Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 39, A bill to be entitled "An Act amending paragraph (c) of Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (compiled as Article 6676&-2, Vernon's Texas Civil Statutes) so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars ($5) instead of the regular registration fee; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

TWELFTH DAY
(Monday, January 22, 1922)

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

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

Mr. Speaker Collins
Adams of Lubbock Connell
Adams of Titus Cook
Allen Cory
Allen Cotter
Andrews Crowe
Atwell Cowles
Bailey Crain
Ballman Crews
Bentfield, Mrs. Curington
Barron de la Garza
Barnes Dewey
Barron Duff, Mses
Bass Duncan
Berry Eckhardt
Blaine Etche
Bolivar Esquivel
Bridges Fairchild
Buchanan Fletcher
Burgess Floyd
Butter Fournier
Calwell Garrison
Cannon Gibbons
Carriker Gladmen
Chapman Glass
Cole of Harris Ginsburg
Cole of Hunt Green
Grover Osborn
Gulfos Parsons
Hale Pearcy
Harding Peeler
Haring Peaty
Harrington Pickin
Harmes Preston
Harrison Price
Hinson Quilliam
Hollins Rapp
Holmester Ratliff
Hughes Read
Hughes of Grayson Richardson
Hughes of Dallas Roberts of Hill
Jones, Mses Roberts of Dawson
Jones, Mrs. Rose
Johnson of Dallas Sandahl
Johnson of Bexar Schram
Jones of Dallas Shannon
Jones of Travis Shipley
Kilpatrick Slick
Kohler Slider
Kolba Smith of Bexar
Korthman Smith of Jefferson
Lack Springer
Larry Stewart
Leaverton of Galveston
Lewis of Galveston
Longoria of Wichita
McCoppin Strawn
McGregor Thurmond
McGregor Townend
McGregor of El Paso Trevino
McKenzie Tunnell
Markgraf Walker
Martin Ward
Miller Watson
Moore Wells
Mullen Wheeler
Murray Wheatfield
Mutercher Wilson
Nemesser Woods
Nugent Yeak
Oliver Yeak

Absent—Excused

Healy Latimer
James Pieratt
Johnson of Bell Richards
Kennard Shelton

A quorum of the House was announced present.

The Invocation was offered by the Reverend Clinton Kersey, Chaplain, as follows:

"Heavenly Father, by Thy Grace we become more aware of our limitations and weaknesses. Help us to not mistake humility for an inferti..."
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ority complex and help us to under-

stand that to speak with Thee, we

must be humble.

We need Thy help, our Father,

and we seek it humbly. We want

to do right, and to be right, so start

using the right way this day. May

we say today, 'I can do all things

through Christ who strengthens me.'

We ask in His name.—Amen.”

LEAVES OF ABSENCE GRANTED

The following Members were

granted leaves of absence on ac-

count of important business:

Mr. James for today, on motion

of Mr. Ratcliff.

Mr. Pieratt for today, on motion

of Mr. Collins.

Mr. Latimer for today, on motion

of Mr. Glusing.

Mr. Shelton for today, on motion

of Mr. Glusing.

The following Members were

granted leaves of absence on ac-

count of illness:

Mr. Johnson of Bell for today, on

motion of Mr. Glusing.

Mr. Healy for today, on motion

of Mr. Cook.

Mr. Richards for today, on motion

of Mr. Martin.

Mr. Kennard for today, on motion

of Mr. Shannon.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House

and had read the following message

from the Governor:

January 19, 1963

To the Members of the 57th Legis-

lature, Third Called Session:

I herewith submit for your con-

sideration the subject of an amend-

ment to Article 4623 relating to con-

tracts of married women, as re-

quested by members with pending

legislation on this subject.

Respectfully submitted,

PRICE DANIEL,

Governor.

MEMORIAL RESOLUTIONS

ADOPTED

H. S. R. No. 114, By Messrs. Mul-

len and Trevizo: In memory of the

Honorable Aristides Barreras.

H. S. R. No. 115, By Mr. Gladden:

in memory of Mr. James M. Potter.

H. S. R. No. 116, By Mr. Gladden:

in memory of William Griffith

Churchill.

H. S. R. No. 121, By Mrs. Banfield:

in memory of Mrs. May Belle Arm-

strong.

H. S. R. No. 124, By Mr. Mullen:

in memory of Earl W. Carpenter.

MESSAGE FROM THE ACTING

GOVERNOR

The Speaker laid before the House

and had read the following message

from the Acting Governor:

January 22, 1962

To the Members of the Fifty-Seventh

Legislature, Third Called Session:

I am sure the people of Texas are

proud of Members of the 57th Legis-

lature who were called into session

to meet many serious problems. They

have acted in a competent manner

on most of the legislation submitted

in the Governor's call, and are work-

ing to complete their task as ex-

peditiously as possible.

I would like to commend Members

of the Legislature for their fine

record this session, and to assure

them of my continued cooperation.

Their friendship is important to me

and I am proud to be associated

with such a fine group of men.

Respectfully submitted,

CHARLES F. HERRING,

Acting Governor of Texas.

CONGRATULATING THE HONOR-

ABLE WILL L. SMITH

Mr. Hinson offered the following resoluton:

H. S. R. No. 41

Whereas, The seventeenth anni-

versary of the founding of the pro-

gram of Special Education for crippled

and handicapped children in the

public schools of Texas will be ob-

served in the month of June 1963

throughout Texas; and

Whereas, The Honorable Will L.

