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 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."

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

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Shutt  Trager
Simpson  Walker
Black  Ward
Slider  Weldon
Smith of Bexar  Wells
Smith of Jefferson  Whitley
Stewart  Wheeler
Stollenwerck  Whitefield
Thompson  Wieting
Thurmond  Wilson
Townsend  Woods

Absent—Excused
Houston  Richardson

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 face this new day with great anticipation. We have diligently prepared ourselves for this hour, and we ask that Thou shalt help us to share together that which we have learned and observed.

We thank Thee for Thy presence which sustains us each hour of every day and pray that Thou shalt also keep loving watchcare over our loved ones and friends, from whom we are separated during the long days of this session.

Thy strength is sufficient for all our needs, so in faith we turn to Thee, that our minds might be opened and all prejudice and bias removed, in order that we might learn of Thee without the reasoning of man to confuse our thinking. In Thy name we pray.—Amen."

LEAVE OF ABSENCE GRANTED
Mr. Houston was granted leave of absence for today on account of important business, on motion of Mr. Stollenwerck.

SENATE JOINT RESOLUTION ON FIRST READING

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

S. J. R. No. 6 to the Committee on Constitutional Amendments.

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 Thompson:

H. B. No. 568, A bill to be entitled "An Act amending Article 12.03 of Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended by Chapter 27, Acts of the 57th Legislature, Third Called Session, 1961 (compiled as Article 12.03 of Title 122A, Taxation-General, Vernon's Texas Civil Statutes), to provide that the franchise tax imposed by Chapter 12 of Title 122A shall not apply to translator systems of a nonprofit nature, which are established for the purpose of disseminating television signals to the general public on a voluntary participating basis; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Grover:

H. R. No. 569, A bill to be entitled "An Act providing new formulae and describing the conditions thereof for the determination of annual school district transportation allocation authorized in the Foundation School Program Act for transportation of eligible public school children residing within the limits of a city which has city public transportation services; setting out pupil eligibility requirements; providing for authorization of such transportation allocation grants on a certain per capita eligible pupil or other basis elective annually by the district; providing for an effective date of this Act; and declaring an emergency."

Referred to the Committee on Appropriations.

By Morgan, Davis, Harris of Dallas, Stollenwerck, Ball, Houston, Hughes, Johnson of Dallas, Macatee and Atwell:

H. B. No. 570, A bill to be entitled "An Act amending Sections 57, 61, and 62, and Subsection 8 of Section 79 of the Election Code of the State of Texas (compiled as Articles 9.01, 9.05, 9.06, and Section 8 of Article 7.14 of Vernon's Texas Election Code), so as to eliminate provisions for placing party columns on ballots and for voting straight tickets, and so as to provide for the listing of party nominees under the title of the office, arranged in the order deter-
Bill to amend the Texas Election Code to provide for the method of marking ballots, to provide that the 'X' method shall be the method for marking ballots, and to declare an emergency.

By Morgan, Davis, Harris of Dallas, Stollewrebeck, Grover, Ball, Houson, Hughes, Johnson of Dallas, Green, Eckhardt, Macatee and Alwell:

H. B. No. 571. A bill to be entitled "An Act amending Section 62 of the Election Code of the State of Texas (compiled as Article 6.06 in Vernon's Texas Election Code) so as to eliminate the provisions for scratch or negative methods of marking ballots and to provide that the 'X' method shall be the method for marking ballots; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Foreman, Cavness, Ritter and Cain:

H. B. No. 572. A bill to be entitled "An Act amending Chapter 402, Acts of the Fifty-fifth Legislature, Regular Session, (Vernon's Texas Civil Statutes, Article 622a), pertaining to the Employees Retirement System of Texas, amending Section 5, Subdivision C, to provide for the calculation of occupational disability retirement benefits; repealing Section 1, Subsections L and M, pertaining to the definition of regular and current income; amending Section 5, Subdivision D, Paragraph 2, by providing for the payment of occupational death benefit allowance to surviving spouse, and providing for payment to the dependent children in the absence of a surviving spouse; amending Section 7, Subsection B, so as to provide for allocation of interest; amending Section 9, by providing for the exemption of annuity payments, contributions, optional benefit payments, and the monies in the various funds of the System from any State, County, or Local taxes, or any legal process whatsoever, and prohibiting assignment, except as specifically provided in the Act; providing an effective date; repealing laws in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Cowles and Slider:

H. B. No. 573. A bill to be entitled "An Act declaring noxious certain aquatic plants in that portion of Caddo Lake situated in Harrison and Marion Counties; authorizing the Commissioner of the General Land Office to execute exclusive contracts for removal of noxious aquatic plants; prescribing contract requirements; passing title to noxious aquatic plants to contractor when removed pursuant to contract; establishing venue; containing a severability; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Duggan:

H. B. No. 574. A bill to be entitled "An Act amending Chapter 207, Acts of the Forty-first Legislature, Regular Session, 1929, as amended by Chapter 316, Acts of the Forty-fourth Legislature, Regular Session, 1935, Chapter 140, Acts of the Forty-ninth Legislature, Regular Session, 1940, and Chapter 322, Acts of the Fifty-third Legislature, Regular Session, 1949, (codified as Article 3899b of Vernon's Texas Civil Statutes) by adding thereto Section 1A, to provide that in all counties having a population in excess of One Million Two Hundred Thousand (1,200,000) Inhabitants according to the last preceding Federal Census, in addition to the expenditures now authorized, the Commissioners Court of such Counties may furnish Justices of the Peace courtrooms, offices and office furniture; establish judgment debts for goods, supplies, and office furniture; enacting other provisions related to the subject; and declaring an emergency."

Referred to the Committee on Counties.

By Foreman, Cavness, Ritter and Cain:

H. B. No. 575. A bill to be entitled "An Act creating a County Court at Law No. 5 of Travis County, Texas; defining its jurisdiction; conforming the jurisdiction of the County Court of Travis County and other County Courts at Law of said County to; redefining the Jurisdiction of the County Court of Travis County and the Judge thereof; providing for the administration of such courts; fixing the terms of this court; fixing the salary and qualifications of
the Judge thereof; providing for the appointment and election of such Judge and providing for his removal; providing a severability clause; and declaring an emergency.

Referred to the Committee on Counties.

By Crews:

H. B. No. 576, A bill to be entitled "An Act to amend the Insurance Code of Texas, Chapter 14, Acts 1951, 52nd Legislature, page 868, Chapter 141, as amended, by adding thereto a new article, 14.14A; to provide for its application to companies or associations regulated by the provisions of Chapter 14 of the Insurance Code of Texas; to provide for the validation of charters of certain of such companies; to provide for the right to amend the charters of certain of such companies for the purpose of extending their period of duration; to provide for its inapplicability under certain circumstances; to provide for the precedence of this Act in the event of conflict with any other law; to declare the provisions of this Act to be severable; and declaring an emergency."

Referred to the Committee on Insurance.

SENATE BILLS ON FIRST READING

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

S. B. No. 86 to the Committee on State Affairs.
S. B. No. 99 to the Committee on Municipal and Private Corporations.
S. B. No. 126 to the Committee on State Affairs.

