Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1129, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in Orange County; authorizing the County to lease certificates of indebtedness for the purpose of construction improvements to the public roads within said County and of acquiring right-of-way for designated State highways, Federal highways, and county roads; providing terms, conditions, and provisions relating to said certificates of indebtedness and to their issuance, requiring the levy of a tax to pay such certificates and the interest thereon; authorizing the refunding of said certificates; enacting other provisions relating to the subject; providing terms, conditions, and provisions relating to said certificates of indebtedness and to their issuance, requiring the levy of a tax to pay such certificates and the interest thereon; authorizing the refunding of said certificates; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 17, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 46, "Granting permission to Jack Worley, W. O. Worley and O. C. Dickerson d/b/a/ D & W Investment Company to sue the State of Texas in any court of competent jurisdiction within the County of Lubbock."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 101, "Granting permission to the Solar Construction and Engineering Company to sue the State of Texas and the State Highway Engineer and the State Highway Commission."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
The quorum of the House was announced present.

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

LEAVES OF ABSENCE GRANTED
The following Members were granted leaves of absence on account of important business:

Mr. Hughes of Dallas for today on motion of Mr. Johnson of Dallas.
Mr. Adams of Titus for today on motion of Mr. Yezak.
Mr. Roberts of Hill for today on motion of Mr. Yezak.
Mr. Pipkin for today on motion of Mr. Shanks.
Mr. Headly for today on motion of Mr. Crain.
Mr. Cook for today on motion of Mr. Barnes.
Mr. de la Garza was granted leave of absence for today on account of illness in his family, on motion of Mr. Bell.
Mr. Cowen was granted leave of absence for today on account of a death in his family, on motion of Mr. Johnson of Dallas.

MEMORIAL RESOLUTIONS ADOPTED
H. S. R. No. 718, By Mr. Spears and others: In memory of John McPherson Pinckney. On motion of Mr. Spears, the names of all the Members of the House were added to the resolution as signers.

H. S. R. No. 721, By Mr. Bailey: In memory of James Alfred Head.

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

S. J. R. No. 13 to the Committee on Constitutional Amendments.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 730
Mr. Whitfield offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 113
Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Joint Rules of the two Houses be, and they are hereby suspended, so that either House may take up and consider House Bill No. 730 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. B. NO. 251
Mr. Whitfield offered the following resolution:
HOUSE CONCURRENT RESOLUTION NO. 114

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Joint Rules of the two Houses be, and they are hereby suspended so that either House may take up and consider House Bill No. 1151 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER H. R. NO. 1151

Mr. Butler offered the following resolution:

H. C. R. No. 115

Be It Resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the two Houses be, and they are hereby suspended so that either House may take up and consider House Bill No. 1151 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 1123

Mr. Latimer offered the following resolution:

H. C. R. No. 117

Be It Resolved by the House of Representatives, the Senate concurring, that the Joint Rules of the Two Houses be, and they are hereby suspended so that either House may take up and consider Senate Bill No. 1123 at any time.

The resolution was referred to the Committee on Rules.

SUSPENDING THE JOINT RULES TO CONSIDER S. B. NO. 192

Mr. Whitfield offered the following resolution:

H. C. R. No. 118

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Joint Rules of the two Houses be, and they are hereby suspended so that either House may take up and consider Senate Bill 1123 at any time.

The resolution was referred to the Committee on Rules.

RELATIVE TO CERTAIN IMPROVEMENTS FOR A. & M. COLLEGE OF TEXAS

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

S. C. R. No. 66

Whereas, Section 18 of Article VII of the Constitution of Texas provides a method of payment for the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the Texas Agricultural and Mechanical College System; and

Whereas, Section 18 of Article VII provides that no building or other permanent improvement shall be acquired or constructed thereunder for use by any part of the Texas Agricultural and Mechanical College System, except as and for the use of the general academic institutions of said System, namely the Agricultural and Mechanical College of Texas, Arlington State College, Tarleton State College, and Prairie View A. and M. Colleges, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval; and

Whereas, The Board of Directors of the Agricultural and Mechanical College of Texas is desirous of constructing, equipping and acquiring buildings and other permanent improvements for the Texas Forest Service; now, therefore, be it

Resolved, By the Senate of the state of Texas, the House concurring, that the Board of Directors of the Agricultural and Mechanical College of Texas be, and it is hereby given approval in conformity with Section 18, Article VII, Constitution of Texas, from the proceeds of sale of bonds authorized by this section, to construct, equip, acquire buildings and improvements necessary thereto and other permanent improvements for the Texas Forest Service of the type as follows:

1 Lookout Towers, 1 Workshop, 3 additions to District Office Buildings, and Hard Surfacing of 1 District Headquarters Equipment Shop Area.

The total amount expended for the buildings, equipment and other permanent improvements listed above shall not exceed $40,000. This aa-
May 22, 1961

H. S. R. No. 719, By Mr. Blaine: Commending General John D. Stevens.

GRANTING PERMISSION TO SUE THE STATE

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

S. C. R. No. 46, Granting Texas Gulf Construction Company, Inc., permission to sue the State of Texas.

Whereas, Texas Gulf Construction Company, Inc., is a Texas corporation doing business in the State of Texas in accordance with the laws of the State of Texas; and

Whereas, Said Texas Gulf Construction Company, Inc., entered into a contract with the State of Texas for the construction of certain highway improvement in Galveston County, Texas, same being Project I 45-1 (25)600, Control 500-1-36, on U. S. Highway 75, which said contract was signed by the State Highway Engineer, approved by the State Highway Commission of the State of Texas and signed by Texas Gulf Construction Company, Inc., as contract party, in accordance with the laws of the State of Texas; and

Whereas, In the course of compliance with the terms of said contract, said Texas Gulf Construction Company, Inc., has sustained damages resulting from various causes including, but not limited to, violations of the terms of said contract by agents and officials of the State Highway Department, restricting limitations placed on days of work and working hours by the agents and officials of the State Highway Department, misrepresentations by the agents and officials of the State Highway Department relative to the condition of adjacent structures and pipelines, unauthorized work stoppages by agents and officials of the State Highway Department, the necessity of performing extra work caused by relocations and changes in surveys and control points, delays caused by inadequate and improper inspections of materials, failure of the agents and officials of the State Highway Department to follow the established course of conduct of community parties in situations comparable to those which have risen in connection with the said contract

CONGRATULATING MRS. WANDEEN SAKEWITZ

Mr. Pieratt offered the following resolution:

Whereas, The Speaker of the House is celebrating a mass uprising today in the Speaker's Office and does need Members' recognizance of a special event which, along with the Spring weather, is simply undoing the normal routine of business; and

Whereas, Mrs. Wandeen Sakewitz, the Speaker's secretary, is celebrating her birthday this May 22nd, is unable to maintain the proper momentum of official business due to an outbreak of birthday rash, which has caused undue unrest at the typewriter, the dictaphone and the Speaker's phone; and

Whereas, Wandeen has been secretary to Speaker James A. Turman in previous Sessions and therefore, the Speaker should be acustomed to most actions. However, on this, her twenty-second birthday, in the taxing days of this Fifty-seventh Session on Education, has blown her top and is feeling all her twenty-two years in crossing wires, mixing files and talking back to the dictaphone: now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature congratulates the Speaker's secretary on her birthday and wishes Mrs. Wandeen Sakewitz continued happiness in all good things to come.

The resolution was adopted.

CONGRATULATORY RESOLUTIONS ADOPTED

H. C. R. No. 114, By Mr. Ratcliff: Congratulating the Honorable Tom L. McCullough.

H. S. R. No. 720, By Mr. Koliba: Recognizing Civics Clubs of St. Anthony School, Colorado County, Texas.

H. S. R. No. 721, By Mr. Koliba: Commending Students of Hooten Junior High School.
Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for all damages which it may have sustained as the result of breach of contract by or any other acts or omissions of the State Highway Department or any of its officers, agents or employees; and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the State Highway Commission of the State of Texas; and be it further

Resolved, That such suit may be filed within two (2) years from the execution date of this resolution; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Texas Gulf Construction Company, Inc., to bring suit against the State of Texas and/or the State Highway Department, and to the admissibility of the State or of any fact made in any way by the passage of this resolution, and it is specifically provided that the facts upon which said Texas Gulf Construction Company, Inc., seeks to recover must be proved in court as in other civil cases.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. H. No. 64, Granting T. J. Poole, etc., permission to sue the State of Texas.

Whereas, The State of Texas and the Republic of Mexico and State of Coahuila and Texas have heretofore issued grants and patents to the following described lands situated in Brazoria County, Texas, to wit:

(1) The Calvin Sumrall (sometimes spelled Sumrall or Summerall) Survey dated on or about August 28, 1849, to approximately 1476 acres of land described by metes and bounds and known as Abstract Number 368.

(2) The J. H. Gamble Survey dated on or about August 30, 1847, to approximately 1476 acres of land described by metes and bounds and known as Abstract Number 184.

(3) The William H. Butler Survey dated on or about July 3, 1847, to approximately 1476 acres of land described by metes and bounds and known as Abstract Number 184.

(4) The Rebecca A. Murtrie Survey dated on or about February 11, 1846, to approximately 1280 acres of land described by metes and bounds and known as Abstract Number 537.

(5) The Parker Williams Grant dated December 15, 1823, to approximately 1107 acres of land described by metes and bounds and known as Abstract Number 37.

(6) The C. G., H. A., and H. O. Altman Survey dated on or about January 1850, to approximately 1355 acres of land described by metes and bounds and known as Abstract Number 1.

(7) The Solomon Huddard Survey dated on or about June 29, 1882, to approximately 1476 acres of land described by metes and bounds and known as Abstract Number 368;

Whereas, Certain portions of the above described Surveys are now submerged lands in Cow Trap Lake No. 1 and No. 2 and Cedar Lake; and

Whereas, Said submerged lands are located within the patent calls of the Surveys above described; and,

Whereas, No action has ever been instituted in the courts by the State to cancel said grants and patents or any portions thereof; and,

Whereas, T. J. Poole, Jr., Donald K. Poole, Frances Poole Burke, Susan Poole Barbour and husband, J. Lane Harber, Thomas Jeane Keen, a widow, Fannie Louise

relating to Project I 45-1(36)001, Control 500-1-39; and said Texas Gulf Construction Company, Inc., desires to sue the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Texas Gulf Construction Company, Inc., be and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it
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Whereas, In all reasonable probability the School Land Board and Commissioner of the General Land Office will again advertise for, accept and execute leases for mineral development on portions of the hereinabove described lands, thereby casting a further cloud upon the title of the hereinabove named owners; and,

Whereas, Said above named owners are without a clear remedy to obtain a final determination of the ownership of said submerged lands located within the patent calls of the Surveys above described unless the State gives its consent to be sued by said owners for the purpose of determining the true ownership of said submerged lands; and,

Whereas, A bona fide dispute exists between said above named owners and the School Land Board and the Commissioner of the General Land Office as to the ownership of said submerged lands located within the patent calls of said Surveys, which said dispute should be settled by appropriate decree by a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of Texas with the House of Representatives of Texas concurring, that T. J. Poole, Jr., Donald K. Poole, Mark K. Poole, Frances Poole Burke and husband, George Burke, Susan Poole Burke and husband, J. Lane Harbour, Thomas Jeanne Keen, a widow, Lue P. Poole, a widow, Jessie Lea Davis and husband, Milam Davis, Kathryn Poole Burbank and husband, Reginald Burbank, Beatrice Elese Schults and husband, James H. Schults, James L. Ducroz, Charles A. Ducroz and Ethel Ducroz Wilson and husband, Harvey A. Wilson, through judgments of record and decree conveying from the sovereignty own interests in the above described Surveys; and,

Whereas, The Commissioner of the General Land Office and the School Land Board have heretofore advertised for and executed leases for mineral development on certain areas of said submerged lands in said Cow Trap Lake No. 1 and No. 2 and Cedar Lake within the patent calls of the Surveys above described, thereby treating said grants and patents as void as to the areas of submerged lands in Cow Trap Lake No. 1 and No. 2 and Cedar Lake located within the patent calls of the Surveys above described, thereby placing a cloud upon the title to the lands owned and claimed by the above named owners under means conveyances from the sovereignty; and,

Whereas, Said owners have here­tofore attempted to enjoin the School Land Board and the Commissioner of the General Land Office from leasing, or attempting to lease, for mineral development, certain areas of said submerged land that had been patented by the State; and,

Whereas, It was held by the court in the case of Gles, et al. vs. Poole, et al., opinion reported in 239 S. W. 5d, that such action was a suit against the State which could not be maintained unless the State consented to be sued; and,

Whereas, The School Land Board and Commissioner of the General Land Office, have again called for nominations of land areas claimed to be owned by the State to be included as a portion of the lands to be leased by the School Land Board and Commissioner of the General Land Office for mineral develop­ment; and,

Whereas, Portions of said sub­merged lands in said Cow Trap Lake No. 1 and No. 2 and Cedar Lake, within the patent calls of the Surveys above described, have been nominated by prospective lessees; and,
scribed, and to enjoin the School Land Board and the Commissioner of the General Land Office from leasing, or attempting to lease, for mineral development, or any other purpose, said above described lands, until the grants, patents and titles above described are determined to be of no effect by a judgment of a court of competent jurisdiction as to such portions of said submerged lands located within the patent calls of the surveys above described, and service of citation for the purposes herein granted may be served upon the State of Texas, the School Land Board and the Commissioner of the General Land Office by serving the Attorney General and the Commissioner of the General Land Office; and, be it further
Resolved, That such suit may be filed within two (2) years from the effective date of this resolution; and, be it further
Resolved, That it is understood that the purpose of this resolution is solely to grant permission to said above named owners to bring suit against the State of Texas, the School Land Board and the Commissioner of the General Land Office and no admission of ownership by the said above named owners is made by this resolution and all essential facts shall be proved as in other similar cases and either party may appeal from the judgment as in similar cases.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 65, Granting Connecticut General Life Insurance Company permission to sue the State of Texas

Whereas, Connecticut General Life Insurance Company is a Connecticut corporation doing business in the State of Texas in accordance with the laws of the State of Texas; and
Whereas, Pursuant to Article 4768 of Vernon’s Texas Statutes, now Article 2.26 of the Texas Insurance Code, and Article 4769 of Vernon’s Texas Statutes, the Connecticut General Life Insurance Company paid gross premium taxes in the amount certified by the State Board of Insurance or the Commissioner of Insurance to the State Treasurer for the years 1952 through 1957 and 1959; and
Whereas, Such amounts so certified to the State Treasurer by the State Board of Insurance or the Commissioner of Insurance were in error and were erroneously collected from the Connecticut General Life Insurance Company because of such error; and
Whereas, Connecticut General Life Insurance Company desires to sue the State of Texas for the recovery and refund of the taxes so erroneously collected from Connecticut General Life Insurance Company; now, therefore, be it
Resolved, by the Senate of the State of Texas and the House of Representatives concurring, That Connecticut General Life Insurance Company be, and it is hereby, granted permission to bring suit against the State of Texas for recovery of occupation taxes erroneously recovered from Connecticut General Life Insurance Company for the years 1952-57 and 1959; and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer, the State Board of Insurance, and the Commissioner of Insurance; and be it further
Resolved, That such suit may be filed within two (2) years from the adoption date of this resolution and be it further
Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Connecticut General Life Insurance Company to bring suit against the State of Texas and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which said Connecticut General Life Insurance Company seeks to recover must be proved in Court as in other civil cases.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

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

S. C. R. No. 69
WHEREAS: A lawsuit is pending in the 131st Judicial District Court of Bexar County, styled Continental Investment Company vs. State of Texas, numbered P-135, 683, as to the validity of any allegations or claims asserted in said suit, but that all such defenses are hereby specifically reserved.

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, in said suit, but all such defenses are hereby specifically reserved.

The resolution was adopted.

TO GRANT MYRTLE POPE PERMISSION TO SUE THE STATE

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

H. C. R. No. 92, Granting Myrtle Pope permission to sue the State.

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

The resolution was adopted.

GRANTING THE CONTINENTAL INVESTMENT COMPANY PERMISSION TO SUE THE STATE

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

H. C. R. No. 169, Granting the Continental Investment Company permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

COMMITTEE AMENDMENT NO. 1

Amend H. C. R. No. 169 by changing the period to a semi-colon at the end of the resolution, adding the words “and be it further” and by adding two new paragraphs to read as follows:

Resolved, That 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, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same
allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and 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. 108, as amended, was adopted.

GRANTING INDUSTRIAL GAS SUPPLY CORPORATION PERMISSION TO SUE THE STATE

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

S. C. R. No. 55, Granting the Industrial Gas Supply Corporation permission to sue the State.

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

Mr. Pearson offered the following committee amendment to the resolution:

Amend S. C. R. 55 by adding the following at the end of the last paragraph thereof:

Resolved, That nothing herein shall be construed as an admission of the validity of any allegations or claims alleged in said suit, but that all allegations and claims alleged in said suit 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, of 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.

S. C. R. No. 55, as amended, was adopted.

GRANTING CONDON-CUNNINGHAM, HAM, INC. PERMISSION TO SUE THE STATE

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

S. C. R. No. 47, Granting Condon-Cunningham, Inc., permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend S. C. R. 47 by changing the period to a semicolon at the end of the resolution, adding the words "and be it further," and by adding two new paragraphs to read as follows:

Resolved, That nothing herein shall be construed as an admission of the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit 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.
TO GRANT WALTER JOHN Szczeurek permission to sue the State.

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

H. C. R. No. 89, Granting Walter John Szczeurek permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 89 by changing the period to a semi-colon at the end of the last paragraph, adding the words "and be it further," and by adding two new paragraphs to read as follows:

Resolved, That 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, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit 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. 89, as amended was adopted.

TO REQUEST CERTAIN STUDY RELATIVE TO STATUTORY REVISION

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

H. S. R. No. 659, To request certain study relative to statutory revision.

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

The resolution was adopted.

REQUESTING THE TEXAS LEGISLATIVE COUNCIL TO MAKE CERTAIN STUDY RELATING TO THE AD VALOREM TAX

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

H. C. R. No. 56, Requesting the Texas Legislative Council to make certain study.

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

The resolution was adopted.

REQUESTING THE TEXAS LEGISLATIVE COUNCIL TO MAKE CERTAIN STUDY REGARDING THE INSURANCE INDUSTRY

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

H. C. R. No. 92, Requesting the Texas Legislative Council to make certain study regarding the insurance industry.

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

The resolution was adopted.

COMMITTEE APPOINTED TO ESCORT THE HONORABLE JOHN CONNALLY

The Speaker announced the appointment of the following Committee to escort the Honorable John Connally to the Speaker's rostrum:

Messrs. Foreman, Chairman; Dewey, Koroth, Pearcy, Spears and Kennard.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

H. B. No. 83, An Act amending, repealing parts of, and adding to Chapter 276, Acts of the Forty-fifth Legislature, page 556 (1937), as subsequently amended by Special Laws, Acts of the Forty-sixth Legislature, page 1092 (1939), Chapter 60, Acts of the Fifty-third Legislature, page 82, (1955), Chapter 104, Acts of the Fifty-fifth Legislature, page 1469, (1957), and Chapter 27 Acts of the Fifty-sixth Legislature, page 78 (1959), all as codified under Article 2250-119, Vernon’s Civil Statutes of the State of Texas; amending Section 1 of said Chapter 276, as amended, to include a definition of the term “professional services” and re-enacting said Section 1 as so amended; amending Section 2 of said Chapter 276, as amended, with reference to the creation of the District so as to comply harmoniously with all provisions of this Act, and re-enacting said Section 2 as so amended; adding a new Section 3 to said Chapter 276, as amended, to enlarge the territorial jurisdiction of the District and to define the boundaries of the District so as to include therein all of the Counties of Bexar, Wilson, Karnes and Go­lad, etc., providing a severability clause with respect to this Act; and declaring an emergency.

H. B. No. 111, An Act amending Section 1 of Chapter 360, Acts of the Forty-seventh Legislature, Regular Session, 1941, to provide that the Commissioners Court in all counties of this State may provide fire protection and fire-fighting equipment for the citizens of the county outside of any incorporated city, town or village therein; to provide that this equipment may be paid for by time warrants of the county as provided by law; and declaring an emergency.

H. B. No. 137, An Act to repeal certain Statutes and Laws contained in Title 62 of the Texas Revised Civil Statutes, 1925, as amended, and certain subsequent legislative acts codified under such Title, which Statutes, Laws and Acts are in conflict with the provisions of the Texas Business Corporation Act, Acts 1955, Fifty-fourth Legislature, page 239, Chapter 64, and of the Texas Non-Profit Corporation Act, Acts 1955, Fifty-sixth Legislature, page 285, Chapter 165, or are inconsistent with the general purposes of such Acts, or aresupplemented by the provisions of those Acts; to provide for the effect of such repeal; and declaring an emergency.

H. B. No. 139, An Act to amend Article 3914, Texas Revised Civil Statutes, 1925, as amended, Acts 1951, Forty-second Legislature, Chapter 130, Section 1, in order to eliminate those filing fee provisions which have been supplanted by filing fee provisions in the Texas Business Corporation Act and in the Texas Non-Profit Corporation Act; and declaring an emergency.

H. B. No. 245, An Act authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency.

H. B. No. 246, An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Abilene Special School; to sell and convey same; and declaring an emergency.

H. B. No. 348, An Act amending Article 994 of the Revised Civil Statutes of Texas, 1925, as amended, to provide that in suits by minors, lunatics, idiots or non compos mentis when they are represented by next friend where a judgment is recovered not exceeding Fifteen Thousand Dollars ($15,000), the court may by order, and upon the posting of bond, authorize such next friend to take charge of such money for the use and benefit of plaintiff; providing the Act shall not apply to pending litigation; and declaring an emergency.

H. B. No. 349, An Act apportioning the State of Texas into Representative Districts; naming the Counties composing each District; providing the number of Representatives to be elected in each District; providing for returns of elections and issuance of certificates of election; making the Act effective for the elections for all Representatives from
the places herein specified and described for the Fifty-Eighth Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not affect present membership, personnel or Representative Districts of the Fifty-seventh Legislature; and providing Special Elections for the filling of vacancies in the office of any Representative of the Fifty-seventh Legislature shall be filled in the District as it now exists; apportioning the State of Texas into Senatorial Districts; naming the counties comprising each District; providing that this Act shall become effective and apply to the election of Senators of the Fifty-eighth Legislature and to the election of Senators thereafter; providing that this Act shall not apply to the election of the Senators of the Fifty-seventh Legislature; providing that the vacancies in the office of any Senator of the Fifty-seventh Legislature shall be filled by election in the District as it now exists; providing for severability; repealing all laws in conflict herewith; and declaring an emergency.

H. B. No. 692, An Act to amend Section 1, Sub-section 2c B of House Bill No. 162, Acts of the Fifty-first Legislature, 1949, Chapter 366, page 859, as amended by Section 8 of House Bill No. 404, Forty-fourth Legislature, 1939, Chapter 956, page 1385, known also as Section B of Article 7880-3c, Vernon's Annotated Civil Statutes, dealing with Underground Water Conservation Districts, by adding a new paragraph (11) at the end thereof, which shall be Section B (11) of Article 7880-3c, Vernon's Annotated Civil Statutes, authorizing a District to require the closing or capping of an "open or uncovered well," defining an "open or uncovered well," and permitting a District to close or cap the same if the owner and/or operator of the land upon which such open or uncovered well is located refuses to do so, creating a lien on said land for expenses incurred by the District for closing or capping such open or uncovered well, providing that such remedies shall be cumulative; providing a saving clause; and declaring an emergency.

H. B. No. 721, An Act to amend Section 1, Section 2, and Section 4 of House Bill No. 127, Acts of the Regular Session, Fifty-first Legislature, providing for the creation, regulation, and financing of Mosquito Control Districts in counties; providing for a tax not to exceed twenty-five cents ($0.25) on each one hundred dollar tax valuation; providing that this Act shall be severable; and declaring an emergency.

H. B. No. 846, An Act providing for the trapping, transporting and transplanting of wild white-tailed deer from overpopulated areas to other areas in which deer populations are below carrying capacity; providing such trapping, transporting and transplanting shall be at no expense to the State; providing for the issuance of permits by the Game and Fish Commission for trapping, transporting, and transplanting wild white-tailed deer; limiting the hunting of transplanted wild white-tailed deer and declaring an emergency.

H. B. No. 923, An Act creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as "Kimble County Water Control and Improvement District No. 1," comprising lands lying within the County of Kimble, Texas, pre­scribing its powers and duties including the powers necessary to operate fully with the Federal Government, its agencies and departments, under Public Law 566, 83rd Congress, Chapter 656, Second Session, H. R. 6788, as amended by Public Law 1018, 84th Congress, Chapter 1027, Second Session, H. R. 8710, including the power or authority to secure a federal loan or loans and enacting the applicable provisions of said public laws into this Act by reference; etc., providing a savings clause; and declaring an emergency.

H. B. No. 1046, An Act applying to incorporated cities and towns having a population of more than one hundred thousand (100,000) inhabitants according to the Federal Census last preceding the taking of action hereunder (referred to hereafter as "city"): authorizing such city to purchase, build, construct, acquire, improve, enlarge, extend, maintain, repair, and replace any and all properties, improvements and facilities
which the governing body thereof shall immediately revert to the District; providing the District shall have the sole regulatory authority of the Game and Fish Commission in certain counties, so as to include Kerr County; and declaring an emergency.

H. B. No. 1055, An Act relating to the authority of the Commissioners Court of any county having a population of more than twenty thousand three hundred eighty-five (20,385) individuals and less than twenty thousand, four hundred seventy-five (20,475) individuals, according to the last preceding Federal Census, to employ a secretary to the county attorney and fixing the salary thereof; and declaring an emergency.

H. C. R. No. 40, Relative to providing for parking space in the Capitol area.

H. J. R. No. 51, Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section to be known as Section 9 to provide that the Legislature may authorize the creation of Hospital Districts composed of all or part of one or more counties; the assumption by the District of any Included City, Town or County hospital indebtedness and the transfer of all hospital facilities therefrom to the district; the issuance of bonds for hospital purposes and the levy of taxes to pay the district's bonds, assumed indebtedness and for operating and maintaining the district; providing other terms and conditions for accomplishing the purposes of this amendment.

RELATING TO PUBLIC SCHOOL WEEK

The Speaker called the House to order for consideration at this time,

H. B. No. 1063, An Act enlarging Jefferson County Drainage District No. 6 of Jefferson County, Texas; converting said District as so enlarged to, and creating and establishing said District as, a Conservation and Reclamation District under Section 59, Article XVI, Texas Constitution; providing that the General Laws relating to drainage districts, with exceptions, shall apply to said District and to its Drainage Commissioners; containing provisions relating to, and authorizing the issuance of bonds of the District, and containing provisions relating thereto; etc., and declaring an emergency.

H. B. No. 1085, An Act relating to the District; and declaring an emergency.

An Act amending Section 1 of Chapter 50, Acts of the Fifty-Fifth Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain
May 22, 1961

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S. C. R. No. 56, Relating to Public School Week, March 5th through March 9th, 1962.
The resolution having heretofore been referred to the Committee on Education and reported favorably by the Committee.
The resolution was adopted.

REQUESTING THE GOVERNOR TO ESTABLISH WITHIN THE EXECUTIVE DEPARTMENT THE POSITION OF STATE COORDINATOR OF AGING SERVICES

The Speaker laid before the House for consideration at this time, S. C. R. No. 43, Requesting the Governor to establish in Executive Department the position of State Coordinator of Aging Services.
The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.
The resolution was adopted.

RELATIVE TO THE APPOINTMENT OF AN INTERIM COMMITTEE ON SUNDAY LAWS

The Speaker laid before the House for consideration at this time, H. S. R. No. 389, Relative to the appointment of an Interim Committee on Sunday Laws.
The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.

Mr. Miller offered the following amendment to the resolution:

Amend H. S. R. 389 by striking all of same and substituting in lieu thereof the following:

COMMITTEE SUBSTITUTE

Whereas, under common law as adopted in Texas, Sunday was dies non juridicus; and
Whereas, Sunday Laws enacted in the late Nineteenth Century have remained as originally enacted through the great social and economical upheavals of the last eighty years; and

Whereas, Our early Legislators wisely excepted necessary work activities of certain persons on Sundays from penalties of Sunday Laws; and
Whereas, Work of necessity as contemplated in the Nineteenth Century has in many instances disappeared as a form of labor in contemporary times; now, therefore, be it

Resolved By the House of Representatives of the State of Texas, That an Interim Committee on Sunday Laws be created to consist of five (5) members appointed by the Speaker of the House of Representatives, and that such committee shall study the problems of Sunday business openings and their effect on the communities of Texas; and,

be it further Resolved, That the committee be requested to report its findings and recommendations to members of the 58th Legislature within two (2) weeks after convening of the Regular Session.

The amendment was adopted.

H. S. R. No. 389, as amended, was adopted.

INTRODUCTION OF G. S. DHILON OF INDIA

Speaker Turman presented the Honorable Alonzo Jamison, who introduced G. S. Dhilon, Speaker of the House of Representatives of the State of Punjab of the Federal Union of India.

Mr. Dhilon addressed the House briefly.

Speaker Turman expressed appreciation to Mr. Dhilon for the address.

MESSAGE FROM THE SENATE

Austin, Texas, May 22, 1961

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

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 334.

The following have been appointed on the part of the Senate:

Whereas, Our early Legislators wisely excepted necessary work activities of certain persons on Sundays from penalties of Sunday Laws; and
Whereas, Work of necessity as contemplated in the Nineteenth Century has in many instances disappeared as a form of labor in contemporary times; now, therefore, be it

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be it further Resolved, That the committee be requested to report its findings and recommendations to members of the 58th Legislature within two (2) weeks after convening of the Regular Session.

The amendment was adopted.

H. S. R. No. 389, as amended, was adopted.

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The following have been appointed on the part of the Senate:
ADDRESS BY THE HONORABLE JOHN B. CONNALLY
(The Senate and the House of Representatives in Joint Session)

In accordance with the provisions of S. C. R. No. 62, providing for a Joint Session for the purpose of hearing an address by the Honorable John B. Connally, Secretary of the Navy, the Honorable Senators were admitted to the Hall of the House and occupied seats arranged for them.

Lieutenant Governor Ben Ramsey was escorted to a seat on the Speaker’s Rostrum.

At 11:59 o’clock a.m., the Honorable John B. Connally and Mrs. Connally, Governor and Mrs. Price Daniel, Captain William Anderson, Colonel Ed Wheeler and Commander Jim Jenkins, escorted by Senators Herring, Roberts, Hardeman, Krueger and Martin, Committees on the part of the Senate, and Messrs. Foreman, Chairman; Dewey, Korloth, Pearcy, Spears and Kennard, Committees on the part of the House, were announced at the bar of the House and being admitted, were escorted to seats on the Speaker’s Rostrum.

Lieutenant Governor Ben Ramsey called the Senate to order.

A quorum of the Senate was announced present.

The Honorable James A. Turman, Speaker, called the House of Representatives to order and directed the Clerk to call the roll of the House.

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

Mr. Speaker: Bass
Adams of Lubbock: Bell
Allen: Blakene
Andrews: Boyes
Barnfield, Mrs.: Bridges
Ballman: Buchanan
Barlow: Burgess
Barron: Butler
Bartram: Caldwell

Cannon: McGregor
Carriker: McIlhany
Coles of Harris: Markgraf
Coles of Hunt: Martin
Collins: Miller
Conself: Mata
Cory: Mullen
Cotten: Murray
Cowles: Niemeyer
Craw: Negent
Carlington: Oliver
Crawford: Osborn
Duff, Miss: Pearson
Driscoll: Peeler
Ehrle: Petty
Erickson: Pieratt
Eubanks: Preston
Fletcher: Price
Floyd: Quillian
Garrison: Rapp
Gibbons: Ratliff
Gladden: Read
Glass: Richards
Green: Richardson
Grover: Ross
Gurley: Round
Hale: Schram
Harding: Shannon
Hart: Slack
Harrington: Slater
Havana: Smith of Bexar
Hinton: Smith of Jefferson
Hollowell: Sprague
Huebner: Spears
Hughes: Spilman
Hussom: Spitzer
Ivans, Miss: Stewart
James, Mr.: Stewart
Jameson: of Galveston
Jarvis: of Wichita
Johnson of Dallas: Sirpee
Johnson of Bexar: Tharman
Johnson of Bell: Thermond
Jones of Dallas: Trevino
Jones of Travis: Turnell
Koliba: Walker
Korlofs: Ward
Lack: Watson
Lacy: Wells
Latimer: Wheatley
Leaverton: Whitfield
Longoria: Wilson of Totality
McCoppin: Wilson of Potter
McGregor: Woods
McMillan: Yeatman

Atwell: Absehs
Bailey: Fossum
Bailey: Kilpatrick
At 12:12 o'clock p.m., Lieutenant Governor Ben Ramsey stated that the business of the Joint Session was concluded and that the Senate would retire.

The Speaker called the House to order at 11:17 o'clock p.m.

REMARKS ORDERED PRINTED
Mr. Caldwell moved that the remarks of the Honorable John Connally, Secretary of the Navy, addressed to the Joint Session on today, be reduced to writing and printed in the Journal.

The motion prevailed, and it was so ordered.

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The Speaker stated that the two Houses were in Joint Session for the purpose of hearing an address by the Honorable John B. Connally, Secretary of the Navy.

Speaker Turman then presented Senator Herring, who introduced the Secretary of the Navy, John B. Connally, to the Joint Session.

The Honorable John Connally then addressed the Joint Session.

Senator Herring introduced the following to the Joint Session:


Senator Herring then presented Mrs. John Connally.

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The Honorable John Connally then addressed the Joint Session.

Senator Herring introduced the following to the Joint Session:


Senator Herring then presented Mrs. John Connally.
S. B. No. 197, An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 54th Legislature (Vernon's Ann. Civil Statutes Art. 1269)), by adding a new Section to make bonds issued for Airport purposes eligible as security for public funds and as investments for certain funds; enacting other matters related to the subject and declaring an emergency.

S. B. No. 201, An Act to amend Section 1 of Chapter 35 of the General laws of the 54th Legislature, Regular Session, 1955, which is codified as Section 1 of Article 3815b.1 of Vernon's Texas Civil Statutes, so as to authorize the governing board of any junior college district or union junior college district to acquire land for buildings and other structures and for additions to existing buildings and other structures by eminent domain.

S. B. No. 213, An Act validating the annexation of territory by all cities of five hundred (500) inhabitants or less heretofore incorporated under the General Laws of Texas, and being located within two counties, one of which having a population of five hundred thirty-eight thousand five hundred sixty-nine (538,695), and the other having a population of forty-seventy thousand, four hundred thirty-two (47,432); validating the boundary lines thereof; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of any annexation; and declaring an emergency.

S. B. No. 214, An Act to amend Subsec. D (1), (2) and (8) of Art. 2539 of the Texas Business Corp. Act, as amended, Acts 1957, 54th Leg., R. S., Ch. 54 Sec. 4a providing for cumulative voting by shareholders for the election of directors unless prohibited by the articles of incorporation; providing that no amendment of the articles of incorporation prohibiting the right of cumulative voting shall be effective unless at least sixty-six and two-thirds per cent (66 2/3%) of the outstanding shares of each class of stock entitled to vote thereof shall have been voted for such amendment; providing for written notice by shareholder who intends to cumulate his votes to the secretary of the corporation on or before the day preceding the election at which such shareholder intends to cumulate his votes; providing an effective date; and declaring an emergency.

S. B. No. 219, An Act changing the terms of Court of the 10th Judicial District, composed of the counties of Andrews, Crane and Winkler; prescribing the terms of the court; providing that all process issued and returnable to a succeeding term of court and all bonds and recognizances made and all record and petition and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding terms of the 109th District Court of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn for the same; providing that all process issued and made returnable on or before Monday next after the expiration of twenty (20) days of service thereof shall be valid, and unaffected by this Act; making other provisions relating to the functioning of the 109th Judicial District; providing a severability clause and declaring an emergency.

S. B. No. 221, An Act to amend Article 13.40 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1956, 54th Legislature, Page 916, Chapter 263, Section 13, as further amended by Acts of 1959, 54th Legislature, Page 290, Chapter 411, Section 4) pertaining to investments by life, health or accident insurance companies in real estate by adding to said article a paragraph permitting such companies to acquire, secure, retain, hold and convey production payments subject to restrictions and limitations; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency.

S. B. No. 265, An Act relating to the establishment of speed limits on turnpikes operated by the Texas Turnpikes Authority; amending Section 8 of Chapter 43, Acts of the 41st Legislature, 2nd Called Session, as amended by Chapter 46, Acts of the 42nd Legislature, 1st Called Session, and by Chapter 488, Acts of the 43rd Legislature (now codified as Section...
s of Article 871a of Vernon's Penal Code, by the addition of a new subsection to be entitled Subsection 2A; and declaring an emergency.

S. B. No. 261. An Act amending Section 14(a) of Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended, to provide for an increase in penalties for misrepresentations and false statements made in applications for unemployment insurance; and declaring an emergency.

S. B. No. 273. An Act concerning release of persons who have contagious diseases from State Hospitals and Special Schools by writs of habeas corpus; and declaring an emergency.

S. B. No. 284. An Act to amend Article 3.39 of the Insurance Code; to add a new Article to the Insurance Code to be identified as Article 3.39a, restricting certain activities of insurance companies; and declaring an emergency.

S. B. No. 286. An Act amending Section 59 of the Texas Probate Code; clarifying the requirements for certification of self-proved wills; and declaring an emergency.

S. B. No. 294. An Act applying to Texas Southern University authorizing the governing board thereof to determine the charging and collection of tuition fees for certain time and to charge students certain building-use fees; authorizing the pledge of the income of such building-use fees and the issuance of bonds, warrants, or notes payable therefore; providing and prescribing certain terms and conditions relating to such bonds, warrants, or notes; authorizing the charging and collection of additional tuition fees under certain conditions; providing that this Act shall be cumulative of other statutes; authorizing the issuance of refunding bonds, warrants, etc., and declaring an emergency.

S. B. No. 316. An Act providing for the incorporation of Dental Health Service Corporations under the Texas Non-Profit Act; adding an exception to the Dental Practice Act; and providing for severance, repealing and emergency clauses.

S. B. No. 320. An Act amending various sections of Chapter 137, Acts of the Fifty-sixth Legislature; making the Joint Board of Park Commissioners a body corporate and politic and providing that title to the park properties and facilities shall be vested in said board; relieving the county officials and commissioners courts of certain duties and responsibilities with respect to the functions of said board and the issuance of the bonds under this Act; making certain revisions in the provisions relating to the issuance of bonds without an election and providing that said Joint Board may secure such bonds by a mortgage on properties of the Joint Board as well as a pledge of net revenues; providing that said board shall not have the power to levy a tax for any purpose; amending certain other provisions of said Act; making provision for changing the name of the Joint Board and of the entity authorized to be created by the Act hereby amended by this Act; and declaring an emergency.

S. B. No. 334. An Act providing that directors, employees and engineers of any district or authority created by Act of the Legislature of the State of Texas under Article XVI, Section 55 of the Constitution and having the power to provide a water supply for municipal or other uses shall have the same authority as is conferred upon the directors, employees and engineers of water control and improvement districts by Section 49, Chapter 25, Acts of the Thirty-ninth Legislature with reference to making surveys and attending to other business of the district or authority; and declaring an emergency.

S. B. No. 357. An Act amending Article 2.08 of Chapter 3, of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1956, 54th Legislature, page 418, Chapter 117, Section 9, and as amended by Acts of 1959, 56th Legislature, page 255, Chapter 145, Section 1), to provide that items of minimum capital stock and minimum surplus shall consist only of cash; bonds of this State or of the United States; other evidences of indebtedness guaranteed to principal and interest by the United States; insured first mortgages on unencumbered
ed real estate in this State, provided
that investment in such note shall
not exceed one-half of the minimum
capital stock and minimum surplus
of the investing company; and in
bonds or other interest-bearing evi-
dences of indebtedness of any coun-
ties, cities, or other municipalities of
this State; and amending Article
2.10, of Chapter 3 of the Insurance
Code (Acts of the 1955, 56th Legis-
lature, as amended by Acts of the
1964, 56th Legislature, page 413,
Chapter 117, Section 10, as amended
by Acts of the 1968, 59th Legislature,
page 98, Chapter 49, Section 1), to
provide definite requirements as to
types and qualification of securities
for the investment of funds in ex-
cess of minimum capital and mini-
imum surplus; repealing conflicting
laws and parts of laws to the extent
of such conflicts; containing a sav-
ing clause; and declaring an emer-
gency.

S. B. No. 340, An Act amending
Section 18 of Chapter 191, Acts of
the 43rd Legislature, 1st Called Ses-
tion, 1933, as added by Chapter 15,
Acts of the 56th Legislature, Regu-
lar Session, 1959, relating to the
firemen and policemen pension fund;
and declaring an emergency.

S. B. No. 346, An Act amending
Article 7841-b of the Revised Civil
Statutes of Texas of 1925, as amend-
ed to provide for dividing Water
Improvement Districts organ-
ised or operated under Chapter 2 of
Title 128, Revised Civil Statutes of
Texas of 1925, when such Districts
are operated under contract with the
Department of the Interior of the
Government of the United States,
into divisions for the election of Di-
rectors thereof; validating and con-
firming all orders heretofore made
by the Board of Directors of such
Districts, dividing said Districts into
divisions, and validating and con-
firming all elections heretofore held
for Directors for each of such di-
visions; requiring Directors thereof
to be owners of land subject to taxa-
tion in the division from which they
are elected; and also requiring that
such Directors shall reside in the
division from which they are elected;
providing for the election of such
Directors by the vote of the qualified
electors of the whole Water Improve-
ment District; providing that when
the Directors of such Districts may
consider it advisable from the stand-
point of convenience or economy in
holding such elections, they may by
order entered in the minutes of the
District designate one polling or vot-
ing place for two or more precincts;
and declaring an emergency.