Smith of Jefferson County on Janu-

ary 23, 1945, at the request of the
Texas Society for Crippled Children, actively and successfully sponsored this legislation in the House of Representatives and has continued for many years to work in behalf of crippled, handicapped, underprivileged and retarded children; and

Whereas, The program of Special Education in the public schools of Texas which was set up in 1946 today serves more than fifty-one thousand crippled and handicapped children each year in more than two thousand classroom units, and is one of the best programs of its kind in the Nation; and

Resolved by the House of Representatives, That the Honorable Will L. Smith has continued to work in this and related fields and has served as Chairman of the Committee on Hospitals and Special Schools of the House of Representatives in 1958-60, as Co-Chairman of the statewide interim study of the Committee on Hospitals and Special Schools in 1960, and was named to represent the House of Representatives at the President's conference on employment of the physically handicapped in 1961; now, therefore, be it

Resolved by the House of Representatives, That the Honorable Will L. Smith extended the congratulations of the House on this occasion and that he be commended for his work in behalf of the crippled, handicapped, retarded, underprivileged and disabled persons of this State, and that he be urged to continue his work in the future as in the past; and, b) it further

Resolved, That an original copy of this Resolution be presented to the Honorable Will L. Smith with the best wishes of the House and that another copy be sent to the Texas Society for Crippled Children.

Signed—Hinson, Collins, Duncan, Johnson of Besar, Requiehl, Barlow, Whitfield, Dan Straus, Roberts of Hill, Blaine, Harrington, Haynes, Jamison, Green, Lack, Glass, Carriker, and Bailey.

The resolution was adopted.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. B. No. 118, By Mr. Jones of Dallas: Congratulating the Men of the 43rd Armored Division.

H. S. B. No. 120, By Mr. McCoppin: Extending Greetings to Bert Kruse and Tom Kruse.


H. S. B. No. 125, By Mr. Watson: Congratulating Karen Shrine Temple and Mr. L. Neill Gates.

H. S. B. No. 126, By Mr. Cole of Hunt: Congratulating "Little Merchants" of Greenville.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. C. R. No. 6, Authorizing the State Building Commission to make survey relative to a Memorial for the Signers of the Texas Declaration of Independence.

S. C. R. No. 7, Granting Moorland Company permission to use the State.

S. C. R. No. 8, Granting Dr. Ellis Carp permission to use the State Board of Examiners in Optometry.

H. C. R. No. 15, In memory of Captain Wayne Delroy Bayer and other victims of C-119 plane crash.

H. B. No. 11, An Act appropriating from the General Revenue Fund Two Hundred and Twenty Thousand Dollars ($220,000) for the expenses of the House of Representatives and Fifty Thousand Dollars ($50,000) for the expenses of the Senate for the Third Called Session of the Fifty-seventh Legislature; designating the purposes, provisions, and procedures for the expenditures of such appropriations: and declaring an emergency.

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 Messrs. Jones of Travis, Sandahl and Foreman:

H. B. No. 81, A bill to be entitled "An Act relating to the hunting.
taking, or killing of antlerless deer in Travis County; providing penalties; and declaring an emergency.

Referred to the Committee on Game and Fisheries.

By Mr. Cotten:

H. B. No. 89, A bill to be entitled "An Act validating Wise County Water Control and Improvement District No. 1; validating the boundaries of said District; validating all actions, orders or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds heretofore voted; validating the appointment or election of Directors; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Messrs. Atwell and Cowen:

H. B. No. 90, A bill to be entitled "An Act amending Sections 5, 7, 8, 12, 13, 15, 17 and 19 of Chapter 179, Acts of the 54th Legislature, Regular Session, 1959, to provide for the issuance of serial numbers to certain vessels; to prescribe certain equipment; to exempt boats eight feet or under from certain requirements; to regulate certain activities; to prohibit local fees; to empower game wardens with certain authority; to provide for certain fees and partial fees with exception there to; to provide the manner in which the Highway Department may construct and finance certain facilities; repealing Section 18 of said Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

CORRECTIONS AUTHORIZED IN HOUSE BILL NO. 56

Mr. Pipkin asked unanimous consent of the House that the Enrolling and Engrossing Clerk be permitted to make certain corrections in House Bill No. 56.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 1 WITH SENATE AMENDMENTS

Mr. Hughes of Grayson called up, with Senate Amendments, for consideration at this time.

H. B. No. 1, A bill to be entitled "An Act to amend Title 53, Revised Civil Statutes, 1925, relating to excise, by adding Article 3272b to protect and preserve dormant deposits and inactive accounts of owners whose whereabouts are unknown to the depository; defining terms; prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State; procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, and declaring an emergency."

On the motion of Mr. Hughes of Grayson the House concurred in the Senate Amendments.

The Speaker announced that H. B. No. 1 was passed subject to the provisions of Section 149a, Article III, of the Constitution.

Mr. Hughes of Grayson moved to reconsider the vote by which the House concurred in the Senate Amendments to H. B. No. 1 and to table the motion to reconsider.

The motion to table prevailed.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 1

Committees Substitute for H. B. No. 1

"A BILL To Be Entitled

An Act to amend Title 53, Revised Civil Statutes of Texas, 1925, by adding Article 3272b to protect and preserve dormant deposits and inactive accounts held by a depository; defining terms; prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State; creation of State Conservator Fund; provid-
ing and authorizing use of a revolving expense fund for enforcement; transfer of funds of liquidated depositories held by State Banking Commissioner; procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, penalties, that article is supplemental, a severability clause, and declaring an emergency.

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

Section 1. Title §2, Revised Civil Statutes of Texas, 1925, is hereby amended by adding a new Article to be designated Article 3272b, to read as follows:

"Article 3272b, Duties of Depositories of Dormant or Inactive Accounts.

"Section 1. Every depository holding dormant deposit or inactive accounts of depositors or owners whose existence or whereabouts are unknown to the depository, shall preserve intact the deposits and accounts so long as they remain in a dormant or inactive status.

"a. The term 'depository' as used in this Article means any bank, savings and loan association, banking institution or organization which receives and holds for others deposits of money or its equivalent in banking practice or other personal property in this State, or in other States for residents last known to have resided in this State.

"b. The terms 'dormant deposit' and 'inactive accounts' mean those demand, savings, or other deposits of money or its equivalent in banking practice, including but not limited to sums due on certified checks, dividends, notes, accrued interest, or other evidences of indebtedness, held by a depository for payment to the depositor or creditor, or his order, which on or after the effective date of this Article have continuously remained inactive for a period of more than one (1) year without credit or debit whatsoever through the act of the depositor, either in person or through an authorized agent other than the depository itself. 'Dormant deposits' and 'inactive accounts' lose their status as such when a deposit is made by the depositor, or a check is drawn or withdrawal is made therefrom by such depositor, either in person or through an authorized agent other than the depository itself.

"Section 2. Conversion or Reduction Prohibited.

It shall be unlawful for any depository to transfer, convert or reduce any dormant deposit or inactive account to the profits or assets of the depository, either through book transfer, assessments, service charges or any other procedure so long as the deposit or account remains in a dormant or inactive status. This shall not apply to the charges hereinafter specifically authorized for efforts to locate the depositors.

"Sec. 3. Advertising for Owners.

When, or on or after the effective date of this Article, dormant deposits or inactive accounts have remained in such condition for more than seven (7) years, and the depository does not know the whereabouts of the depositors or any owners thereof, the depository, during the first month of May following the seven (7) year period, shall cause to be published once in a newspaper published in the city or county in which the depository is located, a notice entitled 'Notice of the names of persons appearing as the owners of unclaimed amounts held by (name and address of depository)' which shall list the names, in alphabetical order, and the last known address, if any, of such missing depositors, but not the amounts of such deposits. Newspapers eligible for such publications shall be those defined in Section 3 of Article 24, Revised Civil Statutes of Texas, 1925, as amended, and if no such newspaper is published in the county of a depository, publication shall be made in a newspaper published in an adjoining county.

Annually thereafter during the month of May of each year the depository shall again publish in like manner the names of such depositors or creditors whose deposits or accounts have not been reported and delivered to the State Banking Commissioner with Section 4 hereof, if the whereabouts of any owner or deposit remains unknown to the depository and their deposits or accounts still remain in a dormant or inactive status as herein defined.
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"Each of such publications shall state that the unclaimed amounts will be paid upon proof of ownership at the office of the depository within nine (9) months, and that if unclaimed thereafter they may be subject to report and conservation by the State Treasurer in accordance with Article 3272b. Duplicate copies of each publication shall be mailed to the State Treasurer together with sworn proof of publication, and the publication thereof shall constitute notice on the part of the depository and the State that the listed deposits or accounts may be subject to the provisions of this Article. The depository shall certify under oath of the subscribing officer that the attached list is a full and complete list of the names of all depositors and creditors for whom dormant deposits or inactive accounts have been held for more than seven (7) years and whose existence and whereabouts are unknown to the depository, and that such listed depositors and creditors have not asserted any claim or exercised any act of ownership with respect to their deposits or accounts during the past seven (7) years.

"Newspapers shall charge for such publications not to exceed the rate for legal notice publications fixed in Article 29, Revised Civil Statutes of Texas, 1925, as amended. The amount paid to a newspaper for such publications may be charged equally against the accounts owing to the persons whose names are published.

"Section 4. Report to the State Treasurer.

On or before May 1 of the year following the first publication required by this Article, the depository shall submit in duplicate copies a report to the State Treasurer listing the names of all such depositors or creditors whose names were published, whose whereabouts and the whereabouts of any owner of such deposit or credit still remain unknown, and each of whose deposits or accounts are Twenty-five Dollars ($25.00) or less and still remain dormant or inactive status. Under the same conditions the depository may include in the report the same information with respect to any deposit or account in excess of Twenty-five Dollars ($25.00) if it should conclude that further cost and effort to locate the depositor or creditor would be unwarranted. Such report shall be set forth in alphabetical order the name and last known address of the depositor or creditor, the date and amount appearing to be due each depositor or creditor when the account first became dormant or inactive, or on January 1, 1959, whichever date is later, the amount credited to such account at the time of the report, the date of the last transaction with the depositor or creditor, and its identification number, if any. If the amount then credited to an account is less than the amount of the initial dormant deposit or inactive account, except for its share of publication costs, the reason for such reduction shall be stated.

The subscribing officer shall certify under oath that the report is a complete and correct statement of all dormant deposits and inactive accounts held by the depository subject to the reporting provisions of Section 4 of Article 3272b; that the existence and whereabouts of the listed depositors or creditors are unknown to the depository; and that the listed depositors or creditors have not asserted any claim or exercised any act of ownership with respect to the reported accounts during the past seven (7) years.

Together with the foregoing report, the depository shall deliver to the State Treasurer a sum equal to the total amount of the accounts listed in the report, and the State Treasurer shall sign a receipt therefor and shall assume custody thereof. The State shall be responsible for the safekeeping thereof, and any depository delivering such deposits or accounts to the State Treasurer under this Act is relieved of all liability for any claim which then exists or which may thereafter arise or be made in respect to the property.

The depository shall also attach a list certified under oath of the subscribing officer of the names of the depositors and creditors of all other dormant deposits or inactive accounts in excess of Twenty-five Dollars ($25.00) which were advertised under Section 3 hereof that have been retained by the depository for further advertising, and the depository shall be respon-
sible for the safekeeping thereof until such sums are finally delivered to the owners or to the State Treasurer under Section 4 of this Article, or until otherwise directed by escheat proceedings filed under other Articles of this Title.

"Section 5. State Conservator Fund.

All funds received by the State Treasurer under the provisions of this article or from the escheat of any deposit, credit, account or other property held by any bank or other institution covered by Section 1(a) hereof shall be deposited into a separate fund to be known as the 'State Conservator Fund,' from which there shall be set aside and maintained a revolving expense of Twenty-five Thousand Dollars ($25,000.00) for the purpose of paying expenses incurred by the State Treasurer in the enforcement of the provisions of this Article, including the expense of publications, forms, notices, examinations, travel, and employment of necessary personnel; and thereafter any amounts remaining unpaid to owners shall be transferred to the Available School Fund; provided that the State Conservator Fund shall never be reduced below Twenty-five Thousand Dollars ($25,000.00) for the purpose of paying expenses incurred by the State Treasurer under this Article. The State Conservator Fund shall be maintained a revolving fund to be known as the 'State Conservator Fund' set aside and set apart for the purpose of paying expenses incurred by the State Treasurer in the enforcement of the provisions of this Article, including the expense of publications, forms, notices, examinations, travel, and employment of necessary personnel; and thereafter any amounts remaining unpaid to owners shall be transferred to the Available School Fund; provided that the State Conservator Fund shall never be reduced below Twenty-five Thousand Dollars ($25,000.00). This sum shall remain available for payment to those who may at any time in the future establish their ownership or right as herein provided to any deposit or account delivered to the State Treasurer under this Act. The monies in such fund over Fifty Thousand Dollars ($50,000.00) shall be invested from time to time by the State Treasurer in investments which are approved by law for the investment of any State funds, and the income thereof shall be and become a part of the said State Conservator Fund. The expense fund of Twenty-five Thousand Dollars ($25,000.00) is hereby appropriated to the State Treasurer for the purpose hereinafter stated for the biennium ending August 31, 1923.

The State Banking Commissioner shall transfer to the State Treasurer for deposit in the State Conservator Fund all dormant deposits and other funds formerly owned by or deposited in liquidated depositories which have been held by the Commissioner for more than twenty (20) years and of which the whereabouts of the depositors, creditors, or owners have been unknown to him for more than twenty (20) years. Upon delivery, together with a certificate of such facts under oath of the State Banking Commissioner, the funds shall be subject to escheat and disposition under the terms of this Article. The State Banking Commissioner shall deliver to the State Treasurer a record of the names of the liquidated depositories, and the names and last known addresses of the depositors and creditors and the amounts of the deposits, credits, or other funds.

The State Treasurer shall keep a record of the name and last known address of each depositor or creditor listed on the depository reports and the amount of each depositor account. The record shall be available for inspection at all reasonable business hours by anyone satisfying the State Treasurer that he has an interest or possible interest therein.


Any person claiming an interest in any property delivered to the State and deposited in the State Conservator Fund may file a claim therefor and receive payment thereof from the State Conservator Fund by following the procedures set out in Sections 6 and 7 of Article 327-2a. All of such claims, determinations thereof, and all other procedures, and actions with respect thereto, shall be governed by and conducted in accordance with the applicable provisions of Sections 6, 7 and 8 of Article 327-2a. As if the delivery of funds had been made to the State Treasurer under that Article, except that payments to owners shall be made from the State Conservator Fund.

Provided, however, that any person claiming an interest in money which has been paid to the State Treasurer by a depository under this Article may file his claim with the depository, which claim shall be filed on forms and through procedures prescribed by the State Treasurer. If the depository finds in good faith that such claim is valid, the depository may pay the same, and if the amount is One Hundred Dollars ($100) or less, the State Treasurer shall reimburse the depository upon

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receipt of a written statement subscribed and sworn to by an officer of the depository listing the name and address of the person to whom payment was made and stating that the depository believes in good faith that such claim was and is valid. If the amount is in excess of One Hundred Dollars ($100), the claim and any supporting affidavit or evidence thereof shall be examined, approved, and signed by the State Treasurer and the Attorney General, after which reimbursement shall be made to the depository. Any such reimbursements shall be made by the State Treasurer out of the State Conservator Fund.

“Section 7. Presumption.

Any person or persons who shall have dormant deposits or inactive accounts held by any depository for seven (7) years or more, whose existence and whereabouts are reported under oath to be unknown to the depository after advertising therefor, and who shall not have asserted any claim thereto or exercised any act of ownership thereof for a period of seven (7) years, shall be presumed, unless shown to the contrary, to have died intestate and without heirs. The sworn report of any depository filed under this Article or any evidence thereof adduced under oath to be unconstitutional evidence of the facts stated therein.

“Section 8. Rules and Regulations.

The State Treasurer is hereby authorized to make necessary rules and regulations to carry out the provisions of this Act, provided such rules and regulations shall not become operative until and unless they have been filed with the Secretary of State as provided by law. The State Treasurer is hereby authorized to examine the records of any depository to determine that this law is being complied with.

“Section 9. Penalties.

Any depository or person who wilfully fails to publish the list of depositors or creditors, or who fails to file a report as required by this Article, or who violates any provisions of this Article, shall be punished by a fine of not less than Five Hundred Dollars ($500), nor more than One Thousand Dollars ($1,000), or by confinement for not more than six (6) months in the county jail, or both, and in addition, shall be subject to civil penalties of not exceeding One Hundred Dollars ($100) for each day of such failure or refusal or other violation, said civil penalties to be collected by suit in a district court of Travis County, Texas, by the Attorney General in the name of the State of Texas.

“Sec. 10. Article Supplementary.

The provisions of this Article are in addition and supplementary to and shall not be construed to repeal, alter, change, or amend any of the provisions of Article 3272a to 3289, inclusive, Title 53, Revised Civil Statutes of Texas, 1925, as amended.”

Section 2. If any provision of this Act or the application thereof to any person, situation or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The fact that there is no statute at the present time to protect and preserve dormant deposits and inactive accounts held by banking institutions, or to protect and preserve the rights of missing owners or the State if there are no owners, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

REQUESTING THE GOVERNOR TO SUBMIT THE SUBJECT OF THE REVISION OF THE MERIT RATING PLAN RELATIVE TO "SAFETY DRIVING INSURANCE PLAN" TO THE CONSIDERATION OF THE FIFTY-SIXTH LEGISLATURE.

Mr. Cook offered the following resolution:

H. S. R. No. 96

Whereas, The Third Called Session of the Fifty-seventh Legislature of the State of Texas is now in session; and

Whereas, The recently enacted Merit Rating Plan is in immediate
and urgent need of revisions to adjust the inequities and injustices which have been found to exist, particularly with respect to the increased cost of insurance since the plan was adopted; and

Whereas, A double penalty is imposed by payment of fines in addition to increased premiums due to the retroactive feature of the Merit Rating Plan; and

Whereas, This so-called “Safe Driving Insurance Plan” has not resulted in making our highways safer as evidenced by the increased death rate in Texas and the decreased death rate in the nation; and

Whereas, The motorists of Texas have exhibited an interest in amending or abolishing the Merit Rating Plan so that they may be relieved of this undue burden placed upon them by the insurance companies and the Texas Insurance Commission; now, therefore, be it

Resolved, That the Governor of Texas, the Honorable Price Daniel, be respectfully requested to submit the subject of the revision of the Merit Rating Plan to this the Third Called Session of the Legislature for its consideration.

The resolution was read and was referred to the Committee on Insurance.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO MAKE A STUDY OF SALT WATER POLLUTION

Mr. Thurman offered the following resolution:

H. B. No. 126

Whereas, The vast land resources of Texas, so essential to production of food for our State and Nation, are being threatened by salt pollution; and

Whereas, Surface water in ponds, streams and shallow water wells in being or has been ruined in many areas, thus making the water useless for humans, wildlife, and domestic animals; and

Whereas, In addition to threatening our food supply, this pollution of our irreplaceable lands and water is leading to a decrease in the value of the lands, thereby resulting in a lowered tax base with consequent decreases in local, county and State revenues; and

Whereas, The loss of a pure water supply has resulted in increased production costs for many Texas farmers and ranchers, thus lowering their net incomes and, in turn, affecting the entire economy of the State; and

Whereas, The growing oil development throughout the State is directly correlated with the increased increase in salt pollution, despite regulations and laws for cementing or plugging or setting surface pipes on oil wells; and

whereas, It is often difficult to determine or trace responsibility for pollution and Texas farmers and ranchers are viewing this growing danger to our food supply and our economy with alarm; now therefore be it

Resolved, by the House of Representatives of the State of Texas, That an interim committee of seven Members, five to be appointed by the Speaker from the membership of the House and two citizen members to be appointed by the Governor, is hereby created to make a study of salt water pollution to the soil and surface water of Texas to determine: (1) if existing laws are adequate to control salt water pollution from man-made causes, should strengthened enforcement and polluting be provided; (2) if corrective legislation should be devised and, if so, what form this legislation should take and what funds should be provided to insure the gearing of responsibility for pollution and the enforcement of the laws relating thereto; and (3) what new research or implementation of old research should be made in order that the best possible methods of preventing salt pollution might be employed in Texas; and be it further

Resolved, That expenses of legislative Members of the Committees shall be paid as provided in Section 16, Article 5, of Senate Bill No. 1, Acts of the 54th Legislature, First Called Session; and be it further

Resolved, That the Committee shall conclude its investigations and make its report, together with recommendations and drafts of proposed legislation, to the Regular Session of the 54th Legislature.