INTRODUCTION OF GEORGE JONES

Speaker Tunnell presented Mr. Kohmann, who introduced Mr. George Jones to the House and presented him a copy of H. B. No. 106.

Mr. Jones addressed the House expressing appreciation for the resolution.

TO CONGRATULATE THE HONORABLE DON GLADDEN

Mr. Caldwell offered the following resolution:

H. S. R. No. 169

Whereas, A fearless young Lion came to this Earth with a mighty roar (which from time to time yet reverberates throughout these Halls) thirty-three years ago today, and,
Whereas, The young babe has grown into manhood with a force and purpose such as to Gladden the hearts of many who honor those who seek the common good, and;
Whereas, All of Texas profits by his membership in the House of Representatives and certainly we, his colleagues, appreciate this blithe spirit from Tarrant County who reduces our labors by the light of his perceptive mind and bright humor,
Now, Therefore, Be It Resolved That the House of Representatives, Fifty-eighth Regular Session, wish a very happy birthday to our friend, Don Gladden, with many returns along, observing, Cotton-like—
Can there be one in our clubbe, Howsoever we he be; Ever on ward, ever upward, Ever considerate of thee and me. Resolve we now to honor this lad, So vote aye and felicitations he's had.
Signed: Caldwell, Parmer, Green, Finney, Shannon and McLaughlin.

The resolution was adopted.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 171. By Shannon, Gladden, Finney, Green, McLaughlin, Parmer and Richardson: Commending Labor and Management in Fort Worth.
H. S. R. No. 172, By Johnson of Bexar: Recognizing the Chilean Student Leader Seminar.

TO PETITION THE CONGRESS TO CALL A CONVENTION FOR PURSUE OF PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES

Mr. Parsley offered the following resolution:

H. C. R. No. 21
Whereas, Article V of the United States Constitution deals with the procedures by which that Constitution may be amended; and

Whereas, The fact that the convention method set out in the said Article V has never been employed due to uncertainty as to how the convention is to be organized and who is to participate in it; and

Whereas, It would appear that the said Article V should be amended so as to simplify state initiation of proposed amendments; now therefore be it,

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE—

"Section 1. Article V of the Constitution of the United States is hereby amended to read as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the Legislatures of two-thirds of the several states, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states. Whenever applications from the Legislatures of two-thirds of the total number of states of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No state, without its consent, shall be deprived of its equal suffrage in the Senate.

"Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission."

Be it Further Resolved That further action by the Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1966, this application for a convention shall no longer be of any force or effect.

Be it Further Resolved That a daily attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Signed: Parsley and Barnes.

The resolution was referred to the Committee on State Affairs.

TO PETITION THE CONGRESS TO CALL A CONVENTION FOR PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. Parsley offered the following resolution:

H. C. R. No. 22

Whereas, The relationship that exists between the federal government and the governments of the states is a matter of vital concern; and

Whereas, It is important to maintain this relationship in the manner that was intended by the framers of the Constitution of the United States; and

Whereas, It is considered that recent federal judicial decisions create an imbalance of power tending to increase concentration of authority in the federal government over matters of local concern to the several states and the citizens thereof; and

Whereas, Apportionment of a state legislature is considered to be a matter of concern to the states alone and to the people thereof acting and exercising their rights inherent as citizens of their state and as citizens of the United States; now therefore be it

Resolved by the House of Representatives, the Senate concurring, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE—

"Section 1. No provision of this Constitution, or any amendment
thereto, shall restrict or limit any state in the apportionment of representation in its legislature.

"Sec. 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a state legislature.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven (7) years from the date of its submission."

Be it further Resolved that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect. Be it further Resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of Congress from this State.

Signed: Parsley and Barnes.

The resolution was referred to the Committee on State Affairs.

TO NAME FRANKLIN TERRILL BALL, DEBORAH ANN BALL, MAURICE ALLEN BALL, WILLIAM LAWRENCE BALL AND PATRICIA SUE BALL AS MASCOTS OF THE HOUSE

Mr. Atwell offered the following resolution:

H. S. R. No. 170

Whereas, It is popular procedure and a growing tradition in this House of Representatives to honor children of members; and

Whereas, It has been ascertained that proper candidates for Mascot of this House are the five young children of our worthy colleague, the Honorable Maurice B. Ball of Dallas, and his charming wife Audrey. The children's names are: Franklin Terrill Ball, Deborah Ann Ball, Maurice Allen Ball, William Lawrence Ball and Patricia Sue Ball; now, therefore, be it

Resolved, That Franklin Terrill Ball, Deborah Ann Ball, Maurice Allen Ball, William Lawrence Ball, and Patricia Sue Ball be, and they are hereby, named Mascots of the House of Representatives of the Fifty-eighth Legislature, Regular Session; and, be it further

Resolved, That their pictures appear on the picture panel of this House of Representatives and that copies of this Resolution be sent to them as a token of the good wishes of this Body.

The resolution was referred to the Committee on Rules.

RELATIVE TO REQUESTING ISSUANCE OF A COMMEMORATIVE STAMP HONORING BIG BEND NATIONAL PARK

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

H. C. R. No. 17, Relative to requesting issuance of a commemorative stamp honoring Big Bend National Park.

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

The resolution was adopted.

PROVIDING FOR A COMMITTEE TO ATTEND THE GEORGE WASHINGTON BIRTHDAY CELEBRATION IN LAREDO

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

H. S. R. No. 163, Providing for a Committee to attend the George Washington Birthday Celebration in Laredo.

The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.

The resolution was read and was adopted.

COMMITTEE APPOINTED

The Speaker announced the appointment of the following Committee to attend the George Washington Birthday Celebration in Laredo:

Messes Butler, Chairman; Atwell, Walker, Smith of Bexar, Hughes, Slack and Ball.
SENATE BILL NO. 106 ON SECOND READING

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

S. B. No. 106, A bill to be entitled "An Act relating to the division of certain rural high school districts and consolidated independent school districts into election precincts by the Board of County School Trustees in certain counties; providing for the mode of election and terms of office of school trustees in said rural high school districts and consolidated independent school districts; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend S. B. No. 106 by striking all of the language after the enacting clause and substituting in lieu thereof the following:

Section 1. This Act shall apply only to rural high school districts and consolidated independent school districts composed of the territory formerly comprising ten (10) original school districts, one of which shall have been an independent district, each original school district having a scholastic population of less than two hundred (200), in counties with a total population of not less than forty thousand two hundred (40,200) and not more than forty-one thousand two hundred (41,200) according to the last preceding federal census.

It is immaterial whether such rural high school district or consolidated independent school district shall have been established, or shall be established, by consolidation, or by annexation, or by grouping the original school districts.

Sec. 2. In all rural high school districts and independent school districts to which this Act is applicable a Board of seven (7) trustees shall be elected by the voters of the district at large, and two (2) of such trustees shall be elected from the territory formerly comprising the one independent school district containing less than two hundred (200) scholastic population, and the other five (5) trustees shall be elected from the territory formerly comprising the common school districts having fewer than two hundred (200) scholastic population.

Sec. 3. In all districts to which this Act is applicable it shall be the duties of the board of county school trustees of the county in which each school district is situated to divide the territory of such rural high school district or consolidated independent school district, exclusive of the territory formerly comprising the one independent school district having less than two hundred (200) scholastic population, into five (5) areas, and to define such areas; and one trustee shall be elected from each of such areas so established and defined by the county board; but it is expressly provided that each of such trustees is to be elected by the voters at large of the rural high school district or the consolidated independent school district, as the case may be.

Sec. 4. The Board of seven (7) trustees serving such district at the time this Act becomes a law shall serve until the expiration of current terms of office for which elected. Thereafter, trustees shall be elected from the defined areas for a term of three (3) years as provided by law. Terms of office for trustees in Positions Six and Seven of said district shall apply to those trustees elected in 1963, and their successors in office; terms of office for trustees in Positions Three, Four and Five shall apply to those trustees elected in 1964, and their successors in office; and terms of office for those trustees in Positions One and Two shall apply to those trustees elected in 1965, and their successors in office.

Sec. 5. When such rural high school districts and consolidated independent school districts to which this Act is applicable have been in existence for two (2) years or longer, and additional territory is then added to such districts by annexation, the provisions of this Act shall continue to apply to such districts, although they may then contain territory originally comprising more than ten (10) original school districts; provided, however, that it shall be the duty of the Board of County School Trustees to divide the territory of such districts as pro-
vided for in Section 3 of this Act and to include the territory added by annexation within one or more of the five (5) areas provided for in Section 3.

Sec. 6. 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.

The amendment was adopted.

S. B. No. 106 was passed to third reading.

HOUSE BILL NO. 75 ON THIRD READING

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

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 third time and was passed by the following vote:

Yeas-140

Adams  Caldwell
Allen  Canales
Arledge  Carpenter
Atwell  Carrillo
Baill  Cavness
Bates  Chapman
Barnes  Cherry

Bass of Bowie  Clayton
Bass of Harris  Cole
Berry  Collins
Birkner  Cory
Blaine  Coughran
Boozer  Cowden
Broder  Cowles
Brooks  Crews
Brown of Galveston  Davis
de la Garza
Brown of Taylor  Doke
Butler  Duggan

Cain  Duggan
Eckhardt  Mann
Edwards  Markgraf
Esquivel  Miller
Fairchild  Morgan
Finney  Moyer
Fletcher  Murray
Floyd  Nauel
Forden  Niemeyer
Foreman  Nutter
Gibbons  Parker
Glidden  Parmelee
Green  Parsey
Grover  Peeler
Haines of Brazos  Pendleton
Hallmark  Petty
Harding  Pipkin
Harling  Price
Harris of Galveston  Quilliam
Harris of Dallas  Raup
Haynes of Orange  Richards
Healy  Ritter
Heflin  Rogers
Hendryx  Rossen
Hinson  Salterwhite
Hollowell  Schiller
Humes  Segrest
Jenks  Shap Believe
Jamison  Shutt
Jarvis  Simpson
Johnson of Dallas  Slade
Johnson of Bexar  Snell
Kilpatrick  Stewart
Knapp  Stilsonwerck
Koliba  Thompson
Kothmann  Thurman
Lack  Townsend
Lattimore  Treager
Ligarde  Walker
McClintock  Ward
McDonald  Waldon
of Hidalgo  Wells
McDonald of Bexar  Whisler
McGregor  Wheeler
McIlhany  Whitefield
McLaughlin  Wiegand
McNutt  Wilson
Maceles  Woods

Nays-11

Cotten  Absent

Beckham  Absent—Excused
Beckham  Goff
Beggs  Roberts
Booker  Smith of Jefferson

Absent—Excused

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

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 5.01 of Chapter 5, or House Bill 11, 56th 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 third time and was passed.

RECORD OF VOTE
Mr. Cotten requested to be recorded as voting No on H. B. No. 80, the bill reducing the sulphur tax.

RECORD OF VOTE
Mr. Alanis requested to be recorded as voting No on H. B. No. 80, on final passage.

REASON FOR VOTE
I voted against H. B. 80 which reduces the sulphur tax, because the State is in debt and others are not receiving a tax cut.

John Allen.

HOUSE BILL NO. 97 ON THIRD READING
The Speaker laid before the House, on its third reading and final passage,

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 third time.

A record vote was requested on the passage of H. B. No. 97.

H. B. No. 97 was passed by the following vote:

Yeas—129

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Nays—17
Adams  Hefton
Atwell  Hughes
Ball  Johnson of Dallas
Birnser  Macatee
Cowles  Morgan
Davis  Slider
Fairchild  Stollenwerck
Harris of Dallas  Thurmond
Healy

Present—Not Voting

Cotten  Absent—Excused

Houston  Richardson

Mr. Cotten (present), who would vote Yeas, with Mr. Houston (absent) who would vote Nay.

The bill was read third time.
Mr. Morgan offered the following amendment to the bill:
Amend H. B. 161 as amended by adding after the words "per cubic yard" on line 19 of page 2 the following: "or twenty per cent (20%) of the gross sales price received by the permittee, whichever is higher."

The amendment was lost.

Mr. Harris of Galveston moved that further consideration of House Bill No. 161 be postponed until 11:00 o'clock a.m. next Monday, February 25.

Mr. Garrison moved to table the motion to postpone consideration of H. B. No. 161.

A record vote was requested on the motion to table the motion to postpone.

The motion to table the motion to postpone further consideration of H. B. No. 161 was lost by the following vote:

Years—63
Adams  Cowden
Atwell  Crews
Banfield  Duggan
Barnes  Dungan
Berry  Fairchild
Blaine  Fletcher
Boyeen  Floyd
Brown of Taylor  Fondren
Butler  Foreman
Chapman  Garrison
Clayton  Gibbens
Cook  Grover
Coughran  Guadsey

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 third time.
Mr. Morgan offered the following amendment to the bill:
Amend H. B. 161 as amended by adding after the words "per cubic yard" on line 19 of page 2 the following: "or twenty per cent (20%) of the gross sales price received by the permittee, whichever is higher."

The amendment was lost.

Mr. Harris of Galveston moved that further consideration of House Bill No. 161 be postponed until 11:00 o'clock a.m. next Monday, February 25.

Mr. Garrison moved to table the motion to postpone consideration of H. B. No. 161.

A record vote was requested on the motion to table the motion to postpone.

