REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 16, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred
"An Act amending Sections 14 and 15 of Chapter 15, Acts of the Regular Session of the Fiftieth Legislature, 1957 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Sections 14 and 15); providing for broadening the present law governing the Texas Water Development Board and defining its duties; increasing the findings the Board must make that a water supply project cannot be financed without State assistance; removing the present limitation on loans for water supply projects of one-third of project cost; raising the presently authorized ceiling on such loans from Five Million Dollars ($5,000,000) to Fifteen Million Dollars ($15,000,000) and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

TWENTY-FIFTH DAY
(Monday, February 20, 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 Berry
Adams of Lubbock Blaine
Adams of Titus Boyce
Allen Bridges
Allen Buchanan
Andrews Burgess
Atwell Butler
Bailey Coldwell
Ballman Cannon
Banfield, Mrs. Carriker
Barlow Chapman
Barnes Cole of Harris
Bartram Cole of Hunt
Beas Collins
Bell Connell

Cook Military
Cory Marksgraf
Cotlen Martin
Coyen Miller
Cowles Moore
Craw Mullen
Crews Murray
Curlington de la Garza Nieheyer
Dewey Nugent
Duff, Miss Oliver
Dungan Osborn
Dickhardt Parsons
Elzie Peacoy
Fairchild Peeler
Fletcher Peity
Floyd Piersat
Foreman Pipkin
Garrion Preston
Gladden Price
Glass Quilliam
Green Rapp
Groover Ratliff
Guyffay Read
Hale Richards
Harding Richardson
Haring Roberts of Hill
Harrington Roberts of Dawson
Hays Rosas
Healy Rosson
Hilton Sandahl
Holloway Schram
Huebner Shannon
Husker Shipley
Hughes Slack
Hughes of Grayson Sluder
Hughes of Dallas Smith of Bexar
Isaacks, Miss Smith of Jefferson
James Snoeck
Jamison Spears
Jarvis Spilman
Johnson of Dallas Springzer
Johnson of Bexar Stewart
Johnson of Bell of Galveston
Jones of Dallas Stewart
Jones of Travis of Wichita
Konnard Struve
Kilpatrick Thurman
Koliba Thurmond
Koroth Townsend
Lack Treviso
Lary Tunnell
Latimer Walker
La Valle Ward
Leaverton Warren
Lewis Wells
Longoria Wheatley
McDoppin Whitfield
McGregor Wilson of Trinity
McGregor of McLennan Wilson of Potter
McGregor of El Paso Woods
McGregor Yeak
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Absent—Excused

Glusing

A quorum of the House was announced present.

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

"Heavenly Father, we thank Thee for Thy watchcare over us this past weekend. Thank Thee for allowing us to return to our labors today. We ask Thee to help us over the rough places on the road of life. Bless every effort put forth in this Legislature today. Forgive our mistakes. In Christ's Name—Amen."

CHARLES A. SCHNABEL
Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

February 20, 1961

To The Members of The 57th Legislature:

In my message of January 18, I adopted and presented to you a recommendation of the State Finance Advisory Commission of a payroll-earnings tax as a possible source of new revenue, along with an alternative excise tax plan.

I said then that I would support and work for either of these proposals "that receives the widest acceptance in the Legislature." I added that "if any of you has a plan that receives wider acceptance, short of a general sales tax or an income tax, I will work for and support that plan."

In that same spirit, I now feel it is my duty to acknowledge that I have found practically no support in either House for the proposed payroll-earnings tax. I am convinced, after talking with many members, that it has no chance of enactment.

In order to save any time that otherwise might be lost in further consideration of this proposal, I hereby withdraw my recommendation of a payroll-earnings tax as a possible source of new revenue. I do this with the full knowledge and approval of the Chairman of the Finance Advisory Commission, Senator John Redditt, and other members with whom I have talked.

I hasten to add that my discussions with members of the Legislature also convinces me that neither an income tax nor a general sales tax has a chance of enactment. I would suggest that the proponents of these measures might save time if they faced their fate as realistically as I have done with respect to the payroll-earnings proposal. The sooner these are laid aside, either by withdrawal or by vote, the sooner it will be possible for all concerned..."
to arrive at a compromise which will meet the present and future needs of our State. As the basis for a fair and adequate compromise, I stand on the alternative recommendation of the Finance Advisory Commission for broadening the base of our excise taxes, with such additions and changes as may be necessary to provide sufficient growth taxes to meet our future needs. Excise taxes can be as broad, as productive, and as sustaining as any other type of taxation and still avoid levies on income, payrolls, and the basic necessities of life. To deny this is to ignore what is happening in other States. To say to the people of Texas that you must have either an income tax or a general sales tax is to deny other choices which are both available and adequate. They should be tried before surrendering to last resort measures which this State has avoided throughout its history.