The resolution was referred to the Committee on Rules.
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MOTION TO RE-REFER
H. B. NO. 9

Mr. Ratcliff moved to suspend all necessary rules for the purpose of re-referring H. B. No. 9 from the Committee on Appropriations to the Committee on Rules.

A record vote was requested.

The motion to suspend the rules for the purpose of re-referring H. B. No. 9 to the Committee on Rules was lost by the following vote: (not receiving the necessary two-thirds vote)

Yeas--69

Alaniz
Bailey
Banfield, Mrs.
Barnes
Berry
Blaine
Bridges
Burgess
Cannon
Carriker
Collins
Connell
Cook
Cowles
Curtis
de la Garza
Ehrlin
Eutis
Fairchild
Fletcher
Foreman
Garrison
Green
Grip
Hale
Harrington
Haynes
Hines
Hughes
of Grayson
Hill, Miss
Isaacks, Miss
Jamison

Nays--66

Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Bailiff
Bartram

Cory
Craft
Dewey
Duff, Miss
Dungan
Floyd
Gibbens
Gladden
Glasco
Grover
Haring
Heflin
Hollowell
Huebner
Johnson of Dallas
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Yeas--69

Johnson of Dallas
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Nays--66

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H. B. NO. 10 ON SECOND READING

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

H. B. No. 10, A bill to be entitled "An Act making certain appropriations out of the unexpended balances in the Special Mineral Lease Fund to the Department of Corrections for emergency purposes; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend Section 1 of House Bill No. 10 to read as follows:

"Section 1. In the event of all emergency funds from the Mineral Lease Fund, No. 272, over and above the amount appropriated in S. B. No. 1, First Called Session, Fifty-seventh Legislature, 1961, are hereafter appropriated to the Department of Corrections, subject to the approval of the Governor after obtaining the advice of the Legislative Budget Board. Emergency purposes as defined herein shall mean and include only unforeseeable conditions as disasters from weather conditions, fires or other uncontrollable circumstances. Such emergencies shall also include abnormal increases in inmate population exceeding 12,600 during the 1962 fiscal year and 13,350 inmates during the 1963 fiscal year."

The amendment was adopted.

HOUSE BILL NO. 10 ON THIRD READING

Mr. Dewey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Years—115

Adams of Titus—Collins
Adams of Lubbock—Haring
Allen—Jarvis
Allee—Cory
Allen—Jarvis
Andrews—Cotter
Allen—Jarvis
Bailey—Cowan
Allen—Jarvis
Ballman—Cowan
Allen—Jarvis
Ball—Cowles
Allen—Jarvis
Barlow—Crall
Allen—Jarvis
Barrett—Crews
de la Garza
Allen—Jarvis
Berry—Dewey
Allen—Jarvis
Blaine—Duff, Miss
Allen—Jarvis
Boles—Dungan
Allen—Jarvis
Bowers—Ekhardt
Allen—Jarvis
Buchanan—Ehres
Allen—Jarvis
Burgess—Espri
Allen—Jarvis
Butler—Fletcher
Allen—Jarvis
Coldwell—Floyd
Allen—Jarvis
Cannon—Foreman
Allen—Jarvis
Carriker—Garrison
Allen—Jarvis
Chapman—Gladden
Allen—Jarvis
Cole of Harris—Glasing
Allen—Jarvis
Cole of Hunt—Green
Allen—Jarvis
Grover—Pears
Ham—Pears
Harding—Pelh
Harrington—Pett
Harriss—Pilk
Hefston—Preston
Hinson—Prie
Hollowell—Quillian
Hughes—Rapp
Hughes of Grayson—Richards
Hughes of Dallas—Roberts of Hill
Izaks, Miss—Roberts of Dawson
Jamison—Rosa
Johnson of Bexar—Rose
Jones of Travis—Sandahl
Kilpatrick—Sorham
Kolba—Shannon
Korkma—Shpley
Kochmann—Black
Lack—Smith of Bexar
Lary—Smith of Jefferson
Leaverton—Spight
Lewis—Stewart
Longoria—Stein
McCoppin—Stewart
McGregor of Victoria—Stuve
McGregor of El Paso—Thurmond
McIlhany—Tread
Markgraf—Walker
Marlin—Ward
Miller—Watson
Moore—Weils
Mullen—Wheley
Murray—Whitfield
Mutcher—Wilson
Niemeyer—Woods
Oliver—Yesc
Osborn
Adams—Jarvis
Adams of Lubbock—Haring
Allen—Jarvis
Allee—Kohler
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Alley—Kohler
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Allen—Jarvis
Barnet
The Speaker then laid House Bill No. 10 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

**Yeas--129**

Adams of Lubbock
Hinson
Adams of Titus
Alaniz
Andrews
Atwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bartram
Bass
Berry
Blaine
Boysen
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Corry
Cotseen
Cowan
Craws
Crews
Cushing
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Esquivel
Fletcher
Floyd
Forsman
Garriott
Gibbons
Gladden
Glassing
Greene
Groover
Guevara
Hale
Harding
Harding
Harrington
Hays
Heeton

**Nays--2**

Allen
Thurman
Absent

Bridges
Ehrle
Fairchild
Glass
Huebner
Smith of Dallas
Tunnell

Absenl—Excused

Healy
Blacks
Johnson of Bell
Kennard

On motion of Mr. Dewey, and by unanimous consent of the House, the caption of H. B. No. 10 was ordered amended to conform with the body of the bill.

The Speaker announced that H. B. No. 10 was passed subject to the provisions of Section 49A, Article III, of the Constitution.

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

H. B. No. 30, A bill to be entitled "An Act providing an open season for hunting deer in Eastland County; authorizing the taking of one antlerless deer during the open season in said county; making it unlawful to hunt or take antlerless deer in said county without first obtaining a 'doe tag,' or to possess the carcass of any antlerless deer killed in or taken from said county without attaching thereto a doe tag; making it unlawful to use in any season more than one doe tag issued under this Act or to use any such doe tag not issued to the user, or to use any such doe tag on more than one
antlerless deer; providing for the administration of the doe tags and the disposition of the fees and fines collected thereunder; providing certain exemptions; providing penalties for the violation of any of the provisions of this Act; repealing all laws in conflict herewith; and declaring an emergency."

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

HOUSE BILL NO. 30 ON THIRD READING

Mr. Bailey moved that the constitutional rule requiring bills to he read on three several days be suspended and that House Bill No. 30 be placed on Its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—114**

- Adams of Lubbock
- Bailey of Titus
- Ballman of El Paso
- Barlow of Bexar
- Bartram of Harris
- Benge of Galveston
- Burrus of Brazoria
- Butler of Bexar
- Caldwell of Brazoria
- Cannon of Bexar
- Chapman of Bexar
- Cole of Harris
- Cole of Hunt
- Collins of Bexar
- Connell of Bexar
- Cory of Bexar
- Cotter of Bexar
- Cowan of Bexar
- Crain of Bexar
- Crews of Harris
- Curtin of Harris
- de la Garza of Bexar
- Dewey of Bexar
- Daft, Miss of Bexar
- McLain of Bexar
- McMillan of Bexar
- Markgraf of Bexar
- Martin of Bexar
- Moore of Bexar
- Mullen of Bexar
- Murray of Bexar
- Mutchler of Bexar
- Nims of Bexar
- Oliver of Bexar
- Parsons of Bexar
- Pearson of Harris
- Prever of Harris
- Petal of Harris
- Pitman of Harris
- Price of Harris
- Quillian of Harris
- Rapp of Harris
- Radcliff of Harris
- Rea of Harris
- Roberts of Harris
- Roberts of Jefferson
- Roberts of Travis
- Robertson of Harris
- Rudder of Harris
- Ruvalcaba of Bexar
- Ruxton of Bexar
- Schram of Travis
- Shannon of Travis
- Shipley of Travis
- Black of Travis
- Smith of Bexar
- Smith of Jefferson
- Springer of Bexar
- Stewart of Bexar
- Stewart of Galveston
- Tezak of Bexar
- Thrall of Bexar
- Thurm of Bexar
- Thrall of Bexar
- Townes of Bexar
- Travis of Bexar
- Walker of Bexar
- Ward of Bexar
- Watson of Bexar
- Wells of Bexar
- Whithfield of Bexar
- Wilson of Bexar
- Wood of Bexar
- Woods of Bexar
- Young of Bexar

**Nays—4**

- Hughes of Dallas
- Jarrin of Harris
- Present—Not Voting

Gibbens of Harris

**Absent—Excused**

- Healy of Bexar
- James of Bexar
- Johnson of Bexar
- Kennard of Bexar
- Kistner of Bexar

The Speaker then laid House Bill No. 30 before the House on third reading and final passage.

The bill was read third time and was passed.

**RECORD OF VOTE**

Mr. Gibbens requested to be recorded as voting "present-not-voting" on the passage to engrossment of H. B. No. 30 and on the passage of H. B. No. 30.
REASON FOR VOTE
ON H. B. 30

The counties that join Eastland County in the "deer country" have a doe season. I was requested by a large number of land owners, sportsmen and interested citizens to introduce this bill, I vote yes on it.

BAILEY.

REASON FOR VOTE

I voted "present, not voting" on the engrossment of House Bill 30 because this measure was introduced, the rules suspended, and acted on in such rapid succession that it was impossible for me to determine whether the measure actually carries out the wishes of the people of Eastland County. The author of this measure pushed the bill through without allowing sufficient time to critically analyze it. It is my opinion, substantiated by the opinions of men engaged in game and fish work in Texas, that House Bill 30 would lead to absolute extermination of the deer herd in Eastland County. Under the measure, there would be no limitation on the total number of doe deer that can be killed.

This may be what the people of Eastland County want, but because I heard from no citizen concerning this matter and because there was insufficient time to ascertain their wishes, I did not want to lend my support to the measure, until such time as I could learn first hand the wishes of the people of Eastland County.

Also, because the bill does not define "doe deer" or "antlerless deer", as accepted by the Game and Fish Commission of Texas, it will be impossible for hunters to determine whether they are firing at a yearling, a doe or what, and it will lead to many innocent violations by the hunters in Eastland County. The term "adult female deer" is used in the bill and this is a term which is impossible to define, because there is no set definition of "adult" deer. A deer could be adult when it is a year old or it may become adult at the particular time that it breeds or some other undeterminable time. The bill simply is not clear.

Having been a strong supporter of the conservation of our wild life, I am greatly disturbed as to the effect that this House Bill 30 would have, not only on the deer population of Eastland County, but the adjoining counties.

WAYNE GIBBENS.

HOUSE BILL NO. 28 ON SECOND READING

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

H. B. No. 28, A bill to be entitled "An Act amending Section 1 of Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, as amended, to lengthen the open season on deer in that part of Val Verde County lying east of the Pecos River, and declaring an emergency."

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

HOUSE BILL NO. 28 ON THIRD READING

Mr. Thurmond moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—111
Adams of Lubbock
Adams of Titus
Allams
Allen
Allen of West
Alwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barlow
Barrows
Barryram
Bass
Baugh
Baylor
Bent
Bess
Blaine
Borden
Borum
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt

Nay—1
Connell
Craig
Crawford
Crawfurd
Crain
de la Garza
Deyon
Duff, Miss
Dungan
Duchard
Duerre
Fletcher
Fichler
Floyd
Foreman
Garrison
Gibbens
Gladden
Glass
Glusling
Green
The bill was read third time and was passed.

TO GRANT THE CITY OF BIG SPRING PERMISSION TO SUA THE STATE AND THE BOARD OF CONTROL

The Speaker laid before the House, for consideration at this time, H. C. R. No. 13, Granting the City of Big Spring permission to sue the State and the Board of Control.

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

Mr. Read offered the following amendment to the resolution:

SUBSTITUTE FOR H. C. R. NO. 13

Whereas, It is alleged that the City of Big Spring and the Board of Control of the State of Texas, on the 22nd day of October, 1937, entered into an agreement whereby the City of Big Spring agreed to furnish water to the Big Spring State Hospital in Howard County, Texas, at a rate of Ten Cents per 1,000 gallons; and

Whereas, It is further alleged that the cost of water to the City of Big Spring, in 1961, was substantially greater than Ten Cents per 1,000 gallons; and

Whereas, The City of Big Spring desires to institute legal proceedings to determine the validity of the existing contract between the parties; now therefore be it

Resolved, By the House of Representaives of Texas, the Senate concurring, That the said City of Big Spring, a municipal corporation, of Howard County, Texas, be and is hereby given and granted permission to sue the State of Texas, the Board of Control of the State of Texas, and the Board for Texas State Hospitals and Special Schools in a court of competent jurisdiction, to determine the rights of the parties and to set aside and cancel a water contract between the City of Big Spring, Texas, and the Board of Control of the State of Texas, which was executed on the 22nd day of October A.D., 1937, and for such other and further relief, in law or equity, as the court may determine is warranted.
by virtue of all of the facts; and be it further

Resolved, That service of citation or any necessary process shall be had upon the Chairman of the Board of Control, the Chairman of the Board for Texas State Hospitals and Special Schools and the Attorney General of the State of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as in any other civil cases; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the City of Big Spring to bring suit against the State of Texas, and nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, or any of the parties to said suit, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

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

The amendment was adopted.

H. C. R. No. 13 was adopted.

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 12, An Act amending paragraphs (1) through (16), both inclusive, and paragraphs (16) and (17) of Section 1 of Chapter 357, Acts of the Fifty-third Legislature, Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a saving clause; and declaring an emergency.

ADJOURNMENT

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

The motion prevailed.

The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House, at 12:08 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committee has filed favorable reports on bills and a resolution, as follows:


REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 15, In memory of victims of a C-119 plane crash in Canada. Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 11, An Act appropriating from the General Revenue Fund
Two Hundred and Twenty Thousand Dollars ($220,000) for the expenses of the House of Representatives and Fifty Thousand Dollars ($50,000) for the expenses of the Senate for the Third Called Session of the Fifty-seventh Legislature; designating the purposes, provisions, and procedures for the expenditures of such appropriations; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, January 22, 1962

Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 12, An Act amending paragraphs (1) through (11), both inclusive, and paragraphs (16) and (18) of Section 1 of Chapter 357, Acts of the Fifty-third Legislature, Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR

January 22, 1962

H. C. R. No. 16.

H. B. No. 11.

H. B. No. 12.
Mr. Johnson of Bexar offered the following resolution:

H. S. R. No. 119, In Memory of Judge Hunter D. Barrow.

Whereas, On January 16, 1962, Almighty God in His infinite wisdom saw fit to call Judge Hunter D. Barrow to his eternal reward; and

Whereas, The County of Bexar, and the State of Texas lost a beloved citizen, and distinguished jurist in the passing of Judge Hunter Barrow at the age of 63; and

Whereas, Judge Barrow was associate justice of the Fourth Court of Civil Appeals since 1956, after having served as Judge of the Eighty-first District Court in Jourdanton for fifteen years; and

Whereas, He was esteemed and respected by all who knew him; and

Whereas, He is survived by a son, Charles W. Barrow, who now presides as Judge of the Forty-fifth District Court of San Antonio, and a daughter, Mrs. Joe Devlin, who also resides in San Antonio; and

Whereas, The Bexar County Delegation of the House of Representatives of the Fifty-seventh Legislature, Third Called Session, wishes to recognize and pay tribute to the dedicated life of Judge Hunter D. Barrow; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, that the passing of this distinguished citizen be acknowledged by directing that a copy of this Resolution be placed in the Journal as an expression of the appreciation, respect, esteem, and memory in which this fine jurist was held; and, be it further

Resolved, That a copy of this Resolution be sent to his children with our sympathy and deep regards.


The resolution was unanimously adopted by a rising vote.