S. B. No. 388, An Act providing
for the compensation of the Official
Shorthand Reporters of the 3rd Ju-
dicial District of Texas and the 196th
Judicial District of Texas; providing
for the manner of payment; provid-
ing that if any section, paragraph,
sentence, clause, phrase, or any part
of this Act be invalid, such invalidity
shall not affect the remainder there-
of; repealing all laws and parts of
laws in conflict to the extent of such
conflict only; and declaring an emer-
gency.

S. B. No. 400, An Act authorizing
the State Soil Conservation Board
to contract for the development of work
plans for watershed protection and
flood prevention; and declaring an emer-
gency.

S. B. No. 409, An Act validating
and providing for a State mentally
retarded school; regulating and pro-
viding for the operation of same; and
declaring an emergency.

S. B. No. 418, An Act amending
Chapter 273, Acts of the 56th Legis-
lature, Regular Session, 1957, con-
veying to the Elm Creek Watershed
Authority of Bell, Mills, Falls and
McLennan Counties; creating a benefi-
t to all land and other property within
the Authority; providing Authority
was and is created to serve a public
use and benefit; defining the bound-
aries of the Authority; exempting
property of the Authority and bonds
of Authority from taxation; pro-
viding for bonds of Authority to be
eligible investments; providing for an
election for confirmation and no
hearing for elections; adopting the
ad valorem plan of taxation for the
Authority; providing for amount
and kind of bonds for Directors; etc.,
and declaring an emergency.
S. B. No. 415, An Act making a specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by H. F. Clark against the State of Texas pursuant to Senate Concurrent Resolution No. 5, Fifty-First Legislature, Regular Session, authorizing H. F. Clark to sue the State of Texas for the recovery of damages resulting from the north approach to the high level bridge across the Corpus Christi Ship Channel being constructed and maintained upon a dedicated public park opposite to the Grande Courts then owned by H. F. Clark; and, providing further, that the Comptroller of the State of Texas issue a warrant on the State Treasury in favor of H. F. Clark in the sum of the said judgment, and to issue a warrant on the State Treasury in favor of Ben A. Ligon, District Clerk of Nueces County, in payment of all costs; and declaring an emergency.

S. B. No. 419, An Act amending Article 21.28, Section 8(e) and 8(f) of the Texas Insurance Code of 1951, as amended, and adding thereto Sections 8(g) and 8(h), providing for the handling of unclaimed dividends, return assessments and other funds; providing for the recovery of such funds by the owner thereof within 2 years; notice and hearing; and prescribing the method for the declaration of such funds as abandoned property and the property of the State Board of Insurance, and the use to be made of such funds; providing that the Act be liberally construed; that Article 21.28, as amended, and adding thereto Sections 8(g) and 8(h), providing for the handling of unclaimed dividends, return assessments and other funds; providing for the recovery of such funds by the owner thereof within 2 years; notice and hearing; and prescribing the method for the declaration of such funds as abandoned property and the property of the State Board of Insurance, and the use to be made of such funds; providing that the Act be liberally construed; that its sections be severable; and declaring an emergency.

S. B. No. 431, An Act regulating the possession, transportation, and sale of live coypu (nutria) and providing for the granting of permits by the Game and Fish Commission for such possession, transportation, or sale; providing penalties; and declaring an emergency.

S. B. No. 435, An Act to validate annexation proceedings of Home Rule cities where such annexation took place prior to the 1st day of March, 1961, and where bonds have been voted or issued by the annexing municipality prior to March 1, 1961 and after commencement of annexation proceedings; and validating all proceedings and contracts and the exercise of dominion and governmental functions over such annexed territory; providing an effective date, and declaring an emergency.

S. B. No. 439, An Act authorizing eligible counties, as defined therein, to acquire a supply of natural gas for the courthouse and other county purposes and providing for the acquisition of such distribution facilities as may be required; providing the circumstances under which such county may sell natural gas not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of the project; providing that such bonds shall be secured solely by a pledge of the net revenues from the operation of the project; prescribing the procedure for the issuance of such bonds; authorizing the issuance of additional bonds to improve and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under this Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposits of certain funds; providing for the exercise of the power of eminent domain and placing certain restrictions on the use of such power; declaring this Act shall be cumulative of all other laws; declaring the Act to be essential, etc., and declaring an emergency.

S. B. No. 445, An Act amending Section 2 of Senate Bill No. 86, Page 544, Acts, Regular Session, Forty-sixth Legislature, 1959, as amended by House Bill No. 651, being Chapter 942, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, and being codified in Vernon's Texas Civil Statutes as Section 3 of Article 695c, by amending Subsection (3) thereof; increasing the per diem of members of the State Board of Public Welfare; providing a replevin clause, a savings clause, and declaring an emergency.

S. B. No. 447, An Act authorizing and empowering Counties having less than 20,000 population according to the last or any succeeding Federal Census and any City or Cities
therein located to finance, construct, maintain and operate jail, jails or jail facilities for the joint and mutual use of such Counties and City or Cities; authorizing the issuance of bonds and expenditure of funds therefor; authorizing the Commissioners Court of said Counties and the governing body of said city or cities to enter into contracts for the financing, construction, maintenance, and operation of such jails; providing a repealing clause; providing a severability clause; and declaring an emergency.

S. B. No. 458, An Act amending Chapter 171, Acts of the Fifty-Sixth Legislature, Regular Session, relating to Tom Green County Water Control and Improvement District No. 1, by providing an additional method of detaching land from, and adding land to said district; prescribing the effect of failure to hold an election within the time prescribed, resulting favorably to the assumption of district's outstanding bonds and district's obligations under its contract with the United States Government; enacting other provisions related to the subject; and declaring an emergency.

S. B. No. 467, An Act amending Chapter 13, Acts of the Sixty-Fifth Legislature, First Called Session, 1957, pertaining to the Bell County Water Control and Improvement District No. 6; finding a benefit to all land and other property within the District; providing District was and is created to serve a public use and benefit; defining the boundaries of the District; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exactions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; etc. and declaring an emergency.

S. C. R. No. 67, Requesting the Governor to return S. B. No. 294 to the Senate for further consideration.

S. C. R. No. 68, Directing the Enrolling and Engrossing Clerk of the House to make certain corrections in H. B. No. 741.

CONFERENCE COMMITTEE APPOINTED ON S. B. NO. 294

The Speaker announced the appointment of the following conference committee, on the part of the House, on S. B. No. 294:

Messrs. Kennard, Chairman; Cotten, Giadden, Richardson and Shannon.

COMMITTEE MEETING

Mr. Cotten asked unanimous consent of the House that the Committee on Appropriations be permitted to meet at this time.

There was no objection offered.

VOTES RECORDED

Mr. Watson was granted permission to be recorded as voting "yea" on the passage of S. J. R. No. 22 on May 17, and "yea" on the Motion to suspend the Constitutional Rule on H. B. No. 711, on May 18.
RECESS
Mr. Ratcliff moved that the House recess until 2:30 o'clock p.m. today.
The motion prevailed.
In accordance with the motion to recess the House at 12:30 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION
The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED
Mr. McGregor of McLennan was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Woods.
Mr. Kilpatrick was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Harrington.

COMMITTEE MEETING
Mr. Lewis asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

HOUSE BILL NO. 481 ON PASSAGE TO ENGROSSMENT
The Speaker laid before the House, as postponed business, its passage to engrossment.

H. B. No. 481, A bill to be entitled "An Act levying a tax on the occupation of producing natural gas, defining 'Producers' so as to include 'Severance Producers' and 'Dedicated Reserve Producers,' recognizing the interests of such Producers as an interest in land, levying a tax of $1.505 cents per thousand cubic feet on each MCF of gas produced in the State of Texas against such Producers (with exceptions), providing a division formula for the apportionment of such tax by such Producers or combination of Producers (including Severance Producers and Dedicated Reserve Producers), further defining and describing persons to whom the tax applies, providing exclusions, providing for collection and enforcement, defining terms, providing for severability and declaring an emergency."

The bill was read second time on May 16, and further consideration was postponed until today.
Mr. Hinson offered the following committee amendment to the bill:

Committee Amendment No. 1
Amend H. B. No. 481 by striking all below the enacting clause and substituting therefor the following:

Section 1. Declaration of policy.
It is the policy of this State, in order to promote conservation and to distribute equitably the burden of natural resources taxation, to recognize and fully clarify by statutes the relation between various factors in the occupation of producing natural gas, so that the taxpayer in each instance may be identified clearly, and so that all persons so engaged in the occupation of production will bear equitably the taxes imposed in connection with the severance of gas from Texas soil.

Pursuant to this policy it is recognized that there exists in such natural gas production occupation, contractual relations between several definable groups all engaged integrally in such occupation of severance of natural gas from the soil and all having such a direct and beneficial interest in the producing of gas that for the purposes of taxation they can be classified as producers of gas. It is the policy of the State of Texas to recognize such interests as are referred to in this bill as those of the Severance Producers, as herein defined, and the Dedicated Reserve Producers, as herein defined, as taxable interests in production of gas and elements of the title to the gas in place in Texas.

Section 2. Definitions.

a. "Person" includes any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, or person acting under a declaration of trust.

b. "Severance Producer" means any person owning, controlling, managing, or leasing any gas well and/or any person who produces in any
any person holding a contract of more than six months' duration which confers upon such person the prior right to take title to gas from particular lands, leases, and reservoirs in this State and imposes upon another person the obligation to maintain and operate wells so as to make delivery thereof as required by such contract, and it shall be conclusively presumed (1) that by such dedicated reserve contract, gas in place under such lands or leases or within such reservoirs has been pledged, dedicated, and set apart to satisfy such dedicated reserve contract and (3) that any gas which is delivered and accepted under such dedicated reserve contract has been withdrawn from the lands and waters of this State for the use and benefit of the person taking title to such gas by virtue of such dedicated reserve contract. However, such term shall be limited to the holder of a contract right with the Severance Producer.

d. “Producer” means both “Severance Producer” and “Dedicated Reserve Producer”; and it is declared the policy of this State, in order equitably to distribute the tax burden between them, to recognize that both are joint enterprises engaged in the occupation of withdrawing natural gas from the lands and waters of this State.

e. “Dedication Contract Holder” means any person holding a “Dedication Contract” which confers upon said person the prior right to take title to gas from a “Dedicated Reserve Producer.”

f. “Dedicated Reserve Contract” means any contract of more than six months' duration which confers upon a person the prior right to take title to gas from particular lands, leases, and reservoirs in this State and imposes upon another person the obligation to maintain and

operate wells, so as to make delivery thereof as required by such contract.

g. “Dedication Contract” means any contract of more than six months' duration which confers upon a “Dedication Contract Holder” the prior right to take title to gas from a “Dedicated Reserve Producer.”

h. “First Purchaser” means any person purchasing gas from the Producer. (When he holds a Dedicated Reserve Contract he is also the Dedicated Reserve Producer.)

I. “Gas” means natural and casing head gas or other gas taken from the earth or waters, regardless of whether produced from a gas well or from a well also productive of oil, distillate and/or condensate, or other product.

j. (1) As to that gas containing gasoline or other liquefiable hydrocarbons that are removed or extracted at a plant in Texas or scrubbing, absorption, compression, or any other process, the term “residue gas” means that portion of the gas that flows through the outlet of such plant. In the event that such gas is processed in more than one such plant, then the term “residue gas” means that portion of the gas that flows through the outlet of the first plant.

(2) As to that gas which passes through a separator in Texas and which is not processed in Texas to remove or extract the gasoline or other liquefiable hydrocarbons, the term “residue gas” means that portion of the gas remaining after its passage through such separator. In the event such gas passes through more than one separator, the term “residue gas” means that gas remaining after the passage through the first separator.

(3) As to that gas which passes through a drip or trap in Texas and which does not pass through a separator in Texas and which is not processed in a plant in Texas to remove or extract gasoline or other liquefiable hydrocarbons, the term “residue gas” means that portion of the gas remaining after its passage through such drip or trap. In the event such gas passes through more than one drip or trap, then the term
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"residue gas" means that portion of the gas remaining after its passage through the last drip or trap.

(4) As to that gas which passes through a meter and which does not pass through a drip or trap in Texas and which does not pass through a separator in Texas and which is not processed in a plant in Texas to remove or extract the gasoline or other liquefiable hydrocarbons, the term "residue gas" means that portion of the gas remaining after it passes through such meter. In the event that such gas passes through more than one meter, then the term "residue gas" means that gas that passes through the first meter.

k. "Gas produced" means the total gross amount of gas produced without any exclusions based on royalty or other interest.

m. "Royalty or other interest" means and includes the interest held by persons owning any mineral rights under any producing leasehold with or without any assignee thereof.

n. "Comptroller" means Comptroller of Public Accounts of the State of Texas.

Section 3. Levy of the tax.

There is hereby levied an occupation tax on the business or occupation of producing residue gas within this State, computed as follows:

The tax shall be paid by producers of gas at the rate of 1.05 cents per one thousand (1,000) cubic feet, subject to —

a. the exception contained in Section 4, (3) below, and,

b. the exception that, where the price of gas paid to the Severance Producer is more than fifteen cents per thousand cubic feet, the Severance Producer shall continue to be required to pay (as under the provisions of Chapter 3 of Title 122A, but not as any obligation in addition thereto), a tax of seven per cent of the price received by the Severance Producer in lieu of the 1.05 cents as set out above.

Section 4. Allocation of tax burden.

Where the price for which gas is sold by the Severance Producer is less than 15 cents per MCF and where there is a Dedicated Reserve Contract in effect, the burden of the tax shall be allocated to the classifications of Producers as follows:

a. The Severance Producer shall be deemed to have discharged fully his obligation under this tax by paying seven per cent of the value of the gas produced in the manner required by Chapter 3 of Title 122A, it being understood that under this Act his obligation for payment of taxes remains the same as that prescribed in existing law and is subject to such contracts and agreements as may have been heretofore entered into between him and the Dedicated Reserve Producer.

b. The Dedicated Reserve Producer shall pay seven per cent of the difference between the price received for the gas by the Severance Producer and 15 cents as shown in the table below; provided that—

c. (1) In the case of Dedication Contracts in existence upon the effective date of this Act in which the price at which gas is sold is less than seventy-five per cent of the tax levied by this Act can be passed on to the Dedication Contract Holder by the terms thereof, the Dedicated Reserve Producer shall pay only seven per cent of the difference between the price of residue gas at severance and the price at which the residue gas is sold by the De-
In the case of Dedication Contracts in existence upon the effective date of this Act in which seventy-five per cent or more of the tax levied by this Act can be passed on to the Dedication Contract Holder by the terms thereof, the other provisions of this Act shall apply, and the exceptional provisions for calculating this tax shall not apply. But, where this exceptional provision would be applicable but for the fact that seventy-five per cent or more of such tax can be passed on, the tax on the Dedicated Reserve Producer shall not exceed a figure equal to 15% of the difference between the price paid by the Dedicated Reserve Producer and the price paid by the Dedication Contract Holder.

(3) "Price of residue gas" as used in Section 4, (1) and (2), above, means the price established in the Dedicated Reserve Contract if the price established in the contract pertains to residue gas as defined in Section 2, (1) hereof. If the said Dedicated Reserve Contract does not establish the contract price of residue gas as defined in Section 2, (1) and (2) above, then "price of residue gas" as used herein means that proportionate amount of the price specified in the Dedicated Reserve Contract that fairly represents the value of the residue gas as defined in Section 2, (1).

(4) If the Dedication Contract permits an increase, or gives a right to negotiate for an increase in price of residue gas, after a fixed time or at intervals, then such ceiling on adjusted price or permissible level for negotiation shall be considered for the purpose of computing the tax under this subsection the same as if such ceiling were the price at which residue gas is sold by the Dedicated Reserve Producer.

(5) This subdivision c. is hereby declared to be severable, and in the event this subdivision is declared to be unconstitutional, the remainder of this Act shall remain in full force and effect, and the Legislature declares that it would have passed this Act without the exception contained in this subdivision.

The table below is set out to amplify and explain the allocation of the tax as between the Severance Producer and the Dedicated Reserve Producer where paragraphs "a" and "b" above and paragraph "c" below are applicable, but not "c."

Where the price for which gas is sold by the Severance Producer is less than fifteen cents per MCF, and where there is not a Dedicated Reserve Contract in effect, but gas is sold on the market, the Severance Producer shall pay, in addition to

<table>
<thead>
<tr>
<th>Price under Dedicated Reserve Contract</th>
<th>Tax on Severance Producer (This Act)</th>
<th>Tax on Dedicated Reserve Producer</th>
<th>Total Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 MCF</td>
<td>$0.07</td>
<td>$0.04</td>
<td>$0.11</td>
</tr>
<tr>
<td>3,000 MCF</td>
<td>$0.16</td>
<td>$0.11</td>
<td>$0.27</td>
</tr>
<tr>
<td>4,000 MCF</td>
<td>$0.22</td>
<td>$0.16</td>
<td>$0.38</td>
</tr>
<tr>
<td>6,000 MCF</td>
<td>$0.34</td>
<td>$0.22</td>
<td>$0.56</td>
</tr>
<tr>
<td>7,000 MCF</td>
<td>$0.41</td>
<td>$0.26</td>
<td>$0.67</td>
</tr>
<tr>
<td>9,000 MCF</td>
<td>$0.53</td>
<td>$0.32</td>
<td>$0.85</td>
</tr>
<tr>
<td>10,000 MCF</td>
<td>$0.63</td>
<td>$0.37</td>
<td>$1.00</td>
</tr>
<tr>
<td>11,000 MCF</td>
<td>$0.72</td>
<td>$0.42</td>
<td>$1.14</td>
</tr>
<tr>
<td>12,000 MCF</td>
<td>$0.81</td>
<td>$0.47</td>
<td>$1.28</td>
</tr>
<tr>
<td>14,000 MCF</td>
<td>$0.93</td>
<td>$0.53</td>
<td>$1.46</td>
</tr>
<tr>
<td>15,000 MCF</td>
<td>$1.00</td>
<td>$0.56</td>
<td>$1.56</td>
</tr>
</tbody>
</table>
seven per cent of the value of the
gas produced (the same being the
amount shown in the table under
the heading "Tax on Severance Pro-
ducer, Title 122A"); seven per cent of
the difference between the price
at which the Severance Producer
sold the gas on the market and
fifteen cents (same being the amount
shown in the table above under the
heading "Tax on Dedicated Reserve
Producer"). Said total payment is
in accordance with the provisions of
Section 3 hereof, and is not an ad-
ditional tax burden over and above
that imposed in such Section or
under Chapter 3 of Title 122A, Tax-
ation General, Revised Civil Statutes.

f. It is provided, however, that
the Severance Producer producing
natural gas from a newly discovered
natural gas field shall be exempt
from such additional tax (namely,
seven per cent of the difference be-
tween the price at which the Sev-
erance Producer sold the gas on the
market and fifteen cents, as set
out in "e" above) until establish-
ment of the first field rules for
such field by the Railroad Commis-
sion but in no event shall such ex-
emption be for a period of more than
six months from the date of the
first discovery of natural gas in
such field.

Section 5. Contracts not disturbed.

It is specifically declared to be
the intent of the Legislature, in
providing for the allocation of this tax's
impact, to determine only the per-
son or persons being taxed by the
provisions of this Act and not to
perturb any existing contract or
future contract between any of them
pursuing to establish by contract
an obligation for reimbursement of
moneys paid under this tax, except
in connection with the specific pro-
visions contained in Section 4. c.
b. gas produced from oil wells
with oil and lawfully vented or
flared;

c. gas used for lifting oil unless
sold for such purposes.

Section 7. Collection of Tax.

a. The tax hereby levied shall be
a liability of the Producer of gas,
and it shall be the duty of each such
Producer to keep accurate records in
Texas of all gas produced, making
monthly reports under oath as here-
inafter provided.

b. The First Purchaser of gas shall
remit the tax for and in behalf of
all Producers hereby taxed on all
gas purchased, making such pay-
ments to the Comptroller by legal
tender or cashier's check, payable
to the State Treasurer; and same
shall be remitted to the State Treas-
urer in accordance with the terms
and provisions of this Act; and it
shall be the duty of each such Pur-
chaser to keep accurate records in
Texas of all matters reasonably
necessary or pertinent, as determined
by the Comptroller for the calcula-
tion and collection of the tax.

c. The Comptroller shall employ
auditors and/or other technical as-
sistants for the purpose of verifying
reports and investigating the affairs
of Producers and/or Purchasers to
determine whether the tax is being
properly reported and paid. He or
they shall have the power to enter
upon the premises of any taxpayer
liable for a tax under this Act and
any other premises necessary in
determining the correct tax liability
and to examine, any books or records
of any person subject to a tax under
this Act, and to secure any other
information directly or indirectly
concerned in the enforcement of this
Act, and to promulgate and enforce,
according to law, rules pertinent to
the enforcement of this Act, which
shall have the effect of law. Before
any division or allotment of the tax
collected hereunder is made,.5 per
cent of the gross amount of said
tax shall be set aside in the Treasury
for the use of the Comptroller in
the administration and enforcement
of this Act; and so much of the said
proceeds of .5 per cent of the oc-
cupation tax paid monthly as may be
needed in such administration and
enforcement is hereby set aside for
such purpose subject to appropria-
tion by the Legislature.
4. In the event any Producer or First Purchaser of gas in this State shall become delinquent in the payment of taxes herein imposed, or fails to file required reports, the Attorney General may bring suit in the name of the State of Texas to have the right to enjoin such persons from producing and/or purchasing gas until the delinquent tax is paid or said reports are filed, and the venue of any such suit is hereby fixed in Travis County.

e. Producers and First Purchasers shall be subject to a penalty of not less than One Hundred Dollars nor more than One Thousand Dollars for failure to keep records required herein, or for other violation hereof, each day's violation constituting a separate offense. The State shall have a prior lien for all delinquent taxes, penalties and interest on all property used by the Producer or First Purchaser of gas in his business of producing or purchasing gas, and if any Producer or First Purchaser of gas shall fail to remit the proper taxes, penalties and/or interest due, the Comptroller may employ personnel to ascertain the correct amount due, and the Producer and First Purchaser of gas shall be liable as additional penalty, for the reasonable expenses or the reasonable value of such services of representative, the Comptroller, incurred in such investigation and audit; provided, that all funds collected for audits and examinations shall be placed in the Natural and Casinghead Gas Audit Fund in the State Treasury and shall constitute a revolving fund which may be used from time to time by the Comptroller in making such audits in addition to the general appropriation made for such purposes, and all of said funds to be placed in said Natural and Casinghead Gas Audit Fund are hereby appropriated for such purpose. The Attorney General shall file suit in the name of the State of Texas for all delinquent taxes, penalties, and other sums due, and for the enforcement of all laws under this law; and the venue of any such suit is hereby fixed in Travis County.

Section 8. Enforcement.

a. If any Severance Producer or First Purchaser of residue gas fails or refuses to pay any tax, penalty, or interest within the time and manner provided by this Act and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said claim in any judicial proceedings, any report filed in the office of the Comptroller by such Producer or Purchaser or representative of said Producer or Purchaser, or a copy thereof certified to by the Comptroller of Public Accounts showing the amount of gas produced on which tax, penalties or interest have not been paid, or any audit made by the Comptroller or his representative from the books of said Producer or Purchaser when filed and sworn to by such representative as being made from the records of said Producer or Purchaser, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown; provided further, that such report or audit may be admitted in evidence only against the party by or from whom it was made.

b. In the event the Attorney General shall file suit or claim for taxes, provided for in the foregoing, and attach or file as an exhibit any report or audit of said Producer or Purchaser, and an affidavit made by the Comptroller or his representative that the taxes shown in said report or audit are past due and unpaid; that all penalties and credits have been allowed; then, unless the party resisting the same shall file an answer in the form and manner as required by Article 3756, Revised Civil Statutes of Texas of 1925, as amended by Chapter 329, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and the proceedings of said Article are hereby made applicable to suits to collect taxes hereunder.

c. On notice from the State Comptroller, it shall be unlawful for any person to produce or remove any residue gas from any lease in this State whenever the Producer and/or First Purchaser has failed to file
Section 9. Allocation.

a. The revenue derived under the provisions of this Act shall be allocated in the following manner:

(1) One-fourth of the net revenue shall be allocated to the Available School Fund.

(2) The remaining three-fourths shall be deposited in the Omnibus Tax Clearance Fund and shall be set aside for the purpose of transfer and allocation from the Omnibus Tax Clearance Fund to the Medical Assistance Fund as provided by Section 2 of Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, it being specifically provided that no portion of the revenues deposited to the Omnibus Clearance Fund by virtue of this Act shall be distributed or allocated to any other fund under the provisions governing the Omnibus Clearance Fund unless and until the needs of the Medical Assistance Fund have been met fully.

b. "Revenue defined under the provisions of this Act" shall mean, for the purposes of this Section, such revenue as may be added by virtue of the provisions of this Act to that revenue which would otherwise be obtained as a result of the operation of the provisions of Chapter 3 of Title 123A, Taxation General, Revised Civil Statutes.

Section 10. Repealer.

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

Section 11. Severability Clause.

If any article, section, subsection, sentence, clause, or phrase of this Act is for any reason held to be invalid or unconstitutional such decision shall not affect the remaining portions or sections of this Act. The Legislature hereby declares that it would have passed such sections, subsections, sentences, clauses or phrases or portions of this Act as may be held valid and constitutional independently of such section, subsection, sentence, clause, phrase or portion of this Act as may be held unconstitutional and invalid, except that the treatment of Dedicated Reserve Producers as Producers who shall participate in the payment of severance taxes along with Severance Producers in accordance with the general intent of this Act is declared to be an essential part of this Act and if the same be held invalid, this Act shall not be construed to increase the tax burden upon Severance Producers.

Section 12. Emergency Clause.

The reasons set forth in the declaration of policy and the fact that additional revenue is urgently needed to meet the budgetary requirements of the State, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Ehrle moved that further consideration of House Bill No. 481 be postponed until 10:00 o'clock a.m. next Monday, May 29.

Mr. Eckhardt moved to table the motion to postpone further consideration of H. B. No. 481.

A record vote was requested on the motion to table.

The motion to table the motion to postpone further consideration of H. B. No. 481 until 10:00 o'clock a.m. next Monday, May 29, was lost by the following vote:
Yeas—56

Alanis
Batley
Barlow
Bauge
Caldwell
Camon
Carrier
Cole of Hunt
Collins
Cotten
Crews
Curington
Dewey
D-Iff, Miss
Dungan
Eckhardt
Fletcher
Gladden
Glass
Guffey
Haring
Harrington
Haynes
Hinson
Hollowell
Hughes
of Grayson
Jamison, Miss
Jamison

Nays—72

Adams of Lubbock
Allen
Andrews
Atwell
Ballman
Ballard, Mrs.
Barney
Barrett
Bell
Blaine
Boysen
Bridges
Buchanan
Butler
Coffin of Harris
Conzell
Corry
Cowles
Crain
Ehrle
Fallon
Farrington
Farrington
Gibbens
Gingling
Grover
Hale
Harden
Hodges
James

Blinder
Treviso
Shelton
Sprellman
Thurman
Thurmond
Wilson of Potter
Townsend
Wood

Present—Not Voting

Floyd
Green
Kennard
Kerr

Absent

Berry
Cleary

Present—Excused

Adams of Titus
Cook
Crenn
de la Garza
Healy

PAIRED

Mr. Green (present), who would vote "yea" with Mr. Cook (absent), who would vote "nay."

Mr. Mc Coppin (present), who would vote "yea" with Mr. Berry (absent), who would vote "nay."

Mr. Leaverton (present), who would vote "yea" with Mr. Jones of Dallas (absent), who would vote "nay."

Mr. Struve (present), who would vote "yea" with Mr. Hughes of Dallas (absent), who would vote "nay."

Mr. Floyd (present), who would vote "nay" with Mr. Roberts of Hill (absent), who would vote "yea."

Mr. Kennard (present), who would vote "yea" with Mr. Healy (absent), who would vote "nay."

A record vote was requested on the motion to postpone further consideration of H. B. No. 481.

The vote of the House was taken on the motion to postpone further consideration of H. B. No. 481 and the vote was announced yeas 65, nays 61 and 8 present not voting.

A verification of the vote was requested, and was granted.

The roll of those voting yes was again called and the verified vote resulted, as follows:
May 22, 1961  HOUSE JOURNAL  2393

Yeas—64
Adams of Lubbock Latimer
Allen La Valle
Atwell Lewis
Ballman McIhany
Banfield, Mrs. Martin
Barnes Miller
Bartram Moore
Bell Nutecher
Blaine Nugent
Boyson Oliver
Bridges Osborn
Buchanan Parsons
Bailey Peterson
Connell Petty
Cowles Raciffl
Crain Read
EHRLICH Roberts of Dawson
Fairchild Rosson
Ferguson Shannon
Garrision Shipley
Glueben Black
Grazing Sisom
Grover Spilman
Hale Thurman
Huebner Thurmond
James Townsend
Jarvis Trevino
Johnson of Dallas Tunstall
Johnson of Bell Walker
Koliba Wheatley
Lary Wilson of Potter

Nays—61
Alkins Hughes of Grayson
Andrews Hanes,Miss
Barlow Johnson of Bexar
Bass Jones of Travis
Burgess Kevohl
Caldwell Longoria
Cannon McGregor
Carriker of El Paso Markgraf
Cory Mullen
Courtney Nellen
Crowe Pearson
Cringlaw Preston
Dewey Quittan
Duff, Miss Raup
Dungan Reichen
Edwards Richards
Elberton Ross
Gladden Sandahl
Glass Schram
Gaffey Smith of Bexar
Harding Smith of Jefferson
Harrington Spears
Haynes Springer
Hinson Stewart
Hollowell of Galveston

Stewart Whitfield
of Wichita Wilson of Trinity
Ward Woods
Watson Yesak
Wells Present—Not Voting
Floyd Leaverton
Green McCoppin
Kennard Struve

Absent
Berry Jones of Dallas
Chapman Lack
Cole of Harris Murray
Jamison Pieratt

Absent—Excused
Adams of Titus Kilpatrick
Cook McGregor
Cowan of McLennan
de la Garza Pipkin
Hecaty Roberts of Hill
Hughes of Dallas

PAIRED
Mr. Krankard (present), who would vote "nay" with Mr. Heatly (absent), who would vote "yea."
Mr. Struve (present), who would vote "nay" with Mr. Hughes of Dallas (absent), who would vote "yea."
Mr. McCoppin (present), who would vote "nay" with Mr. Berry (absent), who would vote "yea."
Mr. Green (present), who would vote "nay" with Mr. Cook (absent), who would vote "yea."
Mr. Leaverton (present), who would vote "nay" with Mr. Jones of Dallas (absent), who would vote "yea."
Mr. Floyd (present), who would vote "yea" with Mr. Roberts of Hill (absent), who would vote "nay."

The Speaker stated that the motion to postpone further consideration of H. B. No. 481 until 10:00 o'clock a.m. next Monday, May 29, prevailed by the above vote.

REASON FOR VOTE
H. B. No. 481

I feel that we must not postpone consideration of this Tax Bill. I view this as the last chance to raise the needed money for the Public...
Education Program and Medical Care for our senior citizens. We must vote for states rights and be willing to live up to them.

SCOTT BAILEY

COMMITTEE MEETING

Mr. McGregor of El Paso asked unanimous consent of the House that the Committee on Education be permitted to meet at this time.

There was no objection offered.

MESSAGE FROM THE SENATE

Austin, Texas, May 22, 1981
Hon. James A. Turman, 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. C. R. No. 71, Authorizing the Enrolling Clerk of the Senate to correct Senate Bill No. 71.

S. C. R. No. 72, Authorizing the Enrolling Clerk of the Senate to correct Senate Concurrent Resolution No. 42.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Joint Resolution No. 22 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

Respectfully submitted,
CHARLES SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 40 ON SECOND READING

Mr. Kennard moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Bill No. 40.

A record vote was requested on the motion to suspend the rules.

The motion to suspend all necessary rules for the purpose of taking up and considering at this time H. B. No. 40 prevailed by the following vote:

Yeas—94

Adams of Lubbock
Allen
Andrews
Arellis
Bailey
Ballman
Bartlow
Bartrum
Bass
Bell
Boyers
Bridges
Butler
Caldwell
Cannon
Carriger
Cole of Hunt
Collins
Dennis
Deff, Miss
Dickhardt
Fleming
Fletcher
Foreman
Garrison
Gibbons
Gladden
Glass
Glueck
Green
Grover
Harding
Hartog
Hollowell
Hopson
Huebner
Hughes
of Grayson
Jackson, Miss
James
Johnson of Dallas
Johnson of Bexar
Jones of Dallas
Jones of Travis
Kennard
Koliba
Koroth
Lairy
Larimer
Leaverton
Lewis
Longoria
McCoppin
Mcgregor
McFadd
McHarg
McHarg
McKinnon
Markgraf
Miller
Mutchler
Parsons
Pettit
Piersall
Preston
Price
Quilliam
Ratcliff
Richards
Richardson
Robertson of Dawson
Roes
Rosen
Sandal
Shram
Shannon
Shipley
Smith of Bexar
Seaborn
Sears
Spelman
Sproat
Stewart
of Galveston
Stewart
of Wichita
Struve
Thurmond
Townsend
Walker
Wells
Wheatley
Whitfield
Wilson of Trinity

Nays—33

Alam
Barnes
Bland
Buchanan
Burgess
Cowles
Curtington
Dunham
Elkins
Floyd
Goffe
Hall
Harrington
Hinson
Jarvis
Johnson of Bell
La Valle
Martin
Moor
Murray
Nims
Nugent
Oliver
Owen
Osborn
Pears
Repp
The bill was read second time.

Mr. McGregor of El Paso offered the following amendment to the bill:

Amend House Bill No. 40 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. No provision of this Act shall be construed or implied, directly or indirectly, as amending, modifying, or repealing the provisions of Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1943, and Chapter 144, Acts of the 44th Legislature, Regular Session, 1943. Nor shall any provision of this Act be construed or implied, directly or indirectly, as an exercise of the authority granted by Section 11, Article 16 of the Constitution of the State of Texas to fix or authorize a rate of interest in excess of ten per cent (10%) per annum. It is the sole intent of the Legislature in enacting this Act to impose additional civil and penal penalties on lenders who impose or receive interest in the form of charges or otherwise, which exceed a certain percentage in excess of that presently authorized by Section 11, Article 16 of the Constitution of the State of Texas, Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1925, and Chapter 144, Acts of the 44th Legislature, Regular Session, 1943.

Sec. 2. It shall be unlawful for any person, co-partnership, association or corporation to make a loan providing for a gross rate of charge in excess of thirty-six per cent (36%) per annum.

Sec. 3. 'Gross rate of charge' as used in this Act includes everything of value (other than repayment of the unpaid principal balance) which the borrower by reason of, as a condition of, or in any way in connection or association with a loan, delivers or causes to be delivered to the lender or any other person. This includes (but is not limited by) all charges such as the aggregate interest, fees, compensation, bonuses, commissions, brokerage, discounts, expenses, insurance premiums or costs, and every other charge of whatsoever nature, whether of the types here listed or not. Without limitation of the foregoing, such charges may be any form of costs or compensation, whether contracted for or not, received by the lender or any other person in connection with the investigating, arranging, ..."
negotiating, procuring, guaranteeing, making, servicing, collecting, or enforcing of a loan, or (ii) for the forbearance of money, credit, goods, or things in action; or (iii) for any other service or services offered. It is the intention of this provision to prevent the use of any subterfuge to avoid and frustrate the general purpose of this Act. It should be construed to achieve this purpose. Provided, nonetheless, that such court costs and attorney's fees as are assessed and fixed by a court in connection with litigation for collection of a loan in default shall be excluded from charges in determining whether the charges are in excess of the maximums prescribed herein.

Sec. 4. The term 'loan' includes (but not by way of limitation) every transaction by which a person receives a sum of money (or any substitute therefor) and is obligated to repay (at a later date in lump sum or at later dates in installments) in money or value a sum equal to or exceeding that received by him at the time of entering into such transaction. Provided, however, this Act shall have no application to bona fide sales transactions where the buyer receives no money from the seller.

Sec. 5. This Act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatsoever including (but not thereby limiting the generality of the foregoing) the following: the loan forbearance, use or sale of credit, (as guarantor, surety, endorser, co-maker or otherwise), money, goods, or things in action; the use of collateral or related sales or purchase of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and the real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

Sec. 6. If any amount in excess of thirty-six per cent (36%) per annum charged as defined and described above is charged, contracted for, or received the contract of loan shall be unenforceable by the lender, and the lender shall have no right to collect, or receive any principal, charges, or recompense whatever, and the lender and the several members, officers, directors, agents and employees thereof who shall have participated in such violation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500) or by imprisonment in the county jail for a term of not more than twelve (12) months, or may be punished by both such fine and imprisonment. Any person paying or agreeing to pay any charges or recompenses greater than the maximum prescribed in this Act, or his legal representative, shall have the right to recover from the person receiving or contracting to receive the same all amounts theretofore paid on such loan contracts for principal, plus double the amount of all charges and recompenses agreed to be paid, and shall also be entitled to cancellation of any amounts unpaid, whether or not due, on such loan contracts. In any action, legal or equitable, in which a borrower is granted any relief hereunder, he shall also be entitled to recover all court costs and in addition, as attorneys fees, fifty per cent (50%) of the value of any recovery hereunder including the value of all unpaid balances which may be ordered cancelled, or Fifty Dollars ($50), whichever amount is greater. Such action may be instituted in the county where such excess charges shall have been received for collection, or where the loan or contract has been entered into, or where the party who paid the excess charges resided when such loan or contract was made. Such action shall be commenced within four (4) years after the final payment of excessive charges shall have been collected, and not afterward.

Sec. 7. This Act shall not impair or affect the obligation of any pre-existing lawful contract between any lender and any borrower.

Sec. 8. The provisions of this Act shall be cumulative of all laws or parts of laws relating to the subject of this Act.

Sec. 9. The fact that a majority of the citizens of this State are without an adequate source of credit for a reasonable price at this time, that wage earners and those citizens who
cannot place unexempt real estate as security for loans are forced to borrow from lenders who exact exorbitant and multifarious charges; that such lenders have devised elaborate devices to add to their profit by reason of such loan; and that there is an urgent necessity that the people of this State be provided with a source of credit at reasonable cost; all of which create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Act shall take effect and be in force in accordance with the terms and provisions thereof, and it is so enacted."

Mr. Cory offered the following amendment to the amendment by Mr. McGregor of El Paso:

Amend substitute to H. B. 40 by changing 36% to 20% in Sec. 2 and Sec. 6 thereof, respectively.

Mr. Nugent offered the following substitute amendment for the amendment by Mr. Cory:

Amend Section 2 and Section 6 of Amendment to House Bill No. 40 by striking out in each of such sections the words and figures "thirty-six per cent (36%)" and by inserting in lieu thereof in each of such sections the words and figures "ten per cent (10%)."

A record vote was requested on the substitute amendment by Mr. Nugent for the amendment by Mr. Cory. The substitute amendment by Mr. Nugent for the amendment by Mr. Cory was adopted by the following vote:

**Yeas—129**

Adams of Lubbock
Allen of El Paso
Alvis
Allen
Andrews
Atwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bartra
Bass
Bell
Cory
Cotter
Crow
Cree
Duffy
Duff, Miss
Dungan
Elizabeth
Fairchild
Fletcher
Ford
Foreman
Garrison
Gibbens
Giddon
Glass
Glassing
Green
Grover
Guffy
Hale
Haring
Harrington
Henson
Holswell
Hughes
Isaacks, Miss
James
Jamison
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Koliba
Korlits
LaValle
Leaverton
Lewis
Longoria
McCoppin
McGregor of El Paso
Mcllhan
Markgraf
Martin
Miller
Moore

**Nays—3**

Harding
Huebner

**Absent**

Berry
Chapman
Carntag
Haynes
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<th>Yeas</th>
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<td>Butler</td>
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<td>Caldwell</td>
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<td>Roberts of Hill</td>
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| Harling | Pieratt |
| Harrington | Preston |
| Hines | Price |
| James | Rapp |
| Jarvis | Read |
| Johnson of Dallas | Richards |
| Johnston of Bexar | Richardson |
| Johnson of Bell | Roberts of Dawson |
| Jones of Dallas | Rosson |
| Jones of Travis | Rosham |
| Kolka | Shipley |
| Latimer | Smith of Bexar |
| La Valle | Smith of Bexar |
| Longoria | Smith of Bexar |
| McElhany | Smith of Bexar |
| Martin | Springer |
| Miller | Moore |
| Moore | Thurman |
| Murray | Thurman |
| Muncie | Trevino |
| Niemeyer | Walker |
| Nugent | Ward |
| Oliver | Waision |
| Osborn | Wheatley |
| Parsons | Whitefield |
| Peary | Wilson of Potter |
| Penier | Woods |
| Petty | Yates |

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<td>Heatly</td>
<td>Roberts of Hill</td>
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The amendment by Mr. Cory, as substituted was adopted.

Mr. Hines moved to reconsider the vote by which the amendment by Mr. Cory as substituted was adopted and to take the motion to reconsider, The motion to table prevailed.

Mr. Cory moved the previous question on the passage of H. R. No. 49 to engrossment and the main question was ordered.

The amendment by Mr. McGregor of El Paso was adopted.
May 22, 1961

H. B. No. 40 was passed to engrossment.

LEAVE OF ABSENCE GRANTED
Mr. Bailey was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Preston.

MOTION TO PLACE HOUSE BILL NO. 40 ON THIRD READING
Mr. Kennard moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 40 be placed on its third reading and final passage.

The motion was lost by the following vote: (Not receiving the necessary four-fifths vote)

Yeas--92
Adams of Lubbock Jamison
Allen of Bexar Johnson of Bexar
Allen of Dallas Jones of Dallas
Allen of Travis Jones of Travis
Anfield, Mrs. Keene
Baas Kelbly
Bell Leaverton
Bouton Lewis
Buchanan Longoria
Burgess McEqualan
Butler McKinney
Caldwell Mcllhany
Cannon McLihany
Cole of Harris Mcllhany
Collins Markgraf
Connell Martin
Cory Metheny
Creed Mullen
Crenshaw Mullen
Crain Murray
Crews Neck
Currie Negrete
Davis Oliver
Deaton Otey
Dewey Orr
Dingess Ousby
Duvall Owen
Eckhardt Peeler
Ehrle Peterson
Enns Pettit
Epperly Phipps
Fairchild Plott
Floyd Pool
Fothergill Powell
Foye Price
Freeman Quantrill
Garrin Richardson
Garrison Richards
Gaskin Roberts of Dawson
Glen Rossa
Glass Runnels
Greene Russell
Green Sandahl
Griffin Schram
Hale Shannon
Haring Shipley
Harrington Black
H jeunes Smith of Bexar
Hughes Snowden
Iseacks Spilman

Nays--33
Barnes Johnson of Bell
Bailey Latimer
Barker Mcllhaney
Barnes Mcllhaney
Barnes Negrete
Bartram Oliver
Bass Oter
Bass of Bexar Oter
Bass of Jefferson Oter
Bass of Val Verde Oter
Bell Peterson
Bennett Preston
Bennet Rapp
Benson Rapp
Beyk Read
Bregnon Rider
Buell Smith
Buchanan Smith of Bexar
Burgess Smith of Del Rio
Byers Smith of El Paso
Caldwell Smith of Galveston
Campbell Smith of Longview
Carey Smith of Pampa
Carthage Smith of Wichita
Carrithers Smith of Wichita
Carrillo Smith of Wichita
Carroll Snowden
Carroll Smith of Bexar
Carrillo Smith of Bexar
Cox Smith of Bexar
Crawford Smith of Bexar
Crocker Smith of Dallas
Culver Smith of Dallas
Curtis Smith of Dallas
Curtis Smith of Dallas

Mr. Kennard moved to reconsider the vote by which H. B. No. 40 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
While I voted against suspending the rules to bring up this bill because I had not had sufficient time—not only a minute—to study the bill, I voted to put the interest rate to 10% because in my opinion there is only one way to deal with loan sharks and that is to get rough!
I think this bill with criminal penalties for charging over 10% interest and will do the job.

PAUL FLOYD.

REASON FOR VOTE

I voted no to suspending the rules requiring these bills be read on three different days in order that I might have an opportunity to study the amendments attached to H. B. No. 40.

BILL RAPP.

RELATIVE TO H. B. NO. 40

Mr. Kennard moved to suspend all necessary rules in order to have H. B. No. 40 printed as engrossed and placed on the members' desks.

The motion prevailed.

COMMITTEE MEETING

Mr. Cotten asked unanimous consent of the House that the Conference Committee on the Appropriations Bill be permitted to meet at this time.

There was no objection offered.

MOTIONS TO ADJOURN AND TO RECESS

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

Mr. Burgess moved that the House recess until 7:30 o'clock p.m. tonight.

A record vote was requested on the motion to adjourn.

The motion to adjourn until 10:00 o'clock a.m. tomorrow was lost by the following vote:

Yes—64

Adams of Lubbock Ehrle
Allen
Atwell
Banefield, Mrs.
Bartram
Bell
Blaine
Butler
Caldwell
Carriker
Dewey
Duff, Miss

Jervas
Johnson of Dallas
Jones of Dallas
Kolba
McCoppin
Martin
Miller
Moore
Oliver
Osuna
Perry
Petty
Quilliam
Ratliff
Read
Richardson

Roberts of Dawson
Homes
Homes
Shannon
Shapley
Shack
Slidell
Smith
Stewart
Stewart
Thurman
Thurmond
Tye
Walker
Wheatley
Woods

Nays—72

Alanis
Barlow
Barnes
Bass
Boyce
Bridges
Buchanan
Burgess
Cannon
Cole of Hunt
Collins
Connell
Cory
Cotton
Cowles
Crain
Crews
Curtis
Dungan
Eckhardt
Fairchild
Fletcher
Garrison
Gladden
Glass
Green
Groover
Guifey
Haring
Harrington
Hays
Hamer
Jaminon
Johnson of Bexar
Johnson of Bell
Jones of Travis
Kennard
Korleth

Latimer
La Valle
Leaverton
Lewis
Longoria
McGregor of El Paso
McILhaney
Markgraf
Maiken
Matthes
Niemeyer
Nugent
Parsons
Feeler
Pieratt
Preston
Price
Rapp
Richards
Rosen
Schrum
Smith of Bexar
Smith of Jefferson
Snelten
Springer
Stewart
Huverson

Absent

Andrews
Ballman
Berry
Chapman
Cole or Harlan
Hale
Hinson
Lack
Lary
Murray
Spears
Wilson of Potter

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Yeas—Yes

Absen
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Absent—Excused
Adams of Titus
Bailey
Cook
de la Garza
Hoots

Mr. Eckhardt offered the following amendment to the bill:

Amend H. B. No. 61, by striking all below the enacting clause and substituting the following:

Section 1. The name of this Act shall be "Texas Equal Health Standards Milk Sanitation Act of 1961."

Section 2. Declaration of purpose. The purpose of this Act is effective to utilize existing agencies and departments in regulating, processing, and distributing milk and milk products to the end that Texas consumers will be assured of a full supply of wholesome, high quality milk, cream, and milk products by requiring that all milk imported into this State be produced under rules, regulations, and statutes providing standards as high as or higher than those provided in the Texas Milk Grading and Labeling Law, Chapter 172, Acts of the 45th Legislature, Regular Session, 1955, and any other statutes, rules, and regulations governing the production of milk in Texas.

Section 3. From and after the effective date of this Act, no person, officer, or inspector authorized under the laws of this State or any municipality within this State to inspect or regulate the production or fluid milk of whatever quality shall in anywise approve, grant, or issue a permit for, or otherwise authorize Grade A milk to be imported into this State unless such person, officer, or inspector, upon the basis of his own investigation or upon the basis of information provided him by the Texas State Department of Health as specified in Section 4 of this Act, finds that the milk from outside the State of Texas is being produced under the jurisdiction of a statute or ordinance providing standards as high or higher than those provided in the Texas Milk Grading and Labeling Law, Chapter 172, Acts of the 45th Legislature, Regular Session, 1955, and that such milk is being produced under rules and regulations providing standards as high or higher than those provided in the rules and regulations promulgated by the Texas State Department of Health under authority of the Texas Milk Grading and Labeling Law, and that such statute or ordinance and rules and regulations promulgated thereunder are being interpreted and enforced in a manner substantially equivalent to the interpretation and enforcement of the Texas State Department of Health and that such milk meets the requirements of the United States Public Health Service Milk Ordinance and Code of 1957, as amended, and of the Federal Food, Drug and Cosmetic Act for the interstate movement of milk.

Section 4. The enforcement of the provisions of this Act shall be the responsibility of the Texas State Department of Health, which Department is hereby charged with the duty of determining as to any area from which Grade A milk is being imported or is sought to be imported into the State of Texas whether such milk is being produced under and in compliance with statutes or ordinances, providing standards as high as or higher than those provided in the Texas Milk Grading and Labeling Law, Chapter 172, Acts of the 45th Legislature, Regular Session, 1955, and regulations and rules promulgated pursuant thereto, and that such milk is being produced under rules and regulations providing standards as
that all such permits or other certificates shall be furnished by the Texas State Department of Health, to all persons, officers, and inspectors authorized under the laws of this state or any municipality within this state to approve, grant, or issue a permit for, or otherwise authorize Grade A milk to be imported into this state. Applications for permits authorizing the importation into the State of Texas of Grade A milk may be made either directly to the Texas State Department of Health or to any person, officer, or inspector authorized under the laws of this state or any municipality within this state to grant or issue a permit for or otherwise authorize Grade A milk to be imported into this state. All such permits or other authorizations shall be issued as certificates upon forms furnished by the Texas State Department of Health. Such certificates shall be given full faith and credit by all municipalities and other subdivisions of the State of Texas. Duplicates of all certificates shall be filed with the Texas State Department of Health. Any certificate issued either by a local officer or inspector or directly by the Texas State Department of Health may be revoked at any time by the Texas State Department of Health upon a finding by the Department that milk imported into the State of Texas is not being produced under the requirements and conditions set out hereinafter.

Section 5. Any person, officer, or inspector authorized under the laws of this state or any municipality within this state to grant or issue a permit for or otherwise authorize Grade A milk to be imported into this state shall, if it is found that such milk is not being produced according to, and in compliance with statutes, ordinances, rules and regulations at least equivalent to those governing the production of Grade A milk in Texas, be subject to the same fine and penalties to which he would be subjected for giving a false certificate with regard to milk being produced in Texas.

Section 6. If any section, subsection, sentence, clause, phrase, word, or part of this Act or the application thereof are for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act, and the Legislature hereby declares that it would have passed this Act and each subsection, sentence, clause, phrase, word, or part thereof despite the fact that one or more sections, subsection, sentence, clause, phrase, word, or part thereof be declared unconstitutional.

Section 7. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. The fact that all milk being imported into the State of Texas at the present time may not originate in jurisdictions having statutes or ordinances providing standards as high as or higher than those provided for the production of Grade A milk in Texas creates an emergency and an imperative public necessity that the following Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.
The amendment was adopted.  
H. B. No. 61 was passed to engrossment.  

HOUSE BILL NO. 61 ON THIRD READING

Mr. Burgess moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 61 be placed on its third reading and final passage.  
The motion prevailed by the following vote:

Yeas--102


Stewart of Galveston  Ward  of Worth  Watters  Torunn  Wheatley  Townsend  Trevino  Walker  Yeak

Nays--25  Adams of Lubbock  Longoria  Allen  Atwell  Blaine  Bridges  Bacliff  Cole of Harris  Head  Connell  Richardson  Foreman  Shannon  Heads  Stewart  Isaacs, Miss of Wichita  Jarvis  Tunnell  Jones of Dallas  Woods

Present—not Voting

Andrews  Lewis

Absent

Ballman  Stack  Berry  Spears  Chapman  Thurman  Lack  Wilson of Potter

Murray

Absent—Excused

Adams of Titus  Hughes of Dallas  Bailey  Kilpatrick  Cook  McGregor  Cowen of McLennan  de la Garza  Pichin  Heasty  Roberts of Hill

Paired

Mr. Lewis (present), who would vote "nay" with Mr. Bailey (absent), who would vote "yea."

The Speaker then laid House Bill No. 61 before the House on third reading and final passage.  
The bill was read third time and was passed.  
Mr. Burgess moved to reconsider the vote by which H. B. No. 61 was passed and to table the motion to reconsider.  
The motion to table prevailed.  

BILLS SIGNED BY THE SPEAKER

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

H. B. No. 817, An Act relating to the closing of the wild turkey season in Caldwell County until November 16, 1964; providing a penalty; repealing all conflicting laws; and declaring an emergency.

H. B. No. 1068, An Act authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the Methodist Student Movement of Texas, Inc., a tract of land owned by the State of Texas for the use and benefit of Southwest Texas State College, in consideration for conveyance of another tract of land to the State of Texas, and further authorizing and directing the Board of Regents of the State Teachers Colleges to convey to the City of San Marcos, Texas, a right-of-way easement to the tract received by the State of Texas in the exchange of these tracts, for use by the City in widening and maintaining a street; and declaring an emergency.

RELATIVE TO H. B. NO. 923

Mr. Nugent asked unanimous consent for the engrossing and enrolling clerk to make a corrective amendment to House Bill 923 by deleting the following words at the end of Section 3:

"It shall, however, not be necessary for the Board of Directors to call a confirmation election or to hold a hearing on the adoption of a plan of taxation, but"

and add names of original board of directors: E. B. Hodges, Mel Salley, Curtis Edena, Herman Burney, and Otis Smith in the blank spaces in the above sentence.

There was no objection offered and it was so ordered.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Cannon offered the following resolution:

H. C. R. No. 120

Whereas, Ed Tate and his wife, of Falls County, made an agreement with the State of Texas, State Highway Department, acting through its State Highway Engineer, said agreement being dated the 12th day of January, 1959, and

Whereas, The State of Texas, acting through its duly appointed agent, contracted to purchase from the said Ed Tate and his wife 73,924 cubic yards of rock for the total sum of $3,844.70, and

Whereas, The Highway Department has allegedly breached this contract by failing to pay the said Ed Tate and his wife, Norma Tate, for the rock taken from their land, and

Whereas, It is alleged a purchase order was signed by an agent of the Board of Control for the purchase of 73,924 cubic yards of rock, and the State has not yet paid this money to Ed Tate and wife, Norma Tate, and

Whereas, Ed Tate desires to institute suit against the State of Texas and its Texas Highway Department for all monies which they might owe him for failure to comply with this contract, now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the consent of the State of Texas is hereby given to Ed Tate to bring suit against the State of Texas and its Highway Department in a court of competent jurisdiction for the recovery of all sums paid and for damages, and in cases any such suit is filed, service of citation or any necessary process shall be on the State Highway Department and the Attorney General of Texas, and either of the Parties to the suit shall have the right of appeal as in other civil cases, and, be it further

Resolved, That 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, as to the validity of any allegations or claims asserted in said suits, 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 or 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 resolution was referred to the Committee on State Affairs.

PROVIDING FOR A STUDY COMMITTEE TO STUDY STATE-OWNED LANDS AND/OR ISLANDS

Mr. Price offered the following resolution:

H. S. R. No. 726

Whereas, Throughout the history of the State of Texas, many laws have been passed relating to the sale and acquisition of rights and interests in State-owned lands and/or islands, by Companies, Corporations and Individuals, and

Whereas, At time of passage of such laws a benefit was derived from them, but now many of these laws have become antiquated and obsolete and are in need of study and revision, to prevent encroachment on the rights of all of the citizens of Texas by those appropriating public lands for their own selfish use and benefit; now therefore be it

Resolved By the House of Representatives of the State of Texas:

Section 1. That a Study Committee of the House of Representatives be, and the same is hereby authorized to study all laws governing the sale and acquisition of rights and interests in State-owned lands and/or islands by Companies, Corporations or Individuals, or others to determine whether such laws should now be repealed.

The Committee shall be composed of five (5) Representatives to be appointed by the Speaker of the House of Representatives. The Speaker shall appoint the Chairman of the Committee, and the Committee shall elect from its members a Vice-Chairman and a Secretary. The Land Commissioner of the State of Texas or a Representative appointed by the Land Commissioner shall serve as an Ex-Officio member of the Committee.

The interim Committee shall examine the special conditions prevailing as to all State-owned lands and/or islands, and the laws governing same with respect to sale or acquisition of rights or interest therein by private Individuals, Companies, Corporations or others, and shall file its Report to the Legislature, whether in Special or General Session, at the earliest time compatible with the performance of its duties. This Report shall include recommendations for legislation, along with any other information that the Committee feels should be called to the attention of the Legislature.

Any vacancy on said Committee shall be filled by Appointment by the Speaker of the House of Representatives.

Section 2. The Rules of Procedure of the House of Representatives and such other rules and regulations as may be adopted by the Committee, shall govern the Hearings and affairs of the Committee.

Section 3. The Committee shall keep a record of its proceedings, and it shall have the power to hold such Meetings as it may deem necessary, at any place in the State. The Committee shall also have the power to issue process to witnesses at any place in the State, to compel their attendance, and the production of all books, records and instruments, to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by either the Sergeant-at-Arms appointed by the said Committee or by any Peace Officer of this State; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it in the same manner as provided by General Law Article 5429a of Vernon's Civil Statutes of the State of Texas. The Chairman of the Committee shall issue, in the name of the Committee, such subpoenas as a majority of the Committee may direct. The Chairman of the Committee may direct. The Committee is hereby authorized to request the assistance of the Texas Legislative Council and all other State Agencies, Departments and Officers, and it shall be the duty of said Departments, Agencies and Officers, to assist the Committee when requested to do so. The Committee shall have the power to inspect the records, documents and files of every State Department, Agency and Officer, and of all municipal, county,
or other political subdivisions of the State.

Section 4. Witnesses attending proceedings of said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses before any Grand Jury in this State.

Section 5. Three or more members of the Committee shall constitute a quorum for the transaction of business and the Chairman or other presiding officer of the Committee shall have power to administer oaths and affirmations.

Section 6. Members of the Committee shall be reimbursed for their actual and necessary expenses incurred while engaged in the work of the Committee and while traveling between their places of residence and the places where meetings of the Committee are held. Compensation of the Committee's employees, expenses incurred by the members of the Committee and all other expenses of the Committee, shall be paid out of the appropriation for mileage and per diem and contingent expenses of the 57th Legislature. All payroll and traveling expense vouchers shall be approved by the Chairman of the Committee and the Speaker of the House of Representatives before payment.

The resolution was referred to the Committee on Ways and Means.

ADJOURNMENT

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

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

Mr. Caldwell moved that the House recess until 5:30 o'clock a.m. tomorrow.

The motion to adjourn prevailed.

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

In accordance with the motion to adjourn the House at 6:00 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 and resolutions, as follows:

Banks and Banking: S. B. No. 432.

Conservation and Reclamation: H. B. No. 1134, S. B. No. 444.

Constitutional Amendments: S. J. R. No. 7.

Criminal Jurisprudence: S. B. No. 509.


Labor: H. B. No. 585.

Public Health: S. B. No. 463.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 136, A bill to be entitled "An Act amending Chapter 1 of House Bill No. 11, Acts of the Fifty-sixth Legislature, Third Called Session, codified as Title 12A, Taxation-General of the Revised Civil Statutes of Texas, revising the penalties and interest provisions for failure to pay the amounts due and for failure to file reports when due under the provisions of Chapters 2, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21 and 23; providing a penalty and interest provision for failure to file a report and pay the amount due under the provisions of Chapter 23; providing for the acceptance of post-mark as being sufficient compliance with the due date, wherever required; providing a limit on the amount of penalties and interest to be paid; providing an effective date; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 20, 1961

Hon. James A. Turman, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 471 (page 839) of the Acts, Fifty-second Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Article 3721a, by amending Section 1, Section 2, inserting a new Section 2a, and amending Section 4 so as to provide for admissibility of a greater number of domestic and foreign records, admissibility of foreign laws as evidence of the matters contained there, in, and for authentication of such records and foreign laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 177, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as 'Rio Grande Palms Water District; defining the boundaries; defining its powers; providing for a Board of Directors to control and exercise the District's powers; authorizing the issuance of bonds in the accomplishment of the District's purposes; adopting the ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its systems, facilities and other things, including the right of eminent domain only within the boundaries of the District, and related matters; declaring the District essential, a governmental agency, a body politic and corporate; providing the District shall bear sole expense of any necessary relocation in the exercise of the power of eminent domain; enacting other provisions relating to the subject; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 231, A bill to be entitled "An Act to revise and arrange certain Statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; providing a severability clause; providing a saving clause; repealing certain Statutes relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 437, A bill to be entitled "An Act amending Section 6(a) (3) and Section 11 of Chapter 187, Acts of the Fifty-sixth Legislature, Regular Session, 1959, the Texas Shrimp Conservation Act, to increase the size of the 'Sports Bait-Shrimp Trap' and to regulate the heading and dumping of shrimp heads; providing a saving clause; providing the Act shall not apply to pending litigation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 464, A bill to be entitled "An Act amending Section 29 and Section 22a, Acts 1957, Fifty-fifth Legislature, page 775, Chapter 249
(codified as Article 581-22 and Article 681-29 of the Vernon's Texas Civil Statutes), being Sections of the Texas Security Law, increasing the penalty for the violation of same and redrafting the offenses under the Act; amending the Section concerning advertising; repealing laws in conflict; providing for severability; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 603, A bill to be entitled "An Act authorizing the State Parks Board to enter into lease agreements with local units of government under certain conditions; providing that the State Parks Board may transfer to the State Highway Department any area under its control deemed suitable for use as a roadside park; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 650, A bill to be entitled "An Act amending Section 3 of Chapter 8, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended, to provide that owners of certain types of commercial motor vehicles used exclusively by nonprofit disaster relief organizations and are used solely for emergencies shall be required to register such vehicles but shall not be required to pay registration fees but shall pay a fee of Five Dollars ($5); providing procedures to be followed by the owners of such vehicles; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 748, A bill to be entitled "An Act relating to annual independent audit of books, records and accounts in counties having assessed valuation of Two Hundred Forty-fve Million Dollars ($245,000,000) or more; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 860, A bill to be entitled "An Act amending Chapter 279 of the Acts of the Fifty-sixth Legislature, Regular Session, 1959, codified as Article 330.528, Vernon's Texas Civil Statutes (being the Act creating the 'Red River Authority of Texas'); providing for severability; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 921, A bill to be entitled "An Act amending Article 1334 of the Penal Code of Texas, 1925, to provide for the inclusion of electrical transmission lines in addition to others specified therein; providing the Act shall not apply to pending litigation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 945, A bill to be entitled "An Act declaring certain areas of Laguna Madre in the counties of Cameron, Willacy, Kieberg, and Nueces in the State of Texas, to be the 'Laguna Madre Wildlife Management Area,' providing exceptions for oil and gas and fishing; providing for markers; providing a suitable penalty for hunting therein; providing that the Game and Fish Commission may permit the shooting of certain waterfowl; and ordre a season for such hunting; repealing all conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 22, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 975, A bill to be entitled "An Act amending Section 2, Subsection (b) of Section 2, and Subsection (j) of Section 5 of Chapter 368, Acts of the Fifty-fifth Legislature, Regular Session, 1957, relating to the territory contained in the Bistone Municipal Water Supply District; relating to membership of the Board of Directors; relating to liability of property annexed to said District for bonds issued by the District prior to the annexation of the property; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 20, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1040, A bill to be entitled "An Act relating to Pension Systems for policemen in certain cities; amending Section 9 of Chapter 76, Acts of the Fifty-fifth Legislature, as last amended (codified as Section 9 of Article 6243g-1 of Vernon's Texas Civil Statutes), relating to eligible investments for surplus pension funds; providing for an Investment Review Committee; and declaring an emergency."
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1084. A bill to be entitled "An Act closing the open season for hunting wild buck deer, wild turkey gobblers and collared peccary, or javelina in Justice Precinct No. 1 in Kenedy County; exempting an area therein from application of this Act; providing a penalty of a violation of this Act; and amending Chapter 260, Acts of the Fiftieth Legislature, 1959; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1092. A bill to be entitled "An Act limiting the provisions of this Act to Webb County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any fresh-water fish or other aquatic life in said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation the taking of the wildlife resources of said County; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said County; requiring the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of the antlerless deer permits and permits for the hunting and taking of promer horn antelope or wild elk; providing for the adoption of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for a public hearing and publication of notice thereof; providing for the effective period of regulations; providing for the publication of the regulations; providing the authority of the Commission is not limited; providing venue of the Commission is not limited; providing venue for suits to test the validity of this Act and of the rules and regulations of the Commission; providing a penalty for false swearing; providing a penalty for the violation of any of the provisions of this Act, as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; dedicating wildlife resources; repealing certain laws and providing that Articles 801, 902, and 910a of the Penal Code of the State of Texas shall remain in full force and effect; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1096. A bill to be entitled "An Act providing for the taking for sale of catfish with nets or weirs, with the same mesh size prescribed for the taking of rough fish, in the Sabine River and its tributaries in Smith, Upshur, and Wood Counties; providing that existing laws with respect to permits, commercial licenses, and size and quantity taken shall continue in full force and effect in said waters of said counties; establishing legislative intent to make uniform the rules and regulations governing commercial and noncommercial fishing in the Sabine River and tributaries in Smith, Upshur, Wood, Rains, and
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Van Zandt Counties; repealing laws in conflict; and declaring an emergency."

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1106, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Brown County Water Control and Improvement District-Holiday Hills; declaring District a governmental agency, body politic and corporate, defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict; providing for exchange of bonds and refunding bonds; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7560-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempting District from taxation and related matters; providing District shall bear sole expense of relocating, raising or re-routing of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subject; abolishing Brown County Fresh Water Supply District No. 1 and its governing body for all purposes on effective date of this Act; providing for severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 1109, A bill to be entitled "An Act amending Chapter 43, Acts 1954, Fifty-third Legislature, First Called Session, as amended by Chapter 226, Acts 1957, Fifty-fifth Legislature (Vernon's Ann. Civil Statutes, Article 1269i-5), by adding a new Section to make bonds issued by any city having a population of one hundred fifty thousand (150,000) or more according to the next preceding Federal Census, for airport purposes eligible as security for public funds and as investments for certain funds; enacting other
has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1110, A bill to be entitled "An Act creating 'Escondido Watershed District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that a confirmation election or hearing on exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; specifying the purposes and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; providing that the District shall bear the expense of all necessary relocation of certain facilities in the exercise of the power of eminent domain; granting said District the powers enumerated by Article XVI, Section 59, of the Constitution of Texas; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 18, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1120, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 3 (Lower Bois d'Arc Water District), the organization, confirmation election and election of directors for the District and all proceedings relating thereto: providing the District shall bear the sole expense of all necessary relocation of certain facilities in the exercise of the power of eminent domain; granting said District the powers enumerated by Article XVI, Section 59, of the Constitution of Texas; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas May 20, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1131, A bill to be entitled "An Act applicable to all cities contained in any county which has, in conjunction with an adjoining county, created a Joint Board of Park Commissioners under the provisions of Chapter 137, Acts of the Fifty-sixth Legislature; authorizing any such city to sell and convey land to such Joint Board of Park Com-
missioners or to such counties; pro-
viding the method or making such 
conveyance; enacting other 
pro-
visions related to the subject; and 
declaring an emergency.”

Has carefully compared same and 
finds it correctly 
engr.ossed.

H. G. WELLS, Chairman.

SIXTY-
NINTH DAY
(Tuesday, May 23, 1961)
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 Fletcher 
Adams of Lubbock Floyd 
Adams of Titus Foreman 
Allan Garrison 
Allan Glidden 
Andrews Glass 
Atwell Glass 
Ballman Green 
Banfield, Mrs. Grover 
Barlow Helo 
Bartman Harding 
Bass Harling 
Bell Harrington 
Berry Haynes 
Blake Healty 
Boren Hinson 
Bridges Hollowell 
Buchanan Hasher 
Burgess Haxton 
Butler Hughes of Dallas 
Cain Harris 
Cannon Hawkins 
Carriker Hasher of Grapton 
Chapman Hughes of Dallas 
Collins Iakob, Miss 
Counsell James 
Cory Jarvis 
Cotton James of El Paso 
Cowles Kennard 
Craig Kilpatrick 
Crews Kilbo 
Curington Korleth 
DeArtha Lack 
Dewey Larry 
Duff, Mrs. Latimer 
Duncan LeValle 
Dockard Leaverton 
Ehrlie Lewis 
Fairchild Longoria 
McCoplin Rosson 
McGregor Sandahl 
McGregor of McLennan Schram 
McGregor of El Paso Shannon 
McIntire Shipley 
Molybahn Slack 
Markgraf Silder 
Martin Smith of Bexar 
Miller Smith of Jefferson 
Moore Nelson 
Mullen Spears 
Murray Spilman 
Mutchler Springer 
Niemeyer Stewart 
Noyes Stewart 
Oliver Stewart 
Osburn of Wichita 
Penney Struve 
Peeler Thurman 
Peeler Thurmond 
Petty Townsend 
Pierce Trevino 
Preston Tunnell 
Price Walker 
Quilliam Ward 
Rapp Watson 
Ratliff Wells 
Read Wheatley 
Richards Whitefield 
Richardson Wilson of Trinity 
Roberts of Hill Wilson of Potter 
Roberts of Dawson Woods 
Ross Yeaux 

Cook Fikalis 
Cowie 

A quorum of the House was an-
nounced present.
The Invocation was offered by the 
Reverend Clinton Kersey, Chaplin, 
as follows:

“Know ye that the Lord he is 
God: it is he that hath made us, 
and not we ourselves; we are his 
people, and the sheep of his 
pasture. Enter into his gates with thanks-
giving, and into his courts with 
blessing: be thankful unto him, and 
bless his name. For the Lord is good; 
his mercy is everlasting; and his 
truth endureth 
to 
all generations.’’

Psalms 100:3-4-5.

Heavenly Father, we come before 
Thee in this moment of prayer ask-
ing Thee to help us keep self out of 
the way so that we might keep the 
first Commandment that Thou gave 
Moses. We ask that today You would 
have mercy on us. May the accom-
plishments of today be good is our 
prayer. In the Name of Jesus.— 
Amen.”