectors may issue to certain persons under certain circumstances a certificate showing that neither their land nor themselves are liable for delinquent taxes on such land and that the liability for such taxes is thereafter a personal liability of prior owners under whom the taxes became delinquent; making such certificate admissible evidence for suits for unpaid taxes and conclusive proof of payment of taxes in such suits; providing for a cancellation certificate relieving current owners of the lien created by taxes accruing under prior owners; providing any such certificates issued through fraud or collusion are void and making any officer issuing same liable for his official bond for any loss incurred; providing a severance clause; providing the Act does not apply to pending litigation; repealing all laws in conflict and specifically repealing Chapter 77, Acts of the Forty-First Legislature, Second Called Session, 1929, as amended; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

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 Court of Texas; providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

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 severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 238. A bill to be entitled "An Act making it unlawful to hunt, take, or kill wild fox in Shelby County, with certain exceptions; prescribing a penalty for the violation thereof; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 18, 1963

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 239. A bill to be entitled "An Act providing that it shall be lawful to take or kill collared peccary or javelina in Brooks and Karnes Counties at any time; making it unlawful to take or kill or have in possession any collared peccary or javelina, providing penalties for violations; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

TWENTY-SIXTH DAY

(Wednesday, February 20, 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        Harding
Allen          Harling
Arledge        Harris
Awad          of Galveston
Ball           Harris of Dallas
Banfield       Haynes of Orange
Barnes         Healy
Bass of Bowie  Heflin
Bass of Harris  Hendrix
Beckham        Hinson
Birkner        Hollowell
Blaine         Hughes
Blaylock       Haas
Boy森           Jamison
Bridges        Jarvis
Brooks         Johnson of Dallas
Brown          Johnson of Bexar
Brown of Galveston  Kilpatrick
Brown of Taylor Knapp
Butler         Kottas
Cain           Koehler
Caldwell       Lack
Canales        Lautmora
Cannon         Lisardo
Carper         McClintock
Carrick        McDonald
Carnes         of Hidalgo
Chapman        McDonald of Hidalgo
Cherry         McCreary
Clayton        Melbany
Cole           McLaughlin
Collins        McVick
Cook           Manatee
Cory           Mann
Cotten          Markgraf
Coughran       Miller
Cowden         Morgan
Cowles         Moyer
Craig          Murrah
Crews         Nutt
Davis          Nunn
de la Garza    Nugent
Dokes           Parker
Duggan         Farmer
Dungan         Parsley
Dickard        Peery
Edwards        Feeler
Required       Pendleton
Fairchild      Petty
Finney         Pipkin
Fletcher       Price
Floyd          Quilliam
Fondren        Rapp
Foreman        Richards
Garrison       Ritter
Gibbens        Roberts
Glaedden       Rodriguez
Glen           Roseau
Green          Satterwhite
Grover         Schiller
guffey         Seagrave
Haines of Braos Shannon
Hallmark       Shipley

The following Members were present:

Mr. Speaker Adams