The motion to table the motion to postpone further consideration of H. B. No. 161 was lost by the following vote:

Years—63
Adams  Cowden
Atwell  Crews
Banfield  Duggan
Barnes  Dungan
Berry  Fairchild
Blaine  Fletcher
Boyeen  Floyd
Brown of Taylor  Fondren
Butler  Foreman
Chapman  Garrison
Clayton  Gibbens
Cook  Grover
Coughran  Guadsey
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<th>Present</th>
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<td>Walker</td>
<td>Cotten</td>
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<td>Present—Not Voting</td>
<td>Harris</td>
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<tr>
<td>Walker</td>
<td>Crain</td>
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<td>Present—Not Voting</td>
<td>of Galveston</td>
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<td>Walker</td>
<td>Absent—Excused</td>
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<td>Houston</td>
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<td>Richardson</td>
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<td>PAIRED</td>
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<td>Mr. Walker (present), who would vote Nay with Mr. Houston ( absent) who would vote Yes.</td>
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<td>(The above record vote was requested by Mr. Jamison, Mr. Eckhardt and Mr. Parker.)</td>
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<td>A record vote was requested on the motion to postpone.</td>
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<td>The motion to postpone further consideration of H. B. No. 161 until 11:00 o’clock a.m. next Monday, February 25, prevailed by the following vote:</td>
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<td>Yeas—90</td>
<td>Nays—40</td>
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<td>Alaniz</td>
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<td>Allen</td>
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<td>Bass of Bowie</td>
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| Yeas—90                | Nays—40                       |
| Alaniz                  |                                |
| Allen                   |                                |
| Arledge                 |                                |
| Ball                    |                                |
| Bass of Bowie           |                                |
| Bass of Harris          |                                |
| Beckham                 |                                |
| Birnkr                  |                                |
| Bridges                 |                                |
| Brooks                  |                                |
| Brown                   |                                |
| of Galveston            |                                |
| Cain                    |                                |
| Caldwell                |                                |
| Canales                 |                                |
| Cannon                  |                                |
| Carpenter               |                                |
| Carriker                |                                |
| Cavness                 |                                |
| Cherry                  |                                |
| Cole                    |                                |
| Collins                 |                                |
| Cory                    |                                |
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| Haines of Brazos        |                                |

| Yeas—90                | Nays—40                       |
| Alaniz                  |                                |
| Allen                   |                                |
| Arledge                 |                                |
| Ball                    |                                |
| Bass of Bowie           |                                |
| Bass of Harris          |                                |
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| Brown                   |                                |
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| Cory                    |                                |
| Cowles                  |                                |
| de la Garza             |                                |
| Doke                    |                                |
| Eckhardt                |                                |
| Edwards                 |                                |
| Escuevel                |                                |
| Finney                  |                                |
| Gladden                 |                                |
| Glenn                   |                                |
| Green                   |                                |
| Haines of Brazos        |                                |
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Quilliam Stewart
Roberts Thompson
Rodriguez Trager
Rosson Ward
Schiller Weis
Segrest Weis
Shannon Whitfield
Simmons Witting
Smith of Bexar Wilson
Smith of Jefferson Woods

Nays—55

Adams Healy
Atwell Hefson
Banfield Hendryx
Barnes Hughes
Berry Jarvis
Blaine Johnson of Dallas
Boyal Kolba
Brown of Taylor Kethmann
Butler McDonald of Rusk
Clayton Macatee
Cook Miller
Coughran Mutescher
Cowden Niemerer
Crews Pashley
Duggan Rapp
Dungan Richards
Fairchild Satterwhite
Fletcher Shipley
Floyd Shutt
Fondren Slack
Foreman Silder
Gibbons Stollenwark
Grover Thurmond
Gufer Whaley
Harding Wheeler

Present—Not Voting

Walker

Cotten

Absent—Excused

Houston Richardson

PAIRED

Mr. Walker (present), who would vote Yea, with Mr. Houston (absent) who would vote Nay.

(The above record vote was requested by Mr. Harris of Galveston, Mr. Brown of Galveston, Mr. Brooks and Mr. Caldwell.)

HOUSE BILL NO. 174 ON THIRD READING

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

HOUSE BILL NO. 233 ON THIRD READING

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

HOUSE BILL NO. 235 ON THIRD READING

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

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

Yeas—138

Adams Birken
Alamis Blaine
Allen Boysen
Arledge Bridges
Ball Brooks
Banfield Brown
Bass of Bowie Brown of Galveston
Bass of Harris Brown of Taylor
Beckham Butler
Berry Cain
Caldwell

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Quilliam Stewart
Roberts Thompson
Rodriguez Trager
Rosson Ward
Schiller Weis
Segrest Weis
Shannon Whitfield
Simmons Witting
Smith of Bexar Wilson
Smith of Jefferson Woods

Nays—55

Adams Healy
Atwell Hefson
Banfield Hendryx
Barnes Hughes
Berry Jarvis
Blaine Johnson of Dallas
Boyal Kolba
Brown of Taylor Kethmann
Butler McDonald of Rusk
Clayton Macatee
Cook Miller
Coughran Mutescher
Cowden Niemerer
Crews Pashley
Duggan Rapp
Dungan Richards
Fairchild Satterwhite
Fletcher Shipley
Floyd Shutt
Fondren Slack
Foreman Silder
Gibbons Stollenwark
Grover Thurmond
Gufer Whaley
Harding Wheeler

Present—Not Voting

Walker

Cotten

Absent—Excused

Houston Richardson

PAIRED

Mr. Walker (present), who would vote Yea, with Mr. Houston (absent) who would vote Nay.

(The above record vote was requested by Mr. Harris of Galveston, Mr. Brown of Galveston, Mr. Brooks and Mr. Caldwell.)

HOUSE BILL NO. 174 ON THIRD READING

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

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The bill was read third time and was passed.

HOUSE BILL NO. 235 ON THIRD READING

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

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

Yeas—138

Adams Birken
Alamis Blaine
Allen Boysen
Arledge Bridges
Ball Brooks
Banfield Brown
Bass of Bowie Brown of Galveston
Bass of Harris Brown of Taylor
Beckham Butler
Berry Cain
Caldwell
Absents—Excused: Houston, Richardson

HOUSE BILL NO. 239 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 239, A bill to be entitled "An Act providing that it shall be lawful to take or kill collared peccary or javelinas in Brooks County at any time; making it unlawful to take or kill or have in possession any collared peccary or javelinas for purposes of barter or sale, or to sell or offer for sale any collared peccary or javelinas; providing penalties for violations; and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 21 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 21, A bill to be entitled "An Act reducing the membership of the Game and Fish Commission to three members; reconstituting and changing the name of the Game and Fish Commission to the Game, Fish and Parks Department; terminating the term of office of the present members of the Game and Fish Commission with the effective date of this Act; providing for the ap-
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Mr. Lattimore moved that further consideration of House Bill No. 21 be postponed until 11:00 o'clock a.m. next Wednesday, February 27.

Mr. Cotton moved to table the motion to postpone further consideration of H. B. No. 21, and the motion to table prevailed.

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

Amend H. B. 21 by striking all below the enacting clause and substituting the following:

Section 1. From and after the effective date of this Act, the Game and Fish Commission shall have the power and authority to appoint an executive director who shall be the chief executive officer of the Game and Fish Department and shall perform its administrative duties. The executive director shall have authority to appoint such heads of divisions, game and fish wardens, park managers, and other employees as may be authorized by appropriation therefor and as may be deemed necessary for executing, administering and carrying out the duties and services authorized by law to be performed by the Game, Fish and Parks Department. The executive director shall serve at the will of the executive director.

Sec. 4. The State Parks Board is hereby abolished and all powers, duties and authority heretofore vested in the State Parks Board are hereby transferred to the Game, Fish and Parks Department provided for herein. The term of office of the present members of the State Parks Board is hereby terminated and this provision shall not preclude the Governor from appointing one or more

The bill was read second time.

Mr. Lattimore moved that further consideration of House Bill No. 21 be postponed until 11:00 o'clock a.m. next Wednesday, February 27.

Mr. Cotton moved to table the motion to postpone further consideration of H. B. No. 21, and the motion to table prevailed.

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

Amend H. B. 21 by striking all below the enacting clause and substituting the following:

Section 1. From and after the effective date of this Act, the Game and Fish Commission shall have the power and authority to appoint an executive director who shall be the chief executive officer of the Game and Fish Department, which shall be under the policy direction of a commission which shall consist of three members, one of whom shall be designated by the Governor as chairman. The members of the Game and Fish Commission shall be appointed by the Governor, which appointments shall be with the advice and consent of two-thirds of the members of the Senate present, if in session, and if not in session, the Governor shall appoint such members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. The Governor shall appoint the members of the Game and Fish Commission, one whose term shall expire February 1, 1965, one whose term shall expire February 1, 1967, and one whose term shall expire February 1, 1969, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint members for terms of six years.

Sec. 2. The term of office of the present members of the Game and Fish Commission shall expire with the effective date of this Act; provided, however, that this provision shall not preclude the Governor from appointing one or more members to the Game and Fish Commission provided for in Section 1 of this Act.

Sec. 3. The Game, Fish and Parks Commission shall have the power and authority to appoint an executive director who shall be the chief executive officer of the Game and Fish Department and shall perform its administrative duties. Such executive director shall have authority to appoint such heads of divisions, game and fish wardens, park managers, and other employees as may be authorized by appropriation therefore and as may be deemed necessary for executing, administering and carrying out the duties and services authorized by law to be performed by the Game, Fish and Parks Department. The executive director shall serve at the will of the Governor.

Sec. 4. The State Parks Board is hereby abolished and all powers, duties and authority heretofore vested in the State Parks Board are hereby transferred to the Game, Fish and Parks Department provided for herein. The term of office of the present members of the State Parks Board is hereby terminated and this provision shall not preclude the Governor from appointing one or more

The bill was read second time.

Mr. Lattimore moved that further consideration of House Bill No. 21 be postponed until 11:00 o'clock a.m. next Wednesday, February 27.

Mr. Cotton moved to table the motion to postpone further consideration of H. B. No. 21, and the motion to table prevailed.

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

Amend H. B. 21 by striking all below the enacting clause and substituting the following:

Section 1. From and after the effective date of this Act, the Game and Fish Commission shall have the power and authority to appoint an executive director who shall be the chief executive officer of the Game and Fish Department, which shall be under the policy direction of a commission which shall consist of three members, one of whom shall be designated by the Governor as chairman. The members of the Game and Fish Commission shall be appointed by the Governor, which appointments shall be with the advice and consent of two-thirds of the members of the Senate present, if in session, and if not in session, the Governor shall appoint such members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. The Governor shall appoint the members of the Game and Fish Commission, one whose term shall expire February 1, 1965, one whose term shall expire February 1, 1967, and one whose term shall expire February 1, 1969, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint members for terms of six years.

Sec. 2. The term of office of the present members of the Game and Fish Commission shall expire with the effective date of this Act; provided, however, that this provision shall not preclude the Governor from appointing one or more members to the Game and Fish Commission provided for in Section 1 of this Act.

Sec. 3. The Game, Fish and Parks Commission shall have the power and authority to appoint an executive director who shall be the chief executive officer of the Game and Fish Department and shall perform its administrative duties. Such executive director shall have authority to appoint such heads of divisions, game and fish wardens, park managers, and other employees as may be authorized by appropriation therefore and as may be deemed necessary for executing, administering and carrying out the duties and services authorized by law to be performed by the Game, Fish and Parks Department. The executive director shall serve at the will of the Governor.

Sec. 4. The State Parks Board is hereby abolished and all powers, duties and authority heretofore vested in the State Parks Board are hereby transferred to the Game, Fish and Parks Department provided for herein. The term of office of the present members of the State Parks Board is hereby terminated and this provision shall not preclude the Governor from appointing one or more...
members of the State Parks Board to the Game, Fish and Parks Commission as provided for in Section 1 of this Act.

Sec. 5. The Game, Fish and Parks Department provided for herein shall exercise and perform all powers and duties hereunder vested in the Game and Fish Commission prior to the effective date of this Act, and the State Parks Board prior to the effective date of this Act, and that portion of the program administered by the Game, Fish and Parks Department which deals with the operation, maintenance, and improvement of State Parks shall be financed from the General Revenue Fund, the State Parks Fund, other funds as may be authorized by law, and such donations, grants, and gifts as may be received by said Department.

Sec. 6. The State of Texas assents to the provisions of the acts of the U. S. Congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public Law No. 416, 75th Congress), and "An act to provide that the United States shall aid the states in fish-restoration management projects, and for other purposes," approved August 9, 1939 (Public Law No. 681, 81st Congress), and any amendments thereto, and the Game, Fish and Parks Commission is authorized and empowered to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration and cooperative fish-restoration projects, as defined in said Acts of Congress, in compliance with said acts, with rules and regulations promulgated thereunder by the Secretary of the Interior, and with enactments of Texas Legislatures; and no funds accruing to the State of Texas from hunting license fees, fishing license fees, commercial fishing boat license fees, oyster license fees, net license fees, trawl license fees, seine license fees, or from any other fees collected by the former Game and Fish Commission, or from any other funds received by the former Game and Fish Commission including fines as a result of action taken by any court for a violation of any game or fish law; or receipts from the sale of shell, sand or gravel shall be diverted for any other purposes than for making necessary studies and management of the fish and game resources of this State and for the expansion and development of additional opportunities of hunting and fishing in State-owned lands and waters for the benefit of the public wherever practicable and to embrace however feasible the principle of multiple use of our land and waters for better hunting and fishing opportunities. The special Game and Fish fund shall be used for the purposes provided herein and for the purposes as now described by law and nothing shall be done to jeopardize or divert this fund or any portion thereof including Federal aid as described in Section 6 of this Act.

Sec. 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only.

Sec. 8. The fact that the State Parks Board and the Game and Fish Commission deal with separate aspects of some of the same functions of State government and the fact that the administrative structure of the Game and Fish Commission permits an easy and effective absorption of the field organization needed for the management of State parks and State wildlife, and the fact that undeveloped parks may be used as wildlife refuges, and the fact that this Act provides the opportunity to vastly improve administration in two important segments of public service, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

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

Amend Comm. Substitute for H. B. 21 by adding the following after the period on line 50, page one:

The members of said commission shall be reimbursed their actual expenses incurred in attending meetings, and shall be paid a per diem as set out in the General Appropriations Act.
tion Act. The commission shall meet as often as it deems necessary, but shall meet at least once every quarter of the year.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to H. B. 21 by adding on line 49, page 1 between the words "qualified" and "thereafter" the following:

"In case of a vacancy in Commission membership, the Governor shall appoint a replacement member to fill the unexpired term of the vacating member. A quorum for the dispatch of official business shall be two members.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to H. B. 21 by adding a new paragraph after the words "six years" on line 50, page 1:

"Members of the Commission, the Executive Director or staff, shall continue to act in any ex-officio capacities heretofore performed by members or staff of either the Game and Fish Commission or the State Parks Board unless and until otherwise directed by statute."

Mr. Cotten moved to table the amendment by Mr. Adams to Committee Amendment No. 1, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. 21 by adding the following Sections after Section 2a:

Sec. 2a. The Executive Director shall receive the compensation fixed in the biennial appropriation bill, together with necessary expenses in connection with his official duties. He shall have authority to establish employment and administrative policies within the limits of the biennial appropriation bills and the general laws, including the Position Classification Act of 1961, as amended.

The Executive Director shall enter into a good and sufficient bond, in the sum of Ten Thousand Dollars ($10,000) payable to the State of Texas, to be approved by the Commission, conditioned on the faithful performance of his duties under the law. The premium on any bond required of any employee of the Commission shall be paid by the State out of funds available to the Commission. The Executive Director shall take the constitutional oath of office. Any other employee of the Commission may be bonded in the amount the Commission requires.

All property, real and personal, formerly belonging to or held by the State Parks Board or the Game and Fish Commission is transferred to the Commission. All lawful written agreements under which the State Parks Board had agreed to hold or use real or personal property for park purposes and all other legal contracts of the State Parks Board or the Game and Fish Commission are ratified in the name of the Commission. The Commission is authorized to dispose of personal property found to be surplus to its needs as provided under general law. The Commission is directed to assume responsibility for the prompt and orderly transfer of all files, supplies, and any property on the State inventories records to itself from the State Parks Board and the Game and Fish Commission or the transfer of any other property necessary to execute this Act.

The Commission is authorized to organize and reorganize its administrative structure and operations for the most efficient performance of the duties imposed on it by this Act or any other law.

Mr. Cotten moved to table the amendment offered by Mr. Adams, and the motion to table prevailed.

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

Amend the Committee Amendment No. 1 to H. B. 21 by striking on page 1, line 34, the words "Section 1" to and including "direction of" on line 36 and by adding the following:
Section 1. This Act may be cited as the Conservation Commission Act. Sec. — The agencies and offices of the Game and Fish Commission and the State Parks Board are abolished. The Conservation Commission (called "the Commission" in this Act) is established.

Sec. — The Commission shall have the authority, powers, duties and functions formerly vested in the Game, Fish and Oyster Commission, the Game and Fish Commission and the State Parks Board, except where in conflict with this Act, and all other authority given it under this Act or any other law. It shall have specifically the following duties:

To conduct research concerning wildlife, fisheries, and outdoor recreation;

To manage, consistent with recognized conservation principles, wildlife, fishery and recreational resources which may be found on any public property in the State of Texas and any such resources on private property as may be made available; To acquire and dispose of lands for use as parks, wildlife management areas, or such other purposes as may be necessary;

To enter into contracts with other State agencies or other agencies, public or private, which may be necessary;

To operate or grant concessions as may be appropriate on lands owned or operated by the Commission;

To cooperate with the Federal Government and other governmental or private groups in the promotion of conservation and outdoor recreation;

To constitute, protect, preserve, improve, operate and discontinue existing and future State Parks;

To enforce the laws governing conservation of wildlife and fisheries;

To regulate the taking of sedimentary materials from the navigable waters and to sell the same;

To collect and enforce payment of taxes, license fees, fines, forfeitures and other funds or property which may be due any Commission;

To inspect products of wildlife and fisheries and to verify weights and measures thereof;

To continue the propagation and distribution programs of the Game and Fish Commission and to make charges in connection therewith, approximating the unit costs of services and goods supplied individuals under said programs;

To keep records and accounts of the activities and financial affairs of said Commission and to report its condition to the Comptroller monthly, to the Governor annually, and to the Legislature each biennium, combining where possible all reports and recommendations which may be required by law;

To continue to make such regulations as are provided by law to be made by the predecessor agencies; and

To perform such other duties as were performed by the predecessor agencies prior to the passage of this Act.

Mr. Cotten moved to table the amendment offered by Mr. Adams, and the motion to table prevailed.

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


The amendment was adopted.

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

Amend Committee Amendment No. 1, to House Bill 21, Section 1, by substituting the word "Six" for the word "Three" as it appears on line 37; and by substituting the word "Two" for the word "One" as it appears on lines 46, 47, and 48.

Mr. Cotten moved to table the amendment offered by Mr. Hinson, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. 21, by striking the period
at the end of Sec. 6 and changing it to a comma and adding the following language, to wit:

"for the development and maintenance of State Parks."

Mr. Cotten moved to table the amendment offered by Mr. Pearcy. A record vote was requested on the motion to table.

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

Yea—97

|----------|---------|-----------|-----|--------|------------|---------------|-------|--------|-------|-------------------|----------------|------|----------|---------|----------|----------|---------|---------|-------|-------|--------|--------|---------|---------|---------|--------|--------|--------|--------|--------|---------|--------|---------|--------|---------|--------|--------|---------|--------|---------|--------|---------|

Nay—49

| Alaniz   | Bannfield | Birkner  | Blaine | Bridges | Brooks | Butler | Cannon | Chapman | Cherry | Cole | Collins | Cory | Duncan | Eckhardt | Esquivel | Fairchild | Foreman | Foresman | Gibson | Gaines of Brazos | Harling | Harris of Dallas | Haynes of Orange | Hiilfield | Hinson | Witting | Wilson |
|----------|------------|---------|--------|---------|--------|-------|--------|--------|--------|-------|-------|-------|------|---------|---------|----------|----------|----------|---------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------- |
| Jamison  | Johnson of Bexar | Karger | Kohmann | Lattimore | McDonald of Rusk | McNabb | McLaughlin | McNatt | Mann | Markgraf | Richards | Richards | Roberts | Rodriguez | Rosson | Siler | Smith of Bexar | Smith of Jefferson | Ward |  |

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

"Amend Committee Amendment No. 1 to H. B. 21 by striking the words "Game and Fish Commission" and "Parks and Wildlife" in every place where such words appear in Committee Amendment No. 1 to H. B. 21 and substitute in lieu thereof the words "Texas Highway Department."

Mr. Cotten raised a point of order on further consideration of the amendment offered by Mr. Haring to Committee Amendment No. 1, on the ground that the amendment seeks to amend portions of the Committee Amendment previously amended.
The Speaker sustained the point of order.

Mr. Haring moved to reconsider the vote by which the amendment offered by Mr. Segrest to Committee Amendment No. 1 was adopted.

Mr. Segrest moved to table the motion to reconsider the vote, and the motion to table prevailed.

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

Amend Committee Amendment No. 1 to H. B. 21 by inserting the words "or the Parks and Wildlife Dept." after the comma on line 39 and after the word Commission on line 40 on page 2 of the printed bill.

Mr. Cotten moved to table the amendment offered by Mr. Pearcy.

A record vote was requested on the motion to table.

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

<table>
<thead>
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<th>Yeas</th>
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The above record vote was requested by Mr. Pearcy, Mr. Brooks and Mr. Johnson of Bexar.

