amount will be withheld from his monthly salary or wages to be forwarded to this bona fide employee's association in payment of membership dues; providing penalties for violation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

FORTY-FIFTH DAY
(Wednesday, March 27, 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
Alaniz
Allen
Arlidge
Atwell
Ball
Barnfield
Barnes
Bass
of Hairris
Bass of

of Hidalgo
McDonald of Rush
McGregor
McIlhany
McLaughlin
McNutt
McNutt
Smith of Bexar
Mann
Markgraf
Miller
Morgan
Moyer
Murray
Mutscher
Niemeyer
Nugent
Parker
Parmer
Peeler
Pendleton
Petty
Pipkin

Absent—Excused

Ritter

A quorum of the House was announced present.

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

"Our Heavenly Father, through faith we place our hand in Thine. Through prayer we join our lives with Thine, and through love we give ourselves to Thine, for Thine, and through Thine, "O Lord, let our motives be greater than our deeds and may our motives be pure because we are led by Thy Spirit. "Because our lives have been given to Thee, let each life be a revelation of Thy truth, that makes men free, that all men may be free indeed. "Through Christ our Lord, we pray.—Amen."

LEAVE OF ABSENCE GRANTED

Mr. Ritter was granted leave of
absence for today on account of illness, on motion of Mr. Townsend.

MEMORIAL RESOLUTIONS

ADOPTED

H. C. R. No. 54, By Caldwell: In memory of Olin Guy Wellborn.


PERMISSION TO INTRODUCE HOUSE BILLS

Mr. Wilson asked unanimous consent of the House to introduce a House Bill at this time.

There was objection offered.

Mr. Wilson moved to suspend the necessary rules in order to introduce H. B. No. 994 at this time.

The motion prevailed by the following vote:

| Yea  | 119 |
--- | --- |
Allen | Fletcher |
Arledge | Floyd |
Barnes | Fondren |
Bass of Bowie | Foreman |
Base of Harris | Garrison |
Berry | Gibbons |
Birkner | Glaidden |
Blaine | Glenn |
Bridget | Green |
Brooks | Grover |
Brown | Goffey |
Brown of Galveston | Hamilton of Brazos |
Brown of Taylor | Hallmark |
Caln | Harding |
Caldwell | Haring |
Canaves | Harris |
Cannon | Harris of Dallas |
Carpenter | Haynes of Orange |
Carriere | Heatsy |
Cherry | Hetton |
Clayton | Hendryx |
Collins | Hinson |
Corg | Hollowell |
Coughran | Isacks |
Crow | Jamison |
Cowles | Jarvis |
Crain | Johnson of Bexar |
Crews | Kilpatrick |
Davis | Kiger |
de la Garza | Knapp |
Dole | Kethmann |
Dugan | Lack |
Eckhardt | Ligarde |
Eriquez | McClinton |
Fairchild | McDonald |
Finney | of Hidalgo |
The motion prevailed without objection.

MESSAGE FROM THE SENATE
Austin, Texas, March 27, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

S. J. R. No. 7, by Dies: Authorizing issuance of State bonds for financing a program for loans to individuals, partnerships and corporations to encourage development of industry.

S. B. No. 7, by Bates: Creating Pan American College; and declaring an emergency.

S. B. No. 20, by Parkhouse: Relating to interest, loans, etc., of State Credit Unions; and declaring an emergency.

S. B. No. 47, by Kennard: Authorizing certain cities to provide for retirement of its бремен; and declaring an emergency.

S. B. No. 345, by Kennard: Relating to revenues derived from property of the Department of Corrections; and declaring an emergency.

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

MOTION TO INSTRUCT COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS RELATIVE TO H. B. NO. 72

Mr. Walker moved that the Committee on Privileges, Suffrage and Elections be instructed to report H. B. No. 72 out of the Committee.

Mr. McGregor moved to table the motion to instruct the Committee, and the motion to table was lost.

A record vote was requested on the motion to instruct the Committee on Privileges, Suffrage and Elections was lost by the following vote:

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TO GRANT CERTAIN EASEMENTS TO THE CITY OF AUSTIN

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

S. C. R. No. 23

Whereas, The rapid growth of north central Austin has greatly increased the demand for electrical energy to serve residences, businesses, and State buildings, such as the Department of Public Safety Building; and,

Whereas, Similar increasing electrical demands are occurring in the southeastern section of Austin, specifically in the area of the Texas Blind, Deaf and Orphans School; and,

Whereas, The electrical energy requisite to supply the various above-named uses is best supplied through dispersed, moderately sized transmission lines in order to decrease the possibility of total failure of electric service in an entire area as the result of fire, power, or civil defense emergency; and,

Whereas, The State-owned lands across which electric transmission easements are sought, as well as other State-owned lands will be benefited by the provision of adequate electrical service which will be made possible by the construction of transmission lines in the hereafter described easements; Now, Therefore, be it

Resolved, By The Senate, The House of Representatives Concurring:

That in consideration for the benefits which will accrue to the State of Texas by reason of the extension and development of such transmission lines, there are hereby dedicated and granted to the City of Austin easements for electric transmission and distribution line purposes, upon, along and across the following described tracts of land, to-wit:

Tract No. 1.

A strip of land ten (10.00) feet in width, same being out of and a part of that certain tract of land out of and a part of the J. C. Tannehill League in Travis County, Texas which was conveyed to the State of Texas by Warranty Deed dated September 3, 1918 of record in Volume...
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1994 at page 1 of the Deed Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

Beginning at a point in the above described tract of land, said point being in the present east right-of-way line of Airport Boulevard (U.S. 183) and from which point of beginning a corner fence post at the intersection of the right-of-way line of said Airport Boulevard (U.S. 183) and the north right-of-way line of proposed Loop No. 111 bears S $21°$ 35' E, 38 feet to a point; Thence S 89° 45' E, a distance of 843 feet, more or less, to point of termination in the north right-of-way line of proposed Loop No. 111. 

Tract No. 2.

A strip of land six (6.00) feet in width, same being out of and a part of that certain tract of land out of and a part of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas which was conveyed to the State of Texas by Warranty Deed dated January 13, 1908 of record in Volume 217 at page 465 of the Deed Records of Travis County, Texas; the centerline of said strip of land six (6.00) feet in width is more particularly described as follows:

Beginning at a point in the west line of the said State of Texas tract of land, same being in the east line of Lamar Boulevard, and from which point of beginning the present northwest corner of the said State of Texas tract of land, same being the point of intersection of the south line of Denon Drive with the said east line of Lamar Boulevard, same being the northwest corner of that certain 0.298 of one acre of land dedicated for street purposes by Senate Concurrent Resolution No. 24, 56th Legislature of the State of Texas and recorded on Page 1123 of the General and Special Laws of Texas, bears N 29° 48' E 239.36 feet to point of termination in the present south line of said Denon Drive same being the present north line of the State of Texas tract of land and from which point of termination the northwest corner of said State of Texas tract bears N 66° 12' W 284.86 feet.

The resolution was referred to the Committee on State Affairs.

TO NAME THOMAS MICHAEL SEARCY AS AN HONORARY MASCOT OF THE HOUSE

Mr. Caldwell offered the following resolution:

H. S. R. No. 321  
Whereas, A wide-eyed and interested spectator of proceedings of this House of Representatives on March 25, 1963 was Thomas Michael Searcy, the four-year-old son of an employee of this Legislature, Mrs. Claire Searcy; and  
Whereas, He is the grandson of Mr. and Mrs. R. J. Cardwell of Bryan; and  
Whereas, If he continues the same precocious interest in politics another seventeen years, he may very well occupy a desk on the floor of this Chamber; now, therefore, be it  
Resolved, That Thomas Michael Searcy be named an honorary Mascot of the Legislature and that he is hereby invited to visit the House at any time.  

The resolution was referred to the Committee on Rules.

CONGRATULATORY RESOLUTION ADOPTED  
H. S. R. No. 325, By Guffey: Commending Roland J. Carlson for his efforts to reduce juvenile delinquency.  

AUTHORIZING THE ACCEPTANCE BY THE UNIVERSITY OF TEXAS OF CERTAIN LANDS IN THE CAMP SWIFT MILITARY RESERVATION IN BASTROP COUNTY, TEXAS

The Speaker laid before the House, for consideration at this time,  
B. C. R. No. 24, Authorizing the acceptance by the University of Texas of certain lands in the Camp Swift Military Reservation in Bastrop County, Texas.

The resolution, having heretofore been referred to the Committee on State Affairs, was reported favorably by the Committee.
The resolution was adopted without objection.

AUTHORIZING THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO EXPEND EXISTING APPROPRIATIONS TO REPLACE A DISTRICT HEADQUARTERS BUILDING DAMAGED BY FIRE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 33, Authorizing the Texas Department of Public Safety to expend existing appropriations to replace a district headquarters building damaged by fire.

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

The resolution was adopted by unanimous consent.

SENATE BILL NO. 152 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading, S. B. No. 152, A bill to be entitled "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying school; and declaring an emergency."

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

HOUSE BILL NO. 386 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment, H. B. No. 386, A bill to be entitled "An Act adding a new Subsection (d) to Section 1 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as amended; to define the term 'fertilizer trailer;' amending Subsection (q) of Section 1 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, to define the term 'operated or moved temporarily upon the highways;' adding a new Subsection (e) to Section 3, Acts of the 41st Legislature, Second Called Session, 1929, as amended; to exempt certain fertilizer trailers from the requirement of registration of trailers and from the regular registration fee of trailers; providing severability; and declaring an emergency."

The bill was read second time on March 25, and further consideration of the bill was postponed until 11:00 o'clock a.m., March 26.

Mr. Petty offered the following amendment to the bill:

Amendment No. 1

Amend House Bill No. 386, Section 3, Subsection (e-1), by changing the period to a comma after the word "return" and adding the following words at the end of said Subsection (e-1):

"and also shall apply to trailers hauling cotton seed, without charge, between place of supply or storage to farms or place of process and return."

The amendment was adopted without objection.

Mr. Parmer moved that H. B. No. 386 be recommitted to the Committees on Motor Traffic.

Mr. Slack moved to table the motion to recommit H. B. No. 386.

A record vote was requested on the motion to table. The motion to table the motion to recommit H. B. No. 386 prevailed by the following vote:

Yeas--110

Adams
Avery
Atwell
Balt
Handfield
Barnes
Bass of Bowie
Bass of Brownsville
Bass of Harris
Beath
Boyd
Boyers
Brooks
Brown of Taylor
Brown
Butler
Cain
Canales
Cannon
Carpenter
Cavness
772

Nays--1

Alford
Boysen
Brooks
Brown of Taylor
Butler
Cain
Canales
Cannon
Carpenter
Cavness
Foreman
Mr. Esquivel (present), who would vote Nay, with Mr. Ritter (absent) who would vote Yea.

H. B. No. 286 was then passed to engrossment.

Mr. Slack moved to reconsider the vote by which H. B. No. 286 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

**Reason for Vote**

I voted present as I am Chairman of Motor Traffic to which this motion is addressed.

**Reason for Voting—H.B. 286**

I am voting "aye" in favor of engrossing House Bill 286 exempting certain fertilizer trailers from registration because I am convinced that the measure will help clarify the Legislature's intent to exempt these certain farm trailers. I was contacted on Jan. 4, 1963, by Mr. James A. Potts of Amarillo, Chairman of the Legislative Committee of the Anhydrous Ammonia Association of Texas. On the basis of the helpful information provided by Mr. Potts, I decided to support the bill, and so informed him on Jan. 23, 1963. In my opinion, Mr. Potts' information is much more reliable than that of any paid lobbyist in Austin. I wish more citizens and associations would contact their legislators directly.

**House Bill No. 29 on Third Reading**

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

H. B. No. 29, A bill to be entitled "An Act arranging the statutes of this state affecting Savings and Loan Associations and their operations in appropriate chapters and Articles into a consistent whole and under a single act; defining certain terms; providing a method of forming associations; stating the powers, duties and qualifications of directors, of-
Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 28 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 28 ON THIRD READING

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

H. B. No. 28, A bill to be entitled 'An Act regulating the drilling of oil and gas wells, prohibiting the drilling of a well for the purpose of taking oil or gas by starting said well on a tract of real property owned by one or more persons and directionally deviating said well from vertical so that it crosses the boundary line of said tract of real property onto another tract of real property not owned by identical the same person or persons owning the tract on which said well was started without previously obtaining a special permit from the Railroad Commission of Texas; making other provisions relating thereto; providing penalties for violation; defining the offense; and prescribing the punishment for violation; prohibiting the production of oil or gas from a well that was started on a tract of real property which was directionally deviated from vertical so that it crossed the boundary line of said tract of real property onto another tract of real property not owned by identically the same person or persons owning the tract on which said well was started, without a special permit to produce oil and gas from such deviated well having been obtained, previously from the Railroad Commission of Texas; making other provisions relating thereto; providing penalties for violation; declaring the offense; and prescribing the punishment for violation; requiring the owner of a well from which oil or gas is produced and the owner of an interest in said well or the land on which said well is located or the oil and gas thereunder, who is informed that said well is directionally deviated from vertical so that it crosses the boundary line of the tract of real property on which the top and surface location of said well is located, onto another tract of real property not owned by
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Identically the same person or persons owning the tract on which the top and surface location of said well is located and the Railroad Commission of Texas has not granted a special permit allowing the production of oil or gas from said well, to forthwith state in writing to the Railroad Commission of Texas the information and/or advice he has received that said well has been deviated; providing penalties for violation thereof; defining the offense and prescribing punishment; and declaring an emergency.

The bill was read second time.

Mr. Grover moved that consideration of House Bill No. 81 be postponed until 11:00 o'clock a.m. tomorrow.

The motion to postpone prevailed without objection.

The bill was read third time and was passed.

Mr. Hollowell moved to reconsider the vote by which H. B. No. 38 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 67 ON THIRD READING

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 67, A bill to be entitled "An Act authorizing cities of more than ten thousand (10,000) inhabitants according to the last preceding federal census to adopt a program whereby upon consent of any fireman or policeman a stipulated amount will be withheld from his monthly salary or wages to be forwarded to his bona fide employees association in payment of membership dues; providing penalties for violation and declaring an emergency."

The bill was read third time and was passed.

Mr. Johnson of Dallas moved to reconsider the vote by which H. B. No. 67 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 85 ON SECOND READING

The Speaker laid before the House, on its second reading and pas sage to engrossment, H. B. No. 85, A bill to be entitled "An Act providing that no municipality shall require residence within the city as a condition of employment by the city government excepting from the provisions elected officials of the city; requiring that employees reside within the continental limits of the United States; and declaring an emergency."

The bill was read second time and was passed.

Mr. Green moved to reconsider the vote by which H. B. No. 85 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 92 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 92, A bill to be entitled "An Act implementing the provisions of Article IX, Section 1-a of the Constitution of the State of Texas, authorizing the commissioners courts of any county bordering on the Gulf of Mexico or the tide-water limits thereof to regulate and restrict the speed, parking and travel of motor vehicles on beaches available to the public by virtue of public right and the littering of such beaches; defining the term 'littering;' fixing a penalty of not more than Two Hundred Dollars ($200)
for the violation of such regulations governing motor vehicles and the offense of littering of such beaches; repealing the provisions of Section 8, Chapter 19, Acts of the 66th Legislature, 2nd Called Session, 1959, insofar as same may conflict with the provisions of this Act, and any other laws or parts of laws in conflict herewith, providing that the fact that any such commissioners court has adopted a regulation restricting speed within a designated area shall be prima facie evidence that such portion of the beach is a public beach within the terms of this Act; providing that peace officers of adjoining counties and state law enforcement officers may enforce the provisions of this Act when authorized to do so by the commissioners Court of the adjoining county; providing for receptacles for such litter; and posting of signs; providing for severability; and declaring an emergency."

The bill was read second time.

Mr. Murray moved that further consideration of House Bill No. 92 be postponed until 2:00 o'clock p.m. today.

The motion to postpone the bill prevailed.

HOUSE BILL NO. 106 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 106, a bill to be entitled "An Act abolishing the Rule in Shelley's Case, the Rule Forbidding a Remainder to the Grantor's Heirs, and the Doctrine of Worthier Title; and declaring an emergency."

The bill was read second time.

Mr. Caldwell moved that further consideration of House Bill No. 106 be postponed until 2:00 o'clock p.m. today, and the motion to postpone prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1963
Hon. Byron Tunnell, Speaker of the House of Representatives.

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

H. B. No. 300, by Smith of Bexar: Providing a penalty for the operation of certain aircraft while intoxicated or under the influence of intoxicating liquor; and declaring an emergency.

H. B. No. 377, by Collins: Relating to the creation, administration and financing of a hospital district in Jasper County; and declaring an emergency.

H. B. No. 58, by Lamarre, Caldwell: Providing a maximum speed limit in county parks and prohibiting the littering of county parks; and declaring an emergency.

H. B. No. 1, by Fondren: Creating the Governor's Committee on Education; and declaring an emergency.

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

HOUSE BILL NO. 109 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 109, a bill to be entitled "An Act repealing Section 10 and amending Sections 2, 3, 4, 5, 6, 7, 8, 11, 13 and 14 of Chapter 187, Acts of the 66th Legislature, Regular Session, 1959, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission, to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught or taken, and exceptions thereto; to regulate the selling and disposition of certain shrimp; to prescribe certain penalties and forfeitures; to provide for venue in certain cases; to repeal all laws or parts of law in conflict to the extent of such conflict; to provide a savings clause; and declaring an emergency."

The bill was read second time.
Mr. Harding offered the following committee amendment to the bill:

Committee Amendment No. 1

Altered House Bill No. 109 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 187, Housel Bill No. 12, Acts of the 56th Legislature of Texas, Regular Session, 1959, known as the Texas Shrimp Conservation Act, is hereby amended so as to hereafter read as follows:

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

"Sec. 2. It shall be the duty of the Game and Fish Commission to conduct or cause to be conducted through any other agency that said Commission may designate, continuous research, investigations and studies of the supply, economic value, environment and breeding habits of the different species of shrimp and other factors affecting their increase or decrease, particularly with reference to the use of trawls, nets or other devices for the taking of shrimp, and with reference to industrial and other pollution of waters naturally frequented by shrimp, and to any and all other factors that enter into a reduction or increase in the supply of the shrimp resources of Texas. The Commission is hereby directed to gather statistical information on the marketing and processing, and on the harvesting, and canning, of shrimp landed at points in the State of Texas. The information shall set forth the quantity, in number of pounds, of shrimp landed at points in Texas, the waters from which taken, and the names of the various species. The Game and Fish Commission shall prepare forms for reports which shall be furnished to those persons licensed under this Act to unload shrimp within Texas who shall make monthly reports to the Commission on said forms, not later than the tenth (10th) day of each month. Pursuant to and based upon such studies and reports, said Commission shall enter its findings of fact with respect thereto in the permanent records of said Commission, which records shall be kept current and up-to-date as nearly as practicable and such findings of facts shall be published in the form of a report and presented to the Governor and each Member of the Legislature prior to each Regular Session of the Legislature."

"Sec. 3. The following words, terms, and phrases used in this Act are hereby defined as follows:

(a) 'Coastal Waters,' as that term is used herein, means all of the salt waters of the State of Texas, including that portion of the Gulf of Mexico within the jurisdiction of this State, and for the purposes of this Act, said coastal waters of Texas are divided into two (2) classes, namely, the 'Inside Waters' and the 'Outside Waters.' The term 'Inside Waters,' as that term is used herein, shall mean the salt waters of this State contiguous to, and seaward from, the shore line of the State of Texas along the Gulf of Mexico as such shore line is projected and extended in a continuous and unbroken line, following the contours and meanders of such shore line, across bays, inlets, passes, rivers, streams and other bodies of water; the same being that portion of the Gulf of Mexico extending from such shore line seaward and within the jurisdiction of the State of Texas. The term 'Outside Waters,' as that term is used herein, shall mean all bays, inlets, outlets, passes, rivers, streams and other bodies of water landward from such shore line and contiguous to, or con-
ected with, but not a part of, the
Gulf of Mexico and within which the
tides regularly rise and fall and in
which salt water shrimp are found
or into which salt water shrimp mi-
grate.
(b) "Major Bays," as used herein,
means the deeper, major bay areas
of the Inside waters, and for the
purposes of this Act shall include
Sabine Lake, Trinity Bay, Galveston
Bay, East Galveston Bay, West Gal-
verson Bay, Matagorda Bay includ-
ing Kellers Bay and East Matagorda
Bay, Tres Palacios Bay, Espiritu San-
to Bay, Lavaca Bay from the present
causeway seaward, San Antonio Bay,
Aransas Bay, Mosquito Bay, Copano
Bay and Corpus Christi Bay, all ex-
clusive of tributary bays, bayous and
inlets.
(c) "Commission," as used herein,
means the Game and Fish Commis-
sion of the State of Texas.
(d) "Person," as used herein, means
any person, firm, partnership, com-
pany, corporation, co-operative, as-
ociation, or any legal entity what-
soever.
(e) "Possess," as used herein, means
the deeper, major bay areas
of the Inside waters, and for the
purposes of this Act shall include
Sabine Lake, Trinity Bay, Galveston
Bay, East Galveston Bay, West Gal-
verson Bay, Matagorda Bay includ-
ing Kellers Bay and East Matagorda
Bay, Tres Palacios Bay, Espiritu San-
to Bay, Lavaca Bay from the present
causeway seaward, San Antonio Bay,
Aransas Bay, Mosquito Bay, Copano
Bay and Corpus Christi Bay, all ex-
clusive of tributary bays, bayous and
inlets.
(d) "Person," as used herein, means
any person, firm, partnership, com-
pany, corporation, co-operative, as-
ociation, or any legal entity what-
soever.
(f) "Possess," as used herein, means
the possession or control,
keeping, detaining, restraining or
handling, as owner, or under a fishing
license, or as agent, bailee,
trustee, or custodian of
another; and whenever possession,
sale, purchase, unloading or other
handling of shrimp is prohibited, re-
ference is made and intended, and
shall apply, equally to such shrimp
coming from without the State as to
that taken within the State unless
otherwise specifically provided.
(1) A 'Commercial Gulf Shrimp
Boat,' as that term is used herein,
is any boat or vessel which is re-
quired to be numbered or registered
by and under the laws of the United
States of America or the State of
Texas, and which is used for the
purpose of catching or catching,
or assisting in catching, shrimp
for use as bait and other edible aquatic
products from the Inside waters of
the State of Texas for pay, or for
the purpose of sale, barter or ex-
change.
(b) A 'Commercial Bait Shrimp
Boat,' as used herein, means any
boat or vessel which is required to
be numbered or registered by and
under the laws of the United States
of America or of the State of Texas,
and which is used for the purpose
of taking or catching, or assisting in
taking or catching, shrimp for use
as bait and other edible aquatic
products from the Inside waters of
Texas for pay, or for the purpose
of sale, barter or exchange.
(c) 'Commission,' as used herein,
means the Game and Fish Commis-
sion of the State of Texas.
(d) "Person," as used herein, means
any person, firm, partnership, com-
pany, corporation, co-operative, as-
ociation, or any legal entity what-
soever.
(e) "Possess," as used herein, means
the possession or control,
keeping, detaining, restraining or
handling, as owner, or under a fishing
license, or as agent, bailee,
trustee, or custodian of
another; and whenever possession,
sale, purchase, unloading or other
handling of shrimp is prohibited, re-
ference is made and intended, and
shall apply, equally to such shrimp
coming from without the State as to
that taken within the State unless
otherwise specifically provided.
(f) "Possess," as used herein, means
the possession or control,
keeping, detaining, restraining or
handling, as owner, or under a fishing
license, or as agent, bailee,
trustee, or custodian of
another; and whenever possession,
sale, purchase, unloading or other
handling of shrimp is prohibited, re-
ference is made and intended, and
shall apply, equally to such shrimp
coming from without the State as to
that taken within the State unless
otherwise specifically provided.
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(k) An 'individual Bait-Shrimp Trawl,' as used herein, means any trawl, net or rig used for the purpose of taking or catching, or attempting to take or catch, shrimp for one's own personal use.

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

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

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

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

"Sec. 5. (a) It shall be unlawful for any Commercial Bay Shrimp Boat to be used for the purpose of taking or catching, or assisting in taking or catching, shrimp and other edible aquatic products from the inside waters of Texas, without the owner thereof having first procured a license, to be known as a Commercial Bay Shrimp Boat License, from the Commission privileging such boat to be so used within the inside.
waters of Texas. The fee for a Commercial Bay Shrimp Boat License shall be Thirty Dollars ($30) and such License shall be issued for a period of one (1) year and shall expire March 1st of the year following the date of issuance, and shall be secured from and issued by the Commission only during the months of January and February of each year; the License shall include the right to use and operate within the inside waters of this State all shrimp trawls and fishing gear with which said boat is equipped, the use of which is not otherwise prohibited by law, without the payment of any additional trawl or fishing gear license fees whatsoever; and said boat shall not be required to also have a Commercial Fishing Boat License, as provided by Section 5 of Chapter 68 of the Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, or other statutes of this State; but the captain and each paid member of the crew of said boat shall be required to have a Commercial Fisherman’s License issued by the Commission, and said boat shall be required to be licensed as a Commercial Gulf Shrimp Boat in order to operate within the outside waters of this State; the Commercial Bay Shrimp Boat License shall be a metal or plastic sign or emblem, of prescribed and uniform character and of a different color or design for each year, at least thirty-two (32) square inches in size, of a distinguishable character, color and design different from the emblem required of a Commercial Bait Shrimp Boat or of a Commercial Gulf Shrimp Boat, issued by the Commission, and shall be prominently displayed on the bow, outside of the wheelhouse, or at other designated point on the outside of said boat as specified by said Commission and on each side of said boat, evidencing the payment of such Boat License.

(b) Such Commercial Bay Shrimp Boat License shall be issued by the Commission only to a person who, at the time he applies for such license, shall also make sworn affidavit that his principal source of livelihood during the preceding calendar year was the commercial shrimp fishery.

(c) It shall be unlawful for any Commercial Bait Shrimp Boat to be used for the purpose of taking or catching, or assisting in taking or catching, shrimp for use as bait only and other edible aquatic products from the inside waters of Texas, without the owner thereof procuring first procured a license, to be known as a Commercial Bait Shrimp Boat License, from the Commission privileges such boat to be so used within the inside waters of Texas. The fee for a Commercial Bait Shrimp Boat License shall be Thirty Dollars ($30) and such license shall expire August 31 following the date of issuance; the license shall include the right to use and operate within the inside waters of this State all shrimp trawls and fishing gear with which said boat is equipped, the use of which is not otherwise prohibited by law, without the payment of any additional trawl or fishing gear license fees whatsoever, and said boat shall not be required to also have a Commercial Fishing Boat License as provided by Section 3 of Chapter 68 of the Acts of the Fifty-first Legislature of Texas, Regular Session, 1949, or other statutes of this State; but the captain and each paid member of the crew of said boat shall be required to have a Commercial Fisherman’s License issued by the Commission, and said boat shall be required to be licensed as a Commercial Gulf Shrimp Boat in order to operate within the outside waters of this State. The Commercial Bait Shrimp Boat License shall be a metal or plastic sign or emblem, of prescribed and uniform character and of a different color or design for each year, at least thirty-two (32) square inches in size, of a distinguishable character, color and design different from the emblem required of a Commercial Bay Shrimp Boat or of a Commercial Gulf Shrimp Boat, issued by the Commission, and shall be prominently displayed on the bow, outside of the wheelhouse, or at other designated point on the outside of said boat as specified by said Commission and on each side of said boat, evidencing the payment of such boat license.

(d) Such license for a Commercial Bay Shrimp Boat or for a Commercial Bait Shrimp Boat shall be issued by the Commission only upon presentation to the Commission by the boat owner of the boat’s United
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State's Bureau of Customs document or the Texas certificate of number for a motor boat, and the number thereon shall be entered into an agreement to acquire a shrimp boat, either by purchase or by having a new boat constructed, and makes affidavit that prior to said last day of February applicant had not entered into an agreement to acquire such boat."

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

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

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

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

(e) It shall be unlawful for any person to have on board a boat in the inside waters of Texas for use on said inside waters more than one set of trawl doors (or other spreading device) and more than one set of try-net doors, except during the period from August 15 to December 15, both dates inclusive.

(f) It shall be lawful for any bona fide licensed Commercial Bay Shrimp Boat operator to take or catch, or to attempt to take or catch, shrimp of lawful size of any species within the inside waters of the State during the period from August 15 to December 15 of each year, both dates inclusive, (said period being designated as the 'open season' for said inside waters for any such Commercial Bay Shrimp Boat operators), provided, however:

1. During the open season for shrimping in the inside waters of this State as herein provided, it shall be unlawful for any person to take or catch, or to attempt to take or catch, shrimp of any size or species within the inside waters of the State of Texas, except as hereinafter specifically provided.

2. It shall be unlawful for any person, at any time, to use, or to have in his possession, within the inside waters of this State, or on board any boat or vessel within such inside waters, any try net or test net exceeding twelve (12) feet in width as measured along the corkline from board to board or between the extremes of any other spreading device.
In the coastal waters of this State, for use in said Inside waters, any trawl and bag (other than a try net or test net) of a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl or bag is less than eight and three-quarters (8-3/4) inches in length after said trawl or bag has been placed in use.

Such measurement shall be made in the section of said trawl which is normally under tension when in use.

(a) It shall be lawful for any bona fide Commercial Bay Shrimp Boat operator to take or catch, or attempt to take or catch, shrimp of any size or species during the period from May 15 to July 15, both dates inclusive, within the major bays of the Inside waters of this State; provided, however:

1. It shall be unlawful for any bona fide Commercial Bay Shrimp Boat operator during said period from May 15 to July 15 to use as bait between sunset and sunrise except during the period beginning December 16 of each year and ending May 14 of the following year, both dates inclusive.

2. It shall be unlawful for any bona fide Commercial Bay Shrimp Boat operator during said period from May 15 to July 15 to use in said major bays of the Inside waters of this State for the purpose of taking or catching, or attempting to take or catch, shrimp for bait, more than one (1) net at a time (except that one try net not exceeding five (5) feet in width as measured along the corkline from board to board may also be used) or to use any net exceeding in width twenty-five (25) feet as measured along the corkline from board to board or between the extremes of any other spreading device, or to use any net and bag of a mesh size such that the distance between the two most widely separated knots in any consecutive series of five (5) stretched meshes of said net and bag is less than six and one-half (6-1/2) inches in length after said net or bag has been placed in use.

(b) It shall be lawful for any bona fide Licensed Commercial Bait Shrimp Boat operator to take or catch, or attempt to take or catch, shrimp of any size or species within the Inside waters of this State, for use as bait only; provided, however:

1. It shall be unlawful for any such Commercial Bait Shrimp Boat operator to have in his possession or on board any boat, or to unload or attempt to unload at any point in Texas, more than one hundred fifty (150) pounds of shrimp. Such shrimp shall be in their natural state with heads attached.

2. It shall be unlawful for any bona fide licensed Commercial Bait Shrimp Boat to use in the Inside waters of this State, shrimp of any size or species during the purpose of taking or catching, or attempting to take or catch, shrimp for bait, more than one (1) net at a time (except that one try net not exceeding five (5) feet in width as measured along the corkline from board to board may also be used) or to use any net exceeding in width twenty-five (25) feet as measured along the corkline from board to board or between the extremes of any other spreading device, or to use any net and bag of a mesh size such that the distance between the two most widely separated knots in any consecutive series of five (5) stretched meshes of said net and bag is less than six and one-half (6-1/2) inches in length after said net or bag has been placed in use.

3. It shall be unlawful for any bona fide Commercial Bait Shrimp Boat operator to use as bait between sunset and sunrise except during the period beginning December 16 of each year and ending May 14 of the following year, both dates inclusive.

4. It shall be unlawful for any bona fide Commercial Bait Shrimp Boat operator, at any time, to sell or unload any shrimp caught under the provisions of this Act to any person except to a bona fide Bait- Shrimp Dealer as that term is herein defined, or except to a sports fisherman while operating a boat or vessel on the Inside waters.
Boat to be used for the purpose of
taking or catching, or assisting in
taking or catching shrimp and oth-
er edible aquatic products from the
outside waters of Texas, or for any
such boat which has on board fresh
shrimp or other edible aquatic pro-
ducts caught or taken from the
outside waters of this State, or from
salt waters outside of this State with-
out having been previously unloaded
in some other state or foreign coun-
try, to unload, or to be permitted
and such license shall expire August
31 following the date of issuance,
said Commercial Gulf Shrimp Boat
License shall include the right
to use and operate all shrimp trawls
and fishing gear with which said
boat is equipped, the use of which
is not otherwise prohibited by law,
without the payment of any addi-
tional trawl or fishing gear license
fees whatsoever, and said boat shall
not be required to also have a "Com-
mercial Fishing Boat License", as
provided for by Section 3 of Chap-
ter 63 of the Acts of the Fifty-first
Legislature of Texas, Regular Ses-
sion, 1949, or other Statutes of this
State, but the captain and each paid
member of the crew of said boat
shall be required to have a "Com-
mercial Fisherman’s license" issued
by the Commission. A metal or
plastic plate or emblem of a pre-
scribed and uniform character and
of a different color or design for
each year, at least thirty-two (32)
square inches in size, issued by the
Commission, shall be prominently
displayed on the bow, outside of
the wheelhouse, or at other des-
signated point on the outside of said
boat, specified by the said Commis-
sion, and on each side of said boat,
evidencing the payment of each Boat
License.

(b) Such Commercial Gulf Shrimp
Boat License shall be issued by the
Commission only upon presenta-
tion to the Commission by the boat own-
er of the boat’s United States Bu-
reo of Customs official document
or the Texas Certificate of number
for a motor boat, and the name
of the boat and the number appear-
ing on said official document
or Texas certificate of number
shall be placed by the Commission on
the certificate of the Commercial Gulf
Shrimp Boat License issued by the
Commission. Such license shall not
be transferable except that it may
be transferred, upon application
by the owner to the Commission, from
a boat that has been destroyed or
lost to a boat acquired by the own-
er thereof as a replacement. Not
more than one (1) Commercial Gulf
Shrimp Boat License shall be is-
ued per licensing year for each
boat.

(c) It shall be unlawful for any
person to take or catch, or attempt
to take or catch, any shrimp, re-
gardless of size or species, in any
of the outside waters of the State
of Texas from June 1 to July 15,
either dates inclusive, of each year;
provided, however, that, based upon
sound biological data, the Game and
Fish Commission of Texas, may, and
to hereby empowered to, change
the opening and closing dates of
said forty-five (45) day period so
as to provide for an earlier period
beginning not to exceed fifteen (15)
days prior to June 1 or for a later
period ending not to exceed fifteen
(15) days after July 15, provided
further that said closed season shall always be for a period of forty-five
(45) days. It shall be unlawful
for any person, at any time, to pos-
sess in the State of Texas, or to
have on board any boat or vessel
within the coastal waters of this
State, or to buy, sell, unload, trans-
port or handle in any way, in the
State of Texas, any such shrimp
cought in any of the outside waters
of this State during such closed sea-
sion for said outside waters. Provided,
however, it shall be lawful during
said forty-five (45) day closed sea-
sion for any bona fide Commercial
Gulf Shrimp Boat Operator to take
or catch shrimp in the out-
side waters of this State not exceed-
ing a depth of five (5) fathoms,
provided, however, it shall be un-
lawful to use more than one (1)
net at a time and such trawl shall
not exceed twenty-five (25) feet
in width as measured along the

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corkline, from board to board (or any other spreading device).

(d) It shall be unlawful for any person to take or catch, or attempt to take or catch, shrimp of any size or species, in the outside waters extending from the coastline of Texas up to and including seven (7) fathoms in depth during the period beginning thirty (30) minutes after sunset and ending thirty (30) minutes before sunrise.

(e) It shall be unlawful for any person to take or catch, shrimp in the outside waters extending from the coastline of Texas up to and including seven (7) fathoms in depth during the period beginning December 16 of each year and ending on February 1 of the following year, both dates inclusive.

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

(g) The provisions of this Act shall not apply to the taking or catching of seabobs; provided, however, that seabobs shall not be taken or caught during the forty-five (45) day closed season of the outside waters from June 1 to July 15 of each year as determined by the Commission, and provided further that seabobs shall not be taken or caught in the outside waters up to and including seven (7) fathoms in depth during the period beginning thirty (30) minutes after sunset and ending thirty (30) minutes before sunrise."

"Sec. 8. (a) Salt water shrimp in their fresh state, legally taken in either the inside waters or in the outside waters of this State during the open season thereof, may be had in possession for a period of five (5) days after the end of such open season, but not thereafter unless by a bona fide licensed bait dealer or sports fisherman as otherwise provided herein.

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

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

"Sec. 10. (a) It shall be unlawful for any person to engage in the business of a Bait-Shrimp Dealer, as that term is herein defined, without having first procured from the Commission a Bait Shrimp Dealer's License for each booth or place of business maintained by such person. The fee for each such Bait Shrimp Dealer's License shall be Thirty Dollars ($30) and said license shall expire August 31 following the date of issuance. The Commission shall issue such a Bait Shrimp Dealer's License only after said Commission has determined as far as practicable that the applicant for such Bait Shrimp Dealer's License is a bona fide Bait Shrimp
Dealers as that term is now or hereafter defined by law, and no Bait Shrimp Dealer's License shall be held by any person who also holds a Shrimp House Operator's License.

(b) Such Bait Shrimp Dealer's License shall include the right to sell, purchase and handle minnows, fish and other forms of aquatic life for the purpose of sale or resale for fish bait purposes, within the coastal waters of this State. The license for a bait dealer as provided for by Acts of 1933, First Called Session, Forty-third Legislature, Chapter 25, Section 2, and as provided for by Acts of 1935, FirstCalled Session, Forty-third Legislature, Chapter 29, Section 3, as last amended by Acts of 1938, Forty-fourth Legislature, Regular Session, Chapter 245, and Acts of 1945, Forty-ninth Legislature, Chapter 309, shall continue in full force and effect as to all counties except the coastal counties of this State and as to any bait dealers in said coastal counties who do not sell or offer for sale or handle shrimp for sale or resale for bait purposes, provided, that any grocery stores in said coastal counties which do not unload or purchase shrimp directly from Commercial Bait Shrimp Boats shall not be required to hold a Bait Shrimp Dealer's License.

"Sec. 11. (a) It shall be lawful for any person to take or catch, or attempt to take or catch, in the coastal waters of this State, shrimp for use as bait, by the use of any 'individual bait-shrimp trawl' as defined herein, a cast net, dip net, bait trap or minnow seine not larger than twenty (20) feet in length of the trawl having a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl in less than eight and three-quarters (7 3/4%) inches in length after said trawl has been placed in use and the distance between the doors or boards or other spreading devices shall not exceed twenty (20) feet with doors or boards not to exceed dimensions of 15"x30" each, or a total of 450 square inches each, and it shall be unlawful to have in possession or to use more than one (1) such 'individual bait-shrimp trawl' per boat.

(b) It shall be unlawful for any person to have in his possession or on board any boat or vessel in the coastal waters of this State any 'individual bait-shrimp trawl' having a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl in less than eight and three-quarters (7 3/4%) inches in length after said trawl has been placed in use and the distance between the doors or boards or other spreading devices shall not exceed twenty (20) feet with doors or boards not to exceed dimensions of 15"x30" each, or a total of 450 square inches each, and it shall be unlawful to have in possession or to use more than one (1) such 'individual bait-shrimp trawl' per boat.

(c) It shall be unlawful for any person, at any time, to use, or to have within his possession or on board any boat or vessel in the coastal waters of this State any individual bait-shrimp trawl' having a mesh size such that the distance between the two (2) most widely separated knots in any consecutive series of five (5) stretched meshes of said trawl in less than eight and three-quarters (7 3/4%) inches in length after said trawl has been placed in use and the distance between the doors or boards or other spreading devices shall not exceed twenty (20) feet with doors or boards not to exceed dimensions of 15"x30" each, or a total of 450 square inches each, and it shall be unlawful to have in possession or to use more than one (1) such 'individual bait-shrimp trawl' per boat.

(d) It shall be unlawful for any person taking or catching, or attempting to take or catch, shrimp for his own use under the provisions of this Act by means of an individual bait-shrimp trawl to have within his possession or on board any boat or vessel within the coastal waters of this State more than two (2) quarts of shrimp per person, or more than four (4) quarts per boat to be used for bait purposes only; provided, however, any person may take or catch shrimp for his own personal use in an amount not to exceed fifty (50) pounds of shrimp (in their natural state with heads attached) per day but only during the open season of the inside waters from August 15 to December 15 and of the outside waters of this State, each respectively, and an amount not to exceed fifteen (15) pounds of shrimp (in their natural state with heads attached) per day during the period May 15 to July 15, both dates inclusive, in the major bays of the inside waters only, by means of said 'individual bait-shrimp trawl' or of said cast net, dip net, bait trap or minnow seine. Provided, further, that it shall be unlawful for any person to buy, sell, offer for sale or handle in any way for profit any shrimp so caught.

(e) It shall be lawful for any person to possess and use, until August 31, 1949, any daily tagged and licensed 'sports bait-shrimp trawl' as defined, and meeting the size and dimensions as specified, in House Bill No. 12, Chapter 187, Acts of the Fifty-sixth Legislature of Texas.
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1959, known as the Texas Shrimp Conservation Act."

"Sec. 12. (a) Any valid 'Commercial Bay-Bait Shrimp Boat' Li-
cense, as provided for in House Bill 12, Chapter 187, Acts of the Fifty-

sixth Legislature of Texas, 1959, which has been issued by the Com-
mission during the months of January and February, 1964, may be-

used by the holder thereof in lieu of a Commercial Bay Shrimp Boat
license or of a Commercial Bay Shrimp Boat license until the first
day of March, A.D., 1964.

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

All moneys received from the sale
of licenses provided for herein and
all moneys received from penalties
assessed for violation of this Act,
after deduction of fees as allowed
by law, shall be remitted to the Game
and Fish Commission at Austin not
later than the 10th day of the month
following the date of collection, and
shall be deposited by said Commis-
sion in the State Treasury in the
credit of the Special Game and Fish
Fund. (The proceeds of such lic-
enses shall be used by the Game
and Fish Commission to enforce the
provisions of this Act and the laws
of this State relating to shrimping,
salt water fishing, oysterering, and
other commercial edible aquatic
life).

Sec. 13. (a) Any person who shall
violate any provision of this Act
shall be deemed guilty of a misde-
emeanor and upon conviction there-
for shall be, for the first offense,

fined not less than Fifty Dollars
($50) nor more than Two Hun-
dred Dollars ($200); and, for the
second offense, shall be fined not
less than One Hundred Dollars
($100) nor more than Five Hundred
Dollars ($500) or be sentenced to
serve not less than ten (10) days
nor more than sixty (60) days in
the county jail or shall be punished
by both such fine and imprison-
ment; and, for the third and all subsequent
offenses, shall be fined not less
than Five Hundred Dollars ($500) nor
more than Two Thousand Dollars
($2,000) and shall be confined in
the county jail for not less than
thirty (30) days nor more than six
(6) months.

(b) Whenever a vessel is involved
in the violation of any provision
of this Act, without in anywise detract-

ing from or mitigating against the
premption of innocence, the captain
of such vessel shall be considered
primarily responsible for such viola-
tion, and each member of the crew
may also be held responsible there-
for, but the punishment for such
violation shall be assessed only
against the captain and crew mem-
ers, or one or more of them, act-
ually found to be guilty thereof.
The owner of said vessel shall not
be guilty of such violation unless
it be also charged and proved that
such owner, knowingly directed,
authorized, permitted, agreed to, or
aided or acquiesced in such violation.

