Spears, baritone of The Playboys Quartet of San Antonio. Mr. Spears then presented Ben R. Binford, lead; Scott Mullen, bass; and Dale Deister, tenor.

The Quartet then rendered several selections for the House.

**MEMORIAL RESOLUTIONS ADOPTED**

H. S. R. No. 150, By Messrs. Shannon, Gladden, Cowen, Larry, Green, and Richardson: In memory of Jack Porterfield.

H. S. R. No. 151, By Mr. Cole of Hunt: In memory of L. Kermit Bunch.

H. S. R. No. 152, By Mr. Curington: In memory of Mrs. Fannie Middletree Montgomery.

H. S. R. No. 157, By Mr. Schram: In memory of Malcolm Boyd Conley.

**ADJOURNMENT**

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

The motion prevailed.

The Benediction was offered by H. C. R. No. 24, in memory of the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House at 11:48 o'clock a.m., adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

**STANDING COMMITTEE REPORTS**

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

- Agriculture: H. B. No. 59.

- Highways and Roads: H. B. No. 312.

**REPORT OF THE COMMITTEE ON ENGROSSED BILLS**

Austin, Texas, February 7, 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. 24, inviting His Excellency, the Ambassador from Iraq, to address a Joint Session of the Texas Legislature on February 14, A.D. 1961 at 11:30 a.m.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, February 7, 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. 25, in memory of I. D. Hoke, Sr.

Has carefully compared same and finds it correctly engrossed.

M. G. WELLS, Chairman.

**NINETEENTH DAY**

(Thursday, February 9, 1961)

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

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

Mr. Speaker

Mr. Adams of Lubbock

Mr. Adams of Texas

Mr. Albritton

Mr. Allen

Mr. Andrews

Mr. Atwell

Mr. Bailey

Mr. Ballman

Mr. Baxfield, Mrs.

Mr. Buchanan
A quorum of the House was announced present. The Invocation was offered by the Reverend Clinton Kersey, Chaplain, as follows:

"Heavenly Father, give us Christ-like love in our hearts today that we may include all within the circle of Thy love. Yes, even those who would despitefully use us. Help us to remember to represent all our people—even those who disagree with us. Give us strength and health and we will be careful to give You all the praise. In Christ's Name.—Amen."

**LEAVE OF ABSENCE GRANTED**

The following Member was granted leave of absence on account of important business:

Mr. Moore for today on motion of Mr. Collins.

**SENATE BILLS ON FIRST READING**

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

- S. B. No. 32 to the Committee on Conservation and Reclamation.
- S. B. No. 36 to the Committee on Revenue and Taxation.
- S. B. No. 89 to the Committee on Judicial Districts.
- S. B. No. 136 to the Committee on Counties.
- S. B. No. 170 to the Committee on Counties.

**HOUSE BILLS ON FIRST READING**

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

- S. B. No. 32 to the Committee on Conservation and Reclamation.
- S. B. No. 36 to the Committee on Revenue and Taxation.
- S. B. No. 89 to the Committee on Judicial Districts.
- S. B. No. 136 to the Committee on Counties.
- S. B. No. 170 to the Committee on Counties.
By Mr. Spears:
H. B. No. 425, A bill to be entitled
"An Act repealing Articles 3.33, 3.35 and 3.37 of the Insurance Code, enacted by Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 461, Page 868; and declaring an emergency."
Referred to the Committee on Insurance.

By Messrs. James, Green, Ratcliff, Johnson of Dallas, Curington, Jones of Dallas, Martin, Blaine and Miller:
H. B. No. 441, A bill to be entitled
"An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended, by substituting the word obscene for similar words, defining obscene, making it illegal to knowingly possess for sale, keep for sale, manufacture, distribute, assist in the sale or distribution of, or give away an obscene phonograph record, and making a second conviction of a violation of the article a felony; amending Chapter 120, Acts of the 54th Legislature, Regular Session, 1955, by removing the exemption for magazines actually engaged in the factual reporting of current events; providing for severability; repealing all laws in conflict; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Mr. Peeler:
H. B. No. 442, A bill to be entitled
"An Act amending Section 3 of Acts of 1925, 39th Legislature, page 7, Chapter 5, same being Section 3 of Article 8263h of Vernon's Texas Civil Statutes, changing the composition of the Navigation Board in navigation districts which include a city or cities or parts thereof acting under special charter granted by the legislature and in which the City Council or City Board of Commissioners exceeds in number the County Commissioners' Court; providing for severability; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Peeler:
H. B. No. 443, A bill to be entitled
"An Act requiring that any additions or replacements of vehicles for general personnel transportation uses by the State, and all the several agencies which collectively constitute the government of the State of Texas, shall be compact size passenger cars of domestic manufacture; providing certain exceptions; and declaring an emergency."
Referred to the Committee on State Affairs.

By Messrs. Rapp and Smith of Bexar:
H. B. No. 447, A bill to be entitled
"An Act to authorize cities and towns in this State to acquire properties suitable for use by any one or a combination of the following: (a) any industry for manufacturing, processing, or assembling any agricultural or manufactured products and (b) any commercial enterprise..."
engaged in storing, warehousing, distributing or selling products of agriculture, mining or industry; to authorize such cities and towns to issue such properties subject to specified requirements; to authorize such cities and towns to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and by mortgages on such properties; to provide that such bonds shall be negotiable; to authorize the governing body of such cities and towns to prescribe the terms and conditions for the issuance of the sale of such bonds, subject to certain restrictions; to provide that such bonds shall never be a general obligation of such city or town; to require publication of notice of the ordinance authorizing such bonds; to require an election approving the issuance of such bonds upon petition of ten per cent of the property taxpayers and to authorize such an election without such petition in the discretion of the governing body; to provide for the inden­titability of such bonds after their approval by the Attorney General and registration by the Comptroller of Public Accounts; to authorize the refunding of any such bonds; to pro­vide the purposes for which the proceeds of the sale of such bonds shall be used; to prohibit any city or town from making contributions to the cost of any such properties and from furnishing land therefor; to make such bonds legal investments for banks and other investment concerns and eligible as security for the deposit of public funds; to au­thorize the transfer of the revenues from such projects to the general fund of such city or town under certain conditions; to give the provisions of this Act precedence over conflicting statutes and charters; to make the provisions of this Act severable; and to declare an emer­gency.

Referred to the Committee on Municipal and Private Corporations.

By Mr. Rapp:
H. B. No. 448, A bill to be entitled "An Act amending Article 4489, Title 71, Chapter 3 of the Revised Civil Statutes of the State of Texas, 1935, as amended by H. B. 452, Acts of the 42nd Legislature, Regular Ses­sion, 1931, providing for the registration and registration fee of importers and manufacturers of foods and drugs, and defining manufacturers and importers; providing for an annual registration fee with the State Department of Health; appropriating fees to the use of the Department; and declaring an emergency."

Referred to the Committee on Public Health.

By Messrs. McCoppin and Schram:
H. B. No. 449, A bill to be entitled "An Act making it a misdemeanor for any person to enter the premises of another for the purpose of looking into any structure at any person without consent; prescribing a penalty; defining term; containing a sever­ability clause; and declaring an emer­gency."

Referred to the Committee on Criminal Jurisprudence.

By Messrs. Bartram and Barlow:
H. B. No. 450, A bill to be entitled "An Act making it unlawful for a period of five (5) years for any person to hunt, take or kill any big game by any means in Bandera, Bexar, and Kendall Counties any axis deer outside of property enclosed with deer proof fencing; providing penalties; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Messrs. Bartram, Mutscher, and Koliba:
H. B. No. 451, A bill to be entitled "An Act creating juvenile boards in Comal, Hays, Caldwell, Austin and Fayette Counties; prescribing the membership and powers of the boards; and providing for compensation of members; repealing conflicting laws; providing for severability; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Preston:
H. B. No. 452, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 423, Acts of the 59th Legislature, Regular Session, 1959,
relating to Lamar County Hospital District; and declaring an emergency."
Referred to the Committee on Public Health.

By Mr. McGregor of El Paso:
H. B. No. 453, A bill to be entitled "An Act concerning sabbatical leaves of absence for faculty members of state-supported colleges and universities; and declaring an emergency."
Referred to the Committee on Appropriations.

By Mr. Townsend:
H. B. No. 454, A bill to be entitled "An Act changing the name of the Burnet County Water Control and Improvement District, No. 1 to the Bertram Water Control and Improvement District, No. 1; providing that such change of name shall in no way invalidate the outstanding bonds of said district; changing the number and terms of the Directors thereof and of the San Gabriel River Water Control and Improvement District, No. 1; and declaring an emergency."
Referred to the Committee on Conservation and Reclamation.

By Mr. Peeler:
H. B. No. 456, A bill to be entitled "An Act relating to temporary appointment by the Governor to fill a vacancy in the representation of this State in the United States Senate, until the succeeding general election; amending Article 177 of the Election Code of Texas, 1951, as amended; and declaring an emergency."
Referred to the Committee on Privileges, Suffrage and Elections.

RESOLUTION SIGNED BY THE SPEAKER

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

H. C. R. No. 24, To extend an invitation to the Ambassador of Iraq to address a Joint Session.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 159, By Mears, Jones of Travis, Sandahl and Forman: Recognizing students of Highland Park School.

H. S. R. No. 161, By Mr. Bailey: Congratulating J. M. Cooper.

H. S. R. No. 167, By Mr. Stewart of Wichita: Congratulating Edmunds Travis.

H. S. R. No. 170, By Mr. Nugent: Congratulating Bobby Neal.

CONGRATULATING HONORABLE RAYFORD PRICE

Mr. Stewart of Wichita offered the following resolution:

H. S. R. No. 149

Whereas, Today, February 9, 1961, is an important day in the House of Representatives because of the birthday of one of its elusive and effusive Members, our good fellow Legislator, Rayford Price; and

Whereas, Rayford Price has spent twenty-four years in the one thousand six-hundred and eight square miles of Anderson County, pickin' peanuts along the Dogwood Trails and training to be as quick as the fox he hunted on those moonlit East Texas nights; and

Whereas, As a law student at The University of Texas he is well qualified to become a counselor and barrister because to the lovely maidsens about him he was about as abstract as a man can get in the deep in the Piney Woods; and

Whereas, This future procurator of civilians, solicitor in chancery and proctor of the admiralty courts, does have at all times, mortgages, leases and even common-law legal papers to give to fellow Members for any East Texas habendum and reddendum of any Anderson County habitat; and

Whereas, The very unmarried Rayford Price's birthday brings to mind the ancient Latin legal words of another bachelor lawyer in describing...
or defining one of his deeds, "Non est factum meum, Nent mon fet," that is, quote, I did not execute that document, unquote; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature congratulates Rayford Price and forwards this deed of deposit to him as a written sealed instrument, duly executed and delivered with our contract for his success in this legislative venture.

STEWART of Wichita,
COLLINS,
ROBERTS of Hill,
GLASS.

The resolution was read and was adopted.

PROPOSED AMENDMENT TO THE HOUSE RULES

Mr. Atwell offered the following resolution:

H. S. R. No. 158

Be it Resolved by the House of Representatives that the rules of the House be amended by adding a new paragraph at the end of Section 8 Rule 8 to read as follows:

"No bill or resolution shall be heard by any standing committee of the House of Representatives unless such hearing is requested by the author or co-author of said bill or resolution.

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

IN HONOR OF SAMUEL DAY

Mr. Allen offered the following resolution:

H. S. R. No. 168

Whereas, Samuel Day arrived in Texas in the early 1840’s, making his home at Giles in the northern part of what is now Delta County, where he joined other settlers from his home State of Tennessee; and

Whereas, He was associated with Colonel James Bourland, who owned a large tract of land on the North Sulphur River, in Fannin County, and joined Colonel Bourland’s regiment of about 1,000 men in 1846 when it was mustered into the service of the United States at San Antonio during the Mexican War; and

Whereas, He received the respect and affection of his men and was known hereafter as "Colonel Sam"; and

Whereas, Shortly after the victorious conclusion of the Mexican War he was married to Nancy J. Bourland, and they became the parents of twelve children: Robert Byron Day, Sallie Day Fuller, lone Day Montgomery, George W. Day, Frank Day, Belle Day Ball, Fannie Day Scott, Iola Day Kelley, Samuel Day Jr., Ada Day, Nancy Day, and J. Dabney Day; and

Whereas, "Colonel Sam" did much to advance opportunities for education during that pioneer era of the new State of Texas, and gave sites for the location of two schools, the Earley School and the Sunshine School; and

Whereas, He enlisted in the forces of the Confederate States of America on July 6, 1861, at Ladonia, Fannin County, Texas, and served in Captain George W. Merricks Company, 14th Brigade, under the command of General S. A. Roberts Texas State Troops; and

Whereas, He was elected and served in the 13th Texas Legislature of 1872 and 1873; and

Whereas, Descendants of his oldest child, Robert Byron Day, include the children of his first wife, Mattie Booth of Ladonia—George Amos Day Morrow, Willie Maude Day Sookwell, and Samuel Frank Day—and the children of his later marriage to Isabell Crown—Della Day James, Nancy Isabell Day Cameron, Eve Day, William Mark Day, and Robert Byron Day Jr.; and

Whereas, The children and grandchildren of Robert Byron Day wish to recognize their ancestor, Samuel Day, for his service and contributions to the State of Texas, and for his patriotism; and

Whereas, An oil portrait of Samuel Day was commissioned by his granddaughter, Della Day James, and his great-granddaughter, Clara James Perkins, and the portrait is now completed and has been proffered as a gift to the House of Representatives of the State of Texas: now therefore be it

Resolved, By the House of Representatives of the Fifty-seventh Legislature of the State of Texas, That this portrait be accepted and that it be hung on the lower floor
of the Chamber of the House of Representatives as a tribute to and in memory of that great Texan, Samuel Day.

ALLEN, PARSONS.
The resolution was referred to the Committee on Rules.

URGING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GRANTING PENSIONS TO WORLD WAR I VETERANS

Mr. Chapman offered the following resolution:

H. C. R. No. 28

Whereas, The National Policy of the United States of America has been to honor the veterans of wars of the United States by granting assistance to them in their declining years by pensions, all in consideration of their military service in defense of our country; and

Whereas, All social agencies and the great majority of the people of this nation are now deeply concerned about the problems of the aged, approximately 16,000,000 men and women over the age of 65; and

Whereas, Of this number approximately 2,600,000 are veterans of World War I whose present financial condition generally is below that of the average as the direct result of their having served this nation in the Armed Forces during World War I; and

Whereas, Their present financial condition is due to the fact that this group of veterans did not have the rights, benefits and advantages accorded to those veterans of previous and subsequent wars, such as homestead land grants, homesteading privileges, direct pensions, guaranteed job rights, college education and vocational training, guaranteed loans for the purchase of farms, businesses and homes, unemployment insurance and social security; and

Whereas, There has been no general pension granted to veterans of World War I by the United States; now, therefore,

Be It Resolved by the House of Representatives, the Senate concurring, That it is urged that the Congress of the United States of America enact legislation granting pensions to World War I veterans as heretofore for the Spanish American War Veterans and the veterans of other prior wars of the United States; and be it

Further Resolved. That copies of this Resolution be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the members of the Texas delegation to the Congress of the United States.

CHAPMAN, OLIVER, KILPATRICK, STRUVE, HINSON, COLLINS, SLIDER.
The resolution was read and was referred to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, February 9, 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 passed the following:

S. B. No. 25, In memory of I. D. Hoke, Sr.

S. B. No. 37, To provide that the franchise tax imposed shall not apply to nonprofit water supply or sewer service corporations organized on behalf of cities or towns; and declaring an emergency.

S. B. No. 160, Authorizing the Texas Youth Council to convey a tract of land owned by the State of Texas to the Corsicana Independent School District; and declaring an emergency.

S. B. No. 68, Providing for the licensing of by-products of ionizing radiation for peaceful purposes; and declaring an emergency.

S. B. No. 172, Empowering the judges of Tarrant County, Texas to appoint a court bailiff; and declaring an emergency.

S. B. No. 171, Validating county park bond elections, and declaring an emergency.
S. B. No. 17, Providing that any person in any county of this state with more than one pound of mercury in his possession and who has not in his possession a bill of sale shall be guilty of a felony; and declaring an emergency.

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

REQUEST OF SENATE GRANTED

On motion of Mr. Gladden the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 15.

CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following Conference Committee on the part of the House on Senate Bill No. 15:
Messrs. Shannon, Cowen, Gladden, Larry and Green.

TO PROVIDE FOR A GENERAL INVESTIGATING COMMITTEE OF THE HOUSE

The Speaker said before the House for consideration at this time,
H. S. R. No. 50. To provide for a General Investigating Committee of the House.

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

Mr. Hale offered the following committee substitute for the resolution:

Committee Amendment No. 1

Amend H. S. R. 50 by substituting in lieu thereof the following:

Whereas, It has been the custom of the House of Representatives and the Senate, respectively, to set up general investigating committees to function during legislative sessions and throughout the interim between regular sessions of the Legislature, such committees having been given the power to investigate any and all matters coming to their attention which they deemed of importance to the Legislature and the people of Texas; and

Whereas, Such committees are essential in our democracy in that they, by their continued vigilance, inspire faith and confidence of the people; and

Whereas, The Members of the House of Representatives desire to be fully and accurately informed as to the operations of the various governmental units of the State of Texas, its political subdivisions, and the activities of persons therein; and

Whereas, It is for the best interests of the people of the State of Texas that the House of Representatives of the State of Texas now create such a committee with powers as hereinafter set forth in order to make available to the 57th Legislature and the 58th Legislature when it convenes, full information on such matters as should rightfully be brought to the attention of the Texas Legislature; now therefore be it

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

Section 1. That a General Investigating Committee of the House of Representatives be, and the same is hereby authorized, to consist of five (5) Members to be appointed by the Speaker of the House of Representatives. The Speaker shall appoint the chairman of said Committee, and the Committee shall elect from its members a vice-chairman and a secretary. Immediately upon its appointment, said Committee shall meet, organize and promulgate the rules and procedures by which it shall function. It shall have full freedom to determine the times and places it shall meet, both during the Regular Session, any called sessions, and during the interim between the adjournment of the Regular Session of the 57th Legislature and the convening of the 58th Legislature.

The Committee shall have full authority to initiate and continue any and all inquiries and hearings into matters pertaining to the State government, including the various units thereof and their personnel, and any units or sub-divisions of government within the State of Texas. It shall have power to examine into the expenditure of public funds at any and all levels of government within the State, and all other matters and things considered by said Committee...
to be needed for the information of the Legislature and for the welfare and protection of the citizens of this state.

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

Sec. 2. The rules of procedure of the House of Representatives, the rules of evidence and procedure in civil and criminal cases, so far as considered applicable, and such other rules and regulations as may be adopted by the Committee, shall govern the hearings and affairs of the Committee.

Sec. 3. The Committee shall keep a record of its proceedings, and it shall have the power to issue process to witnesses, at any place in this 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 subpoena or other process judicially issued by it in the same manner as provided by general law and Article 5429 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 Committee is hereby authorized to request the assistance of the State Auditor's Department, the Texas Legislative Council, the Department of Public Safety, the Attorney General's Department and all other State agencies 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, and to examine into their duties, responsibilities, and activities.

Sec. 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.

Sec. 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.

Sec. 6. The Committee shall have authority to employ and fix the compensation of persons to assist in any investigation, to assist in any audit, and to assist in any legal matters where, for any reason, it is necessary to obtain such assistance. In addition to these services furnished by the State Auditor, the Texas Legislative Council and the Attorney General's Department, and it may employ and compensate clerks, stenographers, and other employees in order to aid in the conducting of its investigations and hearings and to make proper records thereof.

Sec. 7. The Committee shall make such reports to the Members of the 57th Legislature and to the 55th Legislature as it may deem necessary and appropriate.

Sec. 8. Members of the Committee shall be reimbursed for their actual and necessary expenses 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 payrolls and traveling expense vouchers shall be approved by the Chairman of the Committee and the Speaker of the House of Representatives before payment.

Mr. Hughes of Dallas moved that all the necessary rules be suspended for the purpose of offering an amendment to the committee substitute offered by Mr. Hale to H. S. R. No. 50.

The motion was lost, not receiving the necessary two-thirds vote.

The committee substitute for H. S. R. No. 50 was adopted.
H. S. R. No. 59, as substituted, was then adopted.

Mr. Hale moved to reconsider the vote by which H. S. R. No. 59, as substituted, was adopted and to table the motion to reconsider.

The motion to table prevailed.

GENERAL INVESTIGATING COMMITTEE FOR THE HOUSE APPOINTED

The Speaker announced the appointment of the following General Investigating Committee for the House of the Fifty-seventh Legislature:

Messrs. Ballman, Chairman; Hollewell, Hale, Murray and Pieratt.

HOUSE BILL NO. 59 ON SECOND READING

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

H. B. No. 59. A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 675a-2 in Vernon's Texas Civil Statutes, by extending the exemption from registration of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; increasing the gross weight of exempt farm trailers and farm semi-trailers to twelve thousand (12,000) pounds; and by defining the term 'gross weight'; repealing conflicting laws; and declaring an emergency."

The bill was read second time.

Mr. McLellan offered the following amendment to the bill:

Amend H. B. No. 59 by striking all below the enacting clause and substituting therefor the following:

"Section 1. Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as last amended by Chapter III, Acts of the 55th Legislature, Regular Session, 1957, (codified as Article 675a-2 in Vernon's Texas Civil Statutes) is hereby amended to read as follows:

Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall pay each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided that where a public highway separates lands under the dominion or control of the owner, the operation of a motor vehicle by such owner, his agents or employees across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. Owners of farm tractors, farm trailers, farm semi-trailers, implements of husbandry, and machinery used solely for the purposes of drills, water wells or construction machinery (not designed for the transportation of persons or property on the public highways) operated or moved temporarily upon the highways shall not be required to register such farm tractors, farm trailers, farm semi-trailers, implements of husbandry, and well drilling and construction machinery, and providing further, that the exemptions in this section shall apply to farm tractors and farm semi-trailers owned by cotton gins and grain elevators and used solely for supplying, without charge, such trailer and farm semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; and providing further, that the exemptions in this section shall apply to fertilizer trailers owned by farm fertilizer distributors and used solely for supplying, without charge, such fertilizer trailers to farmers to haul farm fertilizer from place of distribution to place of application for use in application; provided, however, that such farm trailers and farm semi-trailers exempt under any provision of this section are operated in conformity with all provisions of the law save and except the requirements as to registration and license; and providing further, that the ex-
emptions in this section shall not apply to any farm trailer or farm semi-trailer when the gross weight exceeds fourteen thousand (14,000) pounds, the term ‘gross weight’ as used in this section being defined to mean the combined weight of the trailer or semi-trailer and the weight of the load actually carried on the highway; provided that no farm trailer or farm semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour; and further provided, that the exemption in this section shall not apply to any farm trailer or farm semi-trailer with steel tires of a width less than three (3) inches operating in excess of fifteen (15) miles per hour; and providing further, that the exemption in this section shall not apply to any farm trailer or farm semi-trailer when the same is used for hire; provided, however, it shall be unlawful to operate any trailer or semi-trailer at night without a rear red light or red reflectors.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 3. The importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and 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.”

McILHANY, SLACK, RAPP.

Mr. Cory offered the following amendment to the amendment offered by Mr. McIlhany:

Amend the amendment to H. B. No. 59 by adding thereto a new section immediately following Section 1 to be known as Section 1a which shall read as follows:

"Section 1a. Subsection 3 of Section 132 of the Uniform Act Regulating Traffic on Highways is amended to read hereafter as follows:

3. Every trailer or semi-trailer of a registered or actual gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied; provided that this subsection shall not apply to any farm trailer or farm semi-trailer operated or moved temporarily upon the highways when its gross weight does not exceed fourteen thousand (14,000) pounds. The term ‘gross weight’ as used in this subsection shall mean the combined weight of the trailer or semi-trailer and the weight of the load actually carried on the highway.”

The amendment to the amendment by Mr. McIlhany was adopted.

The amendment by Mr. McIlhany, as amended, was adopted.

Mr. Yetak offered the following amendment to the bill:

Amend Caption to H. B. No. 59 to conform to the body of the bill.

The amendment was adopted.

House Bill No. 59 was then passed to engrossment.

HOUSE BILL NO. 59 ON THIRD READING

Mr. McIlhany moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—118

Adams of Titus  ...  Cartwright

Bass ...  Crain

Bridges ...  Curington
The Speaker then laid House Bill No. 59 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>130</th>
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<tbody>
<tr>
<td>Adams of Lubbock</td>
<td></td>
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<tr>
<td>Haring</td>
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<tr>
<td>James</td>
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<tr>
<td>Johnson of Bell</td>
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<tr>
<td>Jones of Travis</td>
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<tr>
<td>Kilpatrick</td>
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<tr>
<td>McCombs</td>
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<tr>
<td>McGregor</td>
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<tr>
<td>McPherson</td>
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<tr>
<td>Mullen</td>
<td></td>
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<tr>
<td>Murch</td>
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<td>Norris</td>
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<td>Potter</td>
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<tr>
<td>Sherman</td>
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</tbody>
</table>

Nays—27

<table>
<thead>
<tr>
<th>Adams of Lubbock</th>
<th>Jones of Dallas</th>
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<tbody>
<tr>
<td>Allen</td>
<td>Kenard</td>
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<td>Alwell</td>
<td>Lewis</td>
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<td>Bartram</td>
<td>McCluskey</td>
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<td>Bell</td>
<td>Miller</td>
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<td>Burgess</td>
<td>Nugent</td>
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<td>Cole of Harris</td>
<td>Ratliff</td>
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<td>Cotsey</td>
<td>Shipley</td>
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<td>Fairchild</td>
<td>Slider</td>
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<td>Garrison</td>
<td>Spear</td>
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<td>Grover</td>
<td>Tannell</td>
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<tr>
<td>Harding</td>
<td>Walker</td>
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<tr>
<td>Jarvis</td>
<td>Ward</td>
</tr>
<tr>
<td>Johnson of Dallas</td>
<td></td>
</tr>
</tbody>
</table>
Mr. McIlhany moved to reconsider the vote by which House Bill No. 59 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted "No" on this bill because it places vehicles of 14,000 pounds on the roads of this state without any brakes upon said vehicles.

JAMES COTTEN.

REASON FOR VOTING "NO" ON H. B. 59

I voted "no" on the passage of H. B. 59 relating to agricultural trailers because of the provisions in the bill regarding requirements of brakes on the trailers. Far too many innocent citizens are killed, maimed, or injured each year in Texas on the highways. We need to strengthen our safety laws rather than repealing them. All cars, trucks, and trailers should be equipped with proper safety equipment. H. B. 59 relaxed these requirements for trailers.

J. COLLIER ADAMS.

MEMORIAL RESOLUTIONS

ADOPTED

H. S. R. No. 166, By Mr. Slider: In memory of Willy D. Wommack.

H. S. R. No. 161, By Mr. Slider: In memory of J. A. Wright.

H. S. R. No. 162, By Mr. Bailey: In memory of James Virgil Heyer, Sr.

H. S. R. No. 164, By Mr. Ward: In memory of Mrs. T. W. Scott.

H. S. R. No. 165, By Mr. Caldwell: In memory of Palmer Brooks Votaw.

H. S. R. No. 166, By M. Caldwell: In memory of Joseph Samuel Montgomery.

ADJOURNMENT

Mr. de la Garza moved that the House adjourn until 11:00 o'clock a.m. next Monday.

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

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

The motion to adjourn until 11:00 o'clock a.m. next Monday prevailed.
The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House at 12:43 o'clock p.m., adjourned until 11:00 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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


Public Health: H. B. No. 452.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 8, 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. 26, congratulating John Hampton Mattox on his one hundredth birthday.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 9, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 24, inviting His Excellency, the Ambassador from Iraq, to address a Joint Session of the Texas Legislature on February 14 A.D. 1961, at 11:30 a.m.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR

February 9, 1961

H. C. R. No. 24.

TWENTIETH DAY

(Monday, February 13, 1961)

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

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

Mr. Speaker

Adams of Lubbock

Fairchild

Adams of Titus

Fletcher

Adams of Hunt

McFerrin

Allen

Foreman

Andrews

Garrison

Atwell

Gibbons

Bailey

Gladden

Ballman

Glass

Banfield, Mrs.

Gluska

Barlow

Green

Barrow

Grover

Barnes

Hart

Bass

Hale

Bell

Harding

Berry

Haring

Blaine

Harrington

Boyesen

Hays

Bridges

Healy

Buchanan

Himno

Butler

Hollowell

Caldwell

Huebner

Cannon

Hughes

Carriker

Hughes of Grayson

Chapman

Iassack, Miss

Collier

James

Collins

Jarvis

Connell

Johnson of Dallas

Cook

Johnson of Bexar

Cory

Johnson of Bell

Cotten

Jones of Dallas

Cowen

Jones of Travis

Cowles

Kendall

Crain

Kilpatrick

Crews

Koehne

Curington

Korich

da la Garza

Lack

Dewey

Lary

Duff, Miss

Latimer

Dungan

La Valle

Eckhardt

"