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

Amend Section 5 of Committee Amendment No. 1 to H. B. 21 by
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adding after the period on line 22 of page 2 the following:

No donations, grants or gifts accruing to the State of Texas or received by the Parks and Wildlife Department herein created, or now on hand in the presently constituted State Parks Department for the purpose of operating, maintaining, improving or developing State Parks shall be used for any other purpose than the operation, maintenance, or developing of State Parks.

The amendment was adopted without objection.

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

Amend Committee Amendment by adding a new sentence after the last period in Section 1, with following:

"The Governor shall appoint at least one commissioner from either the Game and Fish Commission or the State Parks Board, as the terms were known prior to the reconstitution established by this act, to the Game, Fish and Parks Commission."

Mr. Cotten moved to table the amendment offered by Mr. Bridges to Committee Amendment No. 1, and the motion to table prevailed.

Mr. Johnson of Dallas raised a point of order on further consideration of H. B. No. 21 on the ground that it is in violation of Joint Rule 9A.

MOTIONS TO ADJOURN AND TO RECESS

Mr. Atwell moved that the House recess until 3:00 o'clock p.m. today.

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

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

The motions to adjourn and to recess were severally lost.

CONSIDERATION OF H. B. NO. 21 CONTINUED

The point of order raised by Mr. Johnson of Dallas on further consideration of H. B. No. 21 was withdrawn.

RECESS

Mr. Bridges moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

Mr. Atwell moved that the House recess until 3:00 o'clock p.m. today.

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

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

The motions to adjourn were severally lost.

The motion to recess until 2:00 o'clock p.m. today then prevailed.

AFTERNOON SESSION

The House met at 3:00 o'clock p.m. and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

Mr. Allen was granted leave of absence for the remainder of the day on account of illness.

HOUSE BILL NO. 21 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being H. B. No. 21, relative to abolishing the State Parks Board and transferring powers and duties to new Game, Fish and Parks Department.

The bill was read second time this morning; the House having under consideration at this time Committee Amendment No. 1, as amended.

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

A record vote was requested on the passage of H. B. No. 21 to engrossment.

H. B. No. 21 was passed to engrossment by the following vote:

Yeas—94

Adams
Arledge
Allen
Barnes
The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 50, a bill to be entitled "An Act amending Chapter 81, Acts of the 60th Legislature, Regular Session, 1947, as last amended by Chapter 259, Acts of the 67th Legislature, Regular Session, 1961, (which is compiled as the 'Uniform Act Regulating Traffic on Highways,' Article 6781d, Vernon's Texas Civil Statutes) by adding thereto a new article relating to speed of vehicles, rules of enforcement and admissibility of evidence; repealing Section 8 of Chapter 81, Acts of the 41st Legislature, Second Called Session, 1929, as amended, (compiled as Section 5, Article 827a, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read second time.

(The Speaker in the Chair.)

Mr. Stewart offered the following committee amendment to H. B. No. 50:

Committee Amendment No. 1
Amend House Bill No. 50 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 81, Acts of the 60th Legislature, Regular Se-
The maximum prima facie speed limits set forth in this section may be altered as authorized in Sections 167, 168 and 169.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 167. Authority of the State Highway Commission to Alter Maximum Prima Facie Speed Limits. (a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, the Legislature hereby directs the State Highway Commission to alter maximum prima facie speed limit as authorized in Sections 168 and 169.

(b) The speed of any vehicle not in excess of the limits specified in this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Thirty (30) miles per hour in any business or residence district;
2. Seventy (70) miles per hour in locations other than business or residence districts;
3. Maximum (70) miles per hour in locations other than business or residence districts;

"Business District" means the territory contiguous to and including a highway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway;

"Residence District" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences and buildings in use for business.

The maximum prima facie speed limits set forth in this section may be altered as authorized in Sections 167, 168 and 169.

(c) The driver of every vehicle shall, consistent with the requirement of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 167. Authority of the State Highway Commission to Alter Maximum Prima Facie Speed Limits. (a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, the Legislature hereby directs the State Highway Commission to alter maximum prima facie speed limit as authorized in Sections 168 and 169.

(b) The speed of any vehicle not in excess of the limits specified in this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Thirty (30) miles per hour in any business or residence district;
2. Seventy (70) miles per hour in locations other than business or residence districts;
3. Maximum (70) miles per hour in locations other than business or residence districts;

"Business District" means the territory contiguous to and including a highway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway;

"Residence District" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences and buildings in use for business.

The maximum prima facie speed limits set forth in this section may be altered as authorized in Sections 167, 168 and 169.

(c) The driver of every vehicle shall, consistent with the requirement of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
The State Highway Commission shall, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 167, follow its "Procedures for Establishing Speed Zones" which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

(b) The authority of the Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill No. 4, Chapter 410, Acts of 1953, 53rd Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town, or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

(c) The Texas Turnpike Authority, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 167, follow the "Procedures for Establishing Speed Zones" prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

Sec. 169. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages. In and without the limits of an incorporated city, town, or village, including Home Rule Cities, the authorities specified in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

The following special limits on speeds are declared as maximum lawful speeds: Sixty (60) miles per hour during daytime and fifty-five (55) miles per hour during nighttime, in rural areas, for trucks, truck-tractors, trailers and semitrailers, and for any vehicle towing a trailer, semitrailer or another vehicle.

Sec. 158. Authority of Texas Turnpike Authority to Establish and Maintain Speed Zones. (a) Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, the Legislature hereby directs the Texas Turnpike Authority to determine and declare a reasonable and safe maximum prima facie speed limit thereat or thereon, by proper order of the Authority entered on its minutes, for all vehicles or for any class or classes of vehicles hereinabove established, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersections or other places or part of the highway at all times or during hours of daylight or darkness, or at such other times as may be determined.

(b) The Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill No. 4, Chapter 410, Acts of 1953, 53rd Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town, or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

(c) The Texas Turnpike Authority, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 167, follow the "Procedures for Establishing Speed Zones" prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

Sec. 169. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages. In and without the limits of an incorporated city, town, or village, including Home Rule Cities, the authorities specified in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

The following special limits on speeds are declared as maximum lawful speeds: Sixty (60) miles per hour during daytime and fifty-five (55) miles per hour during nighttime, in rural areas, for trucks, truck-tractors, trailers and semitrailers, and for any vehicle towing a trailer, semitrailer or another vehicle.

Sec. 158. Authority of Texas Turnpike Authority to Establish and Maintain Speed Zones. (a) Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, the Legislature hereby directs the Texas Turnpike Authority to determine and declare a reasonable and safe maximum prima facie speed limit thereat or thereon, by proper order of the Authority entered on its minutes, for all vehicles or for any class or classes of vehicles hereinabove established, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersections or other places or part of the highway at all times or during hours of daylight or darkness, or at such other times as may be determined.

(b) The Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill No. 4, Chapter 410, Acts of 1953, 53rd Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town, or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

(c) The Texas Turnpike Authority, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 167, follow the "Procedures for Establishing Speed Zones" prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

Sec. 169. Authority of County Commissioners Court and Governing Bodies of Incorporated Cities, Towns and Villages. In and without the limits of an incorporated city, town, or village, including Home Rule Cities, the authorities specified in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

The following special limits on speeds are declared as maximum lawful speeds: Sixty (60) miles per hour during daytime and fifty-five (55) miles per hour during nighttime, in rural areas, for trucks, truck-tractors, trailers and semitrailers, and for any vehicle towing a trailer, semitrailer or another vehicle.

Sec. 158. Authority of Texas Turnpike Authority to Establish and Maintain Speed Zones. (a) Whenever the Texas Turnpike Authority shall determine upon the basis of an engineering and traffic investigation that any maximum prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a turnpike constructed and maintained by it, taking into consideration the width and condition of the pavement and other circumstances on such portion of said turnpike as well as the usual traffic thereon, the Legislature hereby directs the Texas Turnpike Authority to determine and declare a reasonable and safe maximum prima facie speed limit thereat or thereon, by proper order of the Authority entered on its minutes, for all vehicles or for any class or classes of vehicles hereinabove established, which limit, when appropriate signs giving notice thereof are erected, shall be effective at such intersections or other places or part of the highway at all times or during hours of daylight or darkness, or at such other times as may be determined.

(b) The Texas Turnpike Authority to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill No. 4, Chapter 410, Acts of 1953, 53rd Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended, both within and without the corporate limits of any incorporated city, town, or village, including Home Rule Cities. Such authority shall be exclusive with respect to any such project, and the authorities prescribed in Sections 167 and 169 shall not apply upon any part of any such turnpike project provided however, that should any turnpike constructed by the Texas Turnpike Authority ever become a part of the designated State Highway System, the State Highway Commission shall then have the sole authority to alter maximum prima facie speed limits thereon as prescribed in Section 167. The Texas Turnpike Authority shall not have the authority to alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than seventy (70) miles per hour.

(c) The Texas Turnpike Authority, in conducting the engineering and traffic investigations specified in paragraph (a) of Section 167, follow the "Procedures for Establishing Speed Zones" prepared by the Texas Highway Department which is in use on the effective date of this Act and as same may be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.
and and Villages to Alter Maximum Prima Facie Speed Limits. (a) The county commissioners court of any county with respect to county highways or roads outside the limits of the right-of-way of any officially designated or marked highway, road or street of the State Highway System and outside the limits of any incorporated city, town or village shall have the same authority by order of the county commissioners court entered upon its records to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System provided that under no circumstances shall any county commissioners court have the authority to modify or alter the basic rule established in paragraph (a) of Section 166 nor to establish a speed limit higher than sixty (60) miles per hour.

(b) The governing body of an incorporated city, town or village with respect to any highway, street or part of a highway or street, including those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority by city ordinance to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System provided that under no circumstances shall any such governing body have the authority to modify or alter the basic rule established in paragraph (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour, and provided, further, that any order of the State Highway Commission declaring a speed limit upon any part of a designated or marked route of the State Highway System made pursuant to Section 167 shall supersede any city ordinance in conflict therewith.

Sec. 170. Minimum Speed Regulations. (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Commission, county commissioners court or the governing body of any incorporated city, town or village, within their respective jurisdictions, as specified in Sections 167 and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, county commissioners courts or governing body of an incorporated city, town, or village, are hereby empowered and may determine and declare a minimum speed limit threat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.

Sec. 171. Charging Violations and Rule in Civil Cases. (a) In every charge of violation of any speed regulation in this Act, the complaint, also the minimum or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum or minimum speed limit applicable within the district or at the location.

(b) The provisions of this Act declaring maximum or minimum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Sec. 2. Nothing in this Act shall be construed to repeal or in any way modify, alter or amend Sections 84, 87, 88, 89 and 90 of the Uniform Act Regulating Traffic on the Highways, codified as Article 6115c, Vernon's Texas Civil Statutes, and being Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 421, page 937, Section 3 of Chapter 41, Acts of the 41st Legislature, Second Called Session, 1929, as amended (compiled as Section 8, Article 87a, Vernon's Texas Penal Code) is repealed, effective January 1, 1964.

Sec. 3. 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 appli-
cation, and to this end the provi-
sions of this Act are declared to
be severable.

Sec. 4. This Act shall become ef-
fective January 1, 1964.

Sec. 6. The fact that the consti-

tutionality of the law pertaining to
maximum speeds of vehicles in Texas
is in doubt 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 auspended, and
that this Rule be hereby suspended, and that
this Act take effect and be in force
and after its passage, and it

The amendment was adopted.

Mr. Parmer offered the following amendment to Committee Amend-
ment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 50 by inserting the
following between lines four and five, page four of the printed bill:

(b) However, no automobile en-
tering any turnpike within the limits
of an incorporated city and exiting
within the limits of the same in-
corporated city shall be required to
stop or alter its speed at any toll
station for the purpose of paying
toll on such sections of the
turnpike, nor shall any fee be re-
quired of such automobile, provided
that the automobile while on the
turnpike shall not at any time pass
through any unincorporated area.

No existing entrance or exit
classified by the Texas Turnpike Au-
thority as "experimental" shall be
closed.

The provisions of this sub-part
shall apply only to such turnpikes as
were in existence on January 1, 1963.

Mr. Johnson of Dallas raised a
point of order on further consider-
ation of the amendment offered by
Mr. Parmer to Committee Amend-
ment No. 1 on the ground that it
is not germane to the bill.

The Speaker sustained the point
of order.

Mr. Cook offered the following
amendment to Committee Amend-
ment No. 1:

Amend Committee Amendment No. 1 of House Bill No. 50 by striking
out Sections 4 and 5 and substitu-
ing in lieu thereof the following:

"Sec. 4. The importance of this
Legislation and the crowded condl-
tion of the calendar in both houses
create an emergency and an im-
perative 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

The amendment was adopted.

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

H. B. No. 50 was passed to en-
grossment.

RECORD OF VOTE

Mr. Whitfield requested to be re-
corded as voting No on the passage
of H. B. No. 50 to engrossment.

REASON FOR VOTE

February 20, 1963

I voted against H. B. 50 because
practically all the information given
the public for many years is that
"SPEED KILLS" on our public high-
ways and roads. Only in very few
places on our present highway sys-
tem can such speeds as 70 m.p.h. be
justified.

Jim Markgraf.

ADJOURNMENT

Mr. Shipley 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 3:50 o'clock
p.m., adjourned until 10:00 o'clock
a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have
filed favorable reports on bills and
resolution, as follows:
February 21, 1963

Conservation and Reclamation: S. B. No. 166.

Game and Fisheries: H. B. No. 493.


Revenue and Taxation: H. B. No. 39.

Rules: H. S. R. No. 163.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 19, 1963

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

Sirs: Your Committee on Engrossed Bills to whom was referred H. B. No. 97, A bill to be entitled "An Act relating to the creation of Padre Island National Seashore; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 19, 1963

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

Sirs: Your Committee on Engrossed Bills to whom was referred H. B. No. 161, A bill to be entitled "An Act amending Article 4053, Revised Civil Statutes of Texas, 1925, 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 oyster beds and fish inhabiting waters; requiring findings of fact in order applications for permit; authorizing the Game and Fish Commission to remove and replant oysters; amending Article 4053d, Revised Civil Statutes of Texas, setting the price of shell and mudshell; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.