(c) Each day on which a violation
occurs shall be considered, and is

hereby expressly defined, declared
and made a separate, distinct and
new offense.

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

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

(f) It shall be unlawful for any
person whose license has been can-
celled as herein provided to do busi-
ness without a new license or to
possess another license for the pro-
hibited period and any person violat-
ating this provision shall be guilty
of a misdemeanor and upon con-
viction therefor shall be punished
by a fine of not less than Twenty-

five Hundred Dollars ($2,500) nor more than Five Thousand Dollars ($5,000) and shall be confined in the county jail for not less than six (6) months nor more than one (1) year.

(g) Any 'Shrimp House Operator', 'Wholesale Fish Dealer', 'Retail Fish Dealer', 'Wholesale Truck Dealer', 'Retail Truck Dealer' or other person holding a license issued by the Commission who knowingly unloads, buys or handles in any way any shrimp from an unlicensed Commercial Gulf Shrimp Boat, or unlicensed Commercial Bay Shrimp Boat, or who knowingly unloads, buys or handles in any way any shrimp of a prohibited size, or shrimp which has been caught in either the inside or outside waters of this State during the closed season of such waters, or bait shrimp in violation of any provision of this Act, or any 'Bait Shrimp Dealer' who knowingly unloads, buys or handles in any way from an unlicensed Commercial Bait Shrimp Boat any bait shrimp shall be deemed guilty of a misdemeanor and upon conviction shall suffer the same penalties of fine, or imprisonment, or both fine and imprisonment, and automatic cancellation of license, as provided by this Act for the violation of other provisions of this Act.

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

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

Sec. 2. Any and all other laws of the State of Texas, general and special, in conflict with any of the provisions of this Act are hereby expressly repealed but to the extent of such conflict only.

Sec. 3. This Act shall be in full force and effect from and after May 1, 1963, or at an earlier date if passed by sufficient majorities in both Houses of the Legislature to put it into immediate effect from and after its passage.

Sec. 4. Saving Clause. It is hereby declared to be the Legislative intent to enact such separate provision of this Act independent of all other provisions, and the fact that any section, word, clause, sentence or part thereof, and it is hereby declared to be the intent of the Legislature to have passed each sentence, section, part or clause thereof irrespective of the fact that any other section, sentence, clause or part thereof may be declared invalid.

Sec. 5. Emergency Clause. The fact that the present law does not adequately protect the shrimp resources of this State from depletion and waste, and the further fact that the Calendars of both Houses of the Legislature are crowded, create an emergency and an imperative public necessity authorizing the suspension of the Constitutional Rule requiring bills to be read on three (3) several days in each House; and said Rule is hereby suspended; and this Act shall be in full force and effect, from and after its passage; and it is so enacted.

Mr. Walker moved that further consideration of House Bill No. 109 be postponed until 11:00 o'clock a.m. next Monday, April 1.

Mr. Pipkin moved to table the motion to postpone H. B. No. 109, and the motion to table prevailed.

Mr. Haynes of Orange offered the following amendment to Committee Amendment No. 1:

Amendment No. 1

 Amend Section 6 of Committee amendment No. 1 to H. B. 109 by striking in paragraph (g) thereof the semi-colon following the word "State" on line 58 of page 6 and inserting in lieu thereof a period; and by deleting therefrom line 59 of page 6; and by deleting subsections 1 and 2 of same on page 7.
RECESS

Mr. Allen moved that the House recess until 2:15 o'clock p.m. today.

Mr. Mann moved that the House adjourn until 10:30 o'clock a.m. tomorrow.

The motion to adjourn was lost. The motion to recess until 2:15 o'clock p.m. today then prevailed.

In accordance with the motion to recess, the House, at 12:09 o'clock p.m., took recess until 2:15 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:15 o'clock p.m. and was called to order by the Speaker.

HOUSE BILL NO. 109 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment, H. B. No. 109, relative to regulating the taking of shrimp.

The bill was read second time on this morning, with Committee Amendment No. 1, and an amendment offered by Mr. Haynes of Orange to Committee Amendment No. 1, pending.

Mr. Pipkin moved to table the amendment offered by Mr. Haynes of Orange to Committee Amendment No. 1, and the motion to table prevailed.

RECORD OF VOTE

Mr. Walker requested to be recorded as voting No on the motion to table the amendment offered by Mr. Haynes of Orange to Committee Amendment No. 1 to H. B. No. 109.

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

Amend Committee Amendment No. 1 to H. B. 109 by striking Sec. 5b and inserting in lieu thereof the following:

1. It shall be lawful at any time for any bona fide licensed Commercial Bait Shrimp Boat, to take or catch, or to attempt to take or catch within the coastal waters of this state, shrimp of any size or species, for use as live bait only; provided, however that it shall be unlawful for any such Commercial Bait Shrimp Boat operator to have on board such boat, or to unload or attempt to unload at any point in Texas, any such bait shrimp unless he has a live bait box on the boat which will keep fifty per cent (50%) of shrimp in possession alive; and provided, further, that it shall be unlawful for any bona fide licensed Commercial Bait Shrimp Boat to use in the coastal waters of this state, for the purpose of taking or catching, or attempting to take or catch, shrimp for bait, more than one (1) net at a time (except that one try net not exceeding five (5) feet in length measured from board to board may be also used) or to use any net of a mesh size that the distance between the two most widely separated knots in any consecutive series of five (5) stretched meshes of said net is not less than seven and one-half (7Â½)
inches in length after said net has been placed in use, or to have in use or on board any boat or vessel in the inside waters of this state during the closed season of such inside waters more than one (1) set of trawl doors (or other spreading device) and more than one (1) set of try net doors.

Mr. Pipkin moved to table the amendment offered by Mr. Haynes of Orange, and the motion to table prevailed.

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

Amendment No. 1

Amend Section 7, as quoted in Section 1 of Committee Amendment No. 1 of H. B. 109, by striking out paragraph (g) thereof and inserting in lieu thereof the following:

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

The amendment was adopted without objection.

Mr. Haynes of Orange offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment to H. B. 109 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The commissioners court of any county bordering on the Gulf of Mexico or the tidewater limits thereof may regulate the speed, parking, and travel of motor vehicles on any of the beaches of the county which are open and accessible to the public. These commissioners courts are also authorized to regulate the littering of such beaches, and toward this end they are authorized to define the term "littering."

Section 2. The commissioners court of any such county may authorize the sheriff and his deputies and other peace officers to enforce the regulations promulgated under this Act, and may authorize persons other than peace officers of that particular county to enforce such regulations.

Section 3. The commissioners court may provide penalties for violations of the regulations adopted under this Act, but no such penalty shall exceed Two Hundred Dollars ($200).

Section 4. Section 8 of Chapter 19, Acts of the 56th Legislature, Second Called Session, 1959 (comm.
Mr. Townsend offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 93 by deleting the words "parking and travel" on lines 11 and 12 of said printed bill.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to House Bill 92 by striking out Section 5 thereof and inserting in lieu thereof the following:

Section 5. The commissioners court of any county included within the provisions of this Act undertaking to regulate motor traffic over a designated area of the public beach shall post signs at the usual points of entry notifying the general public of the speed limits governing such area, and other regulations promulgated by it. Such court shall place at the usual points of entry of such area receptacles for the disposal of refuse, garbage, junk and rubbish by the public in such area. Failure to so post said signs relating to motor traffic or failure to place and maintain receptacles at the usual points of entry of any designated area shall constitute a defense for any violation of this Act.

Section 6. This Act shall in no manner, either by its terms or application, in any wise affect the title to real estate owned or claimed by persons, firms or corporations, and any judgment of conviction entered in the prosecution of an offense under this Act shall not be considered admissible as evidence in any suit involving the title to realty.

Section 7. If any section, subsection, paragraph, sentence, clause, or provision of this Act is declared unconstitutional or invalid, it shall not affect the constitutionality or the validity of the remainder thereof, and it is hereby declared that this Act would nevertheless have been passed without such section, subsection, paragraph, sentence, clause, or provision so declared unconstitutional, and to that end the provisions of this Act are hereby declared to be severable.

Section 8. The importance of this legislation and the crowded condition of the calendar in both houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Committee Amendment to H. B. 92 by adding a new Section as follows:

The provisions of this Act shall not be construed to give the Commissioners Court the power to prohibit any type of vehicular travel on any beach within this State.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.
H. B. No. 92 was then passed to engrossment.

Mr. Murray moved to reconsider the vote by which H. B. No. 92 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 105 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment, H. B. No. 105, relative to abolishing the Rule in Shelley's Case, etc.

The bill was read second time on this morning and further consideration of the bill was postponed until 2:00 o'clock p.m. today.

Mr. Cotten offered the following amendment to the bill:

Add a sentence at the end of the printed copy of H. B. 106 to read as follows:

"The provisions of this Act shall not affect the laws against perpetuities."

The amendment was adopted without objection.

H. B. No. 105 was then passed to engrossment.

Mr. Caldwell moved to reconsider the vote by which H. B. No. 105 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

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

The motion to adjourn prevailed.

The Benediction was offered by Representative Leroy J. Welting.

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

APPENDIX

STANDING COMMITTEE REPORTS

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


In Memory of the Honorable Ruben Loftin

Mr. Crain offered the following resolution:

H. S. R. No. 320, In Memory of the Honorable Ruben Loftin of Henrietta; and

Whereas, A noteworthy career of public service came to an end on November 4, 1962, with the death of the Honorable Ruben Loftin of Henrietta; and

Whereas, His interest in politics and good government never waned during his busy life and he served in public office for many years and in various capacities; and

Whereas, One of our predecessors in this historic chamber, Mr. Loftin came to the House of Representatives for the first time nearly forty years ago at the age of thirty-two as a member of the Thirty-eighth Legislature and he served also in the Thirty-sixth and Forty-first Sessions. He was particularly interested in legislation relating to education and to financial matters and introduced and helped to pass several bills. He was co-author of the famous Amnesty Bill of 1926 in behalf of Governor Jim Ferguson; and

Whereas, A native of Texas, Mr. Loftin was born in Young County in 1890, and lived in Byers and Petrolia, in Clay County, before coming to Henrietta in 1921 when he was elected county judge. A capable lawyer practicing in Clay, Young, Archer and Wichita Counties, he served during the decade of the 1940's as assistant district attorney for the Thirtieth District; and

Whereas, He was married for more than fifty years to Marian Baker Loftin, who survives him. Also surviving are a son, Deane Loftin of Houston; three daughters, Mrs. Laura Frances Steen of Dallas, Mrs. Lois Brown of Henrietta, and Mrs. Rudell Tyson of Houston; a sister, Mrs. Lessie Wotten of Graham; four brothers, Frank Loftin of Archer City, Wiley Loftin of Loving, Blanton and Hobart Loftin, both of Jesus; ten grandchildren, and one great-grandchild; a son, Lieut. C. L. Loftin, was a casualty of World War II; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Texas Legislature pays tribute to the public service rendered by this exemplary citizen, and that copies of this official Resolution be sent to members of his family; and be it further

Resolved, That when the House adjourns this day it do so in memory of Ruben Loftin.

The resolution was unanimously adopted by a rising vote.
In Memory of The Honorable
James Franklin Perry

Mr. Caldwell offered the following resolution:


Whereas, No man was more loyal to his State, or worked harder for its development and protection, particularly, that of Brazoria County, than did James Franklin Perry; and

Whereas, It is therefore with a great sense of loss that this House of Representatives takes note of his untimely passing on February 18, 1963, of coronary failure; and

Whereas, Mr. Perry served his constituents and the State with great distinction and with ability as a Member of the House of Representatives of the Fifty-first and Fifty-second Legislatures, coming to these halls for the first time in 1949; and

Whereas, Mr. Perry was a gifted and shrewd attorney. He had given valuable service to Angleton and to Lake Jackson as city attorney and at the time of his death was legal counsel for both the Angleton and Velasco drainage districts; and

Whereas, His work to protect the people of Brazoria County from hurricane loss was notable, as was his interest in reclamation and water development programs; and

Whereas, During World War II he served his Country as an agent for the Federal Bureau of Investigation; and

Whereas, A religious man, he had been active in church leadership, serving as an elder in the First Presbyterian Church of Angleton; and

Whereas, Mr. Perry was born March 30, 1916, in Freeport, Texas. He was a graduate of the Houston Law School and a member of the State Bar of Texas; and

Whereas, He was a member of the Angleton Lions Club and the Angleton Chamber of Commerce; and

Whereas, Mr. Perry leaves bereft a devoted wife, Mrs. Sarah Perry; three daughters, Linda, Barbara, and Sarah Frances Perry, all of Angleton; two sisters, Mrs. Murray L. Johnston of New Orleans, and Mrs. Robert H. Bullock of San Antonio, and a brother, Neill J. Perry of Houston; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Texas Legislature rises in respect and acknowledgement of the service to Texas and Brazoria County by this public-spirited man; and that copies of this Resolution be sent to his family as a token of sympathy; and, be it further

Resolved, That when the House adjourns this day it do so in memory of James Franklin Perry.

The resolution was unanimously adopted by a rising vote.
Mr. Schiller offered the following resolution:

H. S. R. No. 324, In Memory of the Honorable Albert N. Green.

Whereas, Almighty God, in His infinite wisdom, has called from his earthly labors Albert N. Green of Cameron, a good man and a leader among his fellowmen; and

Whereas, in the ninety years of his wide-ranging activity, he had served in many public offices, among them that of Representative of Milam County in the Legislature. He was first elected to serve in the Special Session of the Forty-seventh Legislature and, subsequently, in the Forty-eighth, Forty-ninth and Fiftieth Legislatures; and

Whereas, he enjoyed near-veneration at Cameron, where he had been mayor, city councilman, and a member of the board of education. He also had been president of the First National Bank of Cameron; and

Whereas, Mr. Green, whose death occurred March 22, 1963, was a native of Huntsville, Alabama, and had made his home in Cameron for seventy years; and

Whereas, He was a man who always put the people's interest before his own, serving unselfishly his beloved city and State; and

Whereas, surviving him are two daughters, Miss Louise Green of Cameron and Mrs. Pauline Montgomery of Oklahoma City; two sons, Joseph Nelson Green of Amarillo and A. E. Green of California; three brothers, Leland Green, Sr., of Cameron, John C. Green, Sr. of Rosebud, and W. Leslie Green of Lubbock, and five grandchildren; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legislature of the State of Texas pays tribute to the outstanding record of leadership and the unselfish service of this worthy man, and that copies of this Resolution be sent to his family as a token of sympathy; and, be it further

Resolved, That when the House adjourns this day it do so in memory of Albert N. Green.

The resolution was unanimously adopted by a rising vote.

On the motion of Mr. Schiller, the names of all Members of the House were added to the resolution as signers thereof.