My staff and the Finance Advisory Commission staff are now working with members of the Legislature on a revision of the excise tax proposal which should be ready for introduction and consideration when the deficit retirement hearings have been completed.

In the meantime, I commend and urge the continuation of your consideration and action on proposals to retire the deficit first and separately from the tax needs of the next biennium. Although disagreement may exist as to sources of new revenue for the future, there should be complete agreement that no single tax plan (that far advanced by anyone) can possibly yield enough to cover both the deficit and the needs of the next biennium. Until the deficit is cared for, I should think that we could hardly justify the approval of new spending proposals from the General Revenue Fund or arrive at new revenue solutions for the future. It is urgent that deficit retirement measures become effective at the earliest possible date and equally important that provisions for new revenue be enacted at this Regular Session. Collection of new taxes cannot begin until several weeks after the effective dates of new legislation. Delay in action beyond this session will only increase the magnitude of our task.

It is to eliminate delay and to speed the day on which agreements can be reached that I have this day withdrawn what I now know to be an unacceptable and futile recommendation for solving our needs for future revenue. With this same frank and realistic approach, I shall continue to do everything within my power to cooperate with you in fully meeting our responsibilities during this Regular Session of the Legislature.

Respectfully submitted,

PRICE DANIEL,
Governor.
Article 1 of Chapter 467, Acts of the 44th Legislature, Second Called Session, 1925, as added by Section 1 of Chapter 221, Acts of the 44th Legislature, Regular Session, 1943, which is codified as Article 666-4, Vernon’s Texas Penal Code, so as to increase the hours for the lawful consumption of beer in public places; and declaring an emergency.”

Referred to the Committee on Liquor Regulation.

By Mr. Slider:

H. B. No. 545, A bill to be entitled “An Act amending Section 1 of Chapter 128, Acts of the 44th Legislature, Regular Session, 1935, as last amended, which is codified as Section 1 of Article 7336f, Vernon’s Texas Civil Statutes, so as to bar collection of ad valorem taxes delinquent prior to December 31, 1941; and declaring an emergency.”

Referred to the Committee on Revenue and Taxation.

By Mr. Walker:

H. B. No. 546, A bill to be entitled “An Act closing the season for hunting wild deer in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.”

Referred to the Committee on Game and Fisheries.

By Mr. Walker:

H. B. No. 547, A bill to be entitled “An Act closing the season for hunting alligators in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.”

Referred to the Committee on Game and Fisheries.

By Messrs. Oliver, Preston, Parsons, Dungan, de la Garsa, Niemeyer, Chapman, Jarvis, Bass, Rosan, Van Alstyne, Slider, Fieratt, Miller, Fletcher, Walker, Ballman, Bell, Watson, Rapp, Garrison, Bartram, Burgess, Healy and Grover:

H. B. No. 548, A bill to be entitled “An Act providing requirements for the holders of any office or public trust in this state or, employment in public schools, public junior colleges, and state colleges and universities; setting out administrative procedures for filing and inspection, making violation an offense and prescribing the penalty therefor, providing for severability, and declaring an emergency.”

Referred to the Committee on State Affairs.

By Mr. Ehrlie:

H. B. No. 549, A bill to be entitled “An Act amending Section 7 of Chapter 35, Acts of the Fifty-third Legislature, First Called Session, 1954, relating to the powers of the Green Belt Municipal and Industrial Water Authority with respect to condemnation of land and easements; providing a severability clause; and declaring an emergency.”

Referred to the Committee on Municipal and Private Corporations.

By Messrs. Tunnell and Cole of Harris:

H. B. No. 550, A bill to be entitled “An Act making it unlawful to steal any oil and gas equipment or pipe line equipment or water well drilling equipment; making such offense a felony; prescribing punishment therefor; and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Mr. Hughes of Dallas:

H. B. No. 551, A bill to be entitled “An Act amending Section 89 of the Texas Probate Code so as to expressly provide for the probate of wills as Muniments of Title; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. de la Garza:

H. B. No. 552, A bill to be entitled “An Act amending Section 8 of the Texas Probate Code so as to expressly provide for the probate of wills as Muniments of Title; and declaring an emergency.”

Referred to the Committee on School Districts.

By Mr. Spears:

H. B. No. 553, A bill to be entitled “An Act amending Section 6 of Article 1175, Revised Civil Statutes of Texas, 1925, so as to describe the
mode of notice to municipalities of claims for damages and providing certain exceptions; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Rosson:
H. B. No. 554, A bill to be entitled "An Act limiting the provisions of this Act to Borden 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 public waters of said County by any means or method; prescribing the legislative policy with respect to the depletion and waste of the wildlife resources of 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; conferring upon the Game and Fish Commission the power of eminent domain; providing for the adoption of proclamations, rules, regulations and orders 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 antlerless deer permits; providing for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds, authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposit of certain funds; providing for the exercise of the power of eminent domain; providing certain obligations will be considered as tax obligations for certain purposes; declaring this Act cumulative of all other laws; declaring the accomplishment of the purpose of the Act to be essential; enacting other provisions incident to and related to the subject; providing a severance clause; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Spears:
H. B. No. 556, A bill to be entitled "An Act amending Article 3267 of the Revised Civil Statutes of Texas, 1925; relating to the procedure for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds, authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposit of certain funds; providing for the exercise of the power of eminent domain; providing certain obligations will be considered as tax obligations for certain purposes; declaring this Act cumulative of all other laws; declaring the accomplishment of the purpose of the Act to be essential; enacting other provisions incident to and related to the subject; providing a severance clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Rosson:
H. B. No. 557, A bill to be entitled "An Act authorizing eligible counties, as defined therein, to acquire a supply of fresh water for the courthouse and other county purposes and providing for the acquisition of such treatment and distribution facilities as may be required; providing the circumstances under which such county may sell water not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds, authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposit of certain funds; providing for the exercise of the power of eminent domain; providing certain obligations will be considered as tax obligations for certain purposes; declaring this Act cumulative of all other laws; declaring the accomplishment of the purpose of the Act to be essential; enacting other provisions incident to and related to the subject; providing a severance clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harding:
H. B. No. 558, A bill to be entitled "An Act amending Article 14.04 of Title 125A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, by including a brother or sister of a deceased wife or husband of the decedent within Class C for inheritance tax purposes; and declaring an emergency."

Referred to the Committee on Judiciary.
By Mr. Struve:

H. B. No. 558, A bill to be entitled "An Act 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 Frio 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 in said County by any means or method; prescribing the legislative policies with respect to the wildlife resources of said County; conferring upon the Game and Fish Commission power and authority to regulate by provision, order, rule, or regulation the taking of wildlife resources of said County; requiring the Game and Fish Commission to make investigations with respect to 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 a public hearing to be held in Frio County and for notice of such hearing and for proper conducting of such hearing; providing for the adoption of the proclamations, orders, rules or regulations of the Game and Fish Commission; providing for the effective period of regulations; providing for the publication of the regulations; providing that the powers of the Commission are not limited; providing venue for suit to test the validity of the proclamations, rules, regulations, or orders of the Commission; 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 provide a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Messrs. Carriker and Pieratt:

H. B. No. 559, A bill to be entitled "An Act amending paragraph (1), Article 11.01, Title 12A, Taxation-General, Revised Civil Statutes of Texas, 1925, so as to extend the application of the occupation tax on the gross receipts of certain gas, electric and water utilities to all intrastate gross receipts from the sale of gas, electricity and water, and imposing said tax at a uniform rate of 1.3575% of all such gross receipts; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Niemeyer:

H. B. No. 560, A bill to be entitled "An Act repealing subdivision 29, Article 195 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Referred to the Committee on Judiciary.


H. B. No. 561, A bill to be entitled "An Act relating to the creation of a National Seashore Area on part of Padre Island and the surrounding submerged lands."

Referred to the Committee on State Affairs.

By Mr. Smith of Jefferson:

H. B. No. 562, A bill to be entitled "An Act providing for the financing of Farm-to-Market Road construction, improvement, and maintenance from the State Highway Fund, changing the allocation of funds from the Omnibus Tax Clearance Fund; eliminating allocation for Farm-to-Market Road construction and to increase the priority of the Foundation School Program and the General Revenue Fund from the Omnibus Tax Clearance Fund; amending Article 9.05 of Chapter 3, Title 12A, R.C.S., as enacted by Section 1, Chapter 1, Acts of the Fifty-Fifth Legislature, Third Called Session, 1959; amending Subsection 4-a of Section 2, Article XX, Chap.
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BILLS SIGNED BY THE SPEAKER

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

H. B. No. 80 "An Act amending Section 50 of Chapter 147, Acts of 1949, Fifty-first Legislature, Regular Session, creating the port of Beaumont Navigation District of Jefferson County, Texas, enlarging the authority of the District to issue refunding bonds, and amending Section 21 of said Act, as herebefore amended, to permit said District to pledge certain revenues of said District to the payment of its revenue bonds; amending Chapter 147, Acts, 1949, Fifty-first Legislature, Regular Session, by adding a new Section 30; providing that bonds issued under the provisions hereof shall be submitted to the Attorney General for approval and registered with the State Comptroller, after which such bonds shall be incontestable; amending Section 1, Chapter 333, Acts of 1949, Fifty-first Legislature, Regular Session, by adding a new Section 29; making such bonds eligible for certain investments and eligible to secure certain funds; providing that this Act shall be cumulative of other laws pertaining to said District; providing a severability clause; and declaring an emergency."

H. B. No. 82 "An Act to validate the establishment, organization, and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, Commissioners Courts, boards of trustees of such school districts, and municipal governing bodies necessary to the establishment, organization, and/or creation of the same; authorizing the levy, assessment and collection of taxes; providing that the Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution or act of the Board of Trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the County Boards of Education, State Commissioner of Education or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or..."
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Mr. McLlhany offered the following resolution:

H. S. R. No. 224. By Mr. Lewis: Congratulating Mrs. Fred M. Lange.


H. S. R. No. 231. By Mr. Ward: Recognizing students of the Altarado School.

CONGRATULATING THE HONORABLE DON GLADDEN

Mr. McLlhany offered the following resolution:

H. S. R. No. 229

Whereas, A significant event in Texas history is to be noted here and now by this House, for on February 19, 1925, the Honorable Don Gladden was born; and

Whereas, This birthday celebrant comes from Tarrant County which was named for General Edward H. Tarrant, that brave Indian fighter and Member of the Texas Congress; and

Whereas, Don Gladden uses all the war paint and tom-toms at his disposal as he fights for the Fort Worth tribe in the Legislature just as General Tarrant fought on the western frontier; and

Whereas, Don Gladden's county seat, Fort Worth, is truly "Where the West Begins." The grain markets of his county are plentiful enough to furnish the grain alcohol medicinal needs of the entire state. There are enough meat grinders to take care of all the heads that roll in the packing houses of Fort Worth; and

Whereas, His birthday is even celebrated in neighboring Dallas County, specifically for the fact that he was born in Tarrant; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature congratulates Don Gladden on his birthday and wishes him as brave and glorious a career as his Indian fighting predecessor and as warm a wigwam wherever he lives. The resolution was read and was adopted.

CONGRATULATING THE HONORABLE J. EDGAR WILSON

Mr. Ballman offered the following resolution:

H. S. R. No. 234

Whereas, February 20, 1961, was the birthday of our most Honorable fellow Member, J. Edgar Wilson; and

Whereas, This Texas Panhandler, who represents Amarillo as the talented House Member from District 91, is a specialist in the field of legislation; and

Whereas, Good old Potter County, far, far away from the State Capital in Austin, has a high-stepping Representative for the citizens who put on the greatest show on earth, the Amarillo Fat Stock Show and Rodeo; and

Whereas, J. Edgar Wilson was born on February 19, 1902, and he has been high on the plains ever since. What with all his natural gas, this Amariller isn't very inflated, and certainly is able to represent the big winds of the Panhandle; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature congratulates J. Edgar Wilson on his birthday and wishes...
Whereas, Justice Hickman has many happy returns of this day in the House.

The resolution was read and was adopted.

CONGRATULATING CHIEF JUSTICE JOHN E. HICKMAN

Mr. Bailey offered the following resolution:

H. C. R. No. 32

Whereas, On January 3, 1961 Chief Justice John E. Hickman of the Texas Supreme Court brought to a close by voluntary retirement, his long and distinguished judicial career, embracing thirty-four years of continuous service on the appellate bench; and

Whereas, Judge Hickman came to the Supreme Court from Eastland in Representative District 76 and in the 22nd Senatorial District; and

Whereas, After engaging in private practice of the law for some fifteen years at Breckenridge, Stephenville and Dublin, in November, 1926, he was elected Associate Justice of the Eastland Court of Civil Appeals, and thirteen months later was appointed Chief Justice of that Court. In May of 1928 he was appointed as a member of the Commission of Appeals and became a Justice of the Supreme Court when by constitutional amendment, the membership of that Court was increased by the inclusion of the members of the Commission of Appeals. In 1946 Governor Beauford Jester appointed him Chief Justice. His opinions are to be found throughout the last three hundred and fifty volumes of the Southwestern Reporter, comprising more than half of all the volumes of that publication since its beginning; and

Whereas, Justice Hickman is wise and learned in the law, yet thoughtful and tolerant of other viewpoints and possesses by temperament, training and experience all those qualities that ideally fitted him to preside over the Supreme Court and its deliberations. He is universally respected and admired by the members of the legal profession and by the public at large; and

Whereas, Justice Hickman has devoted his highest endeavor to the task of preserving and enhancing the usefulness of the Supreme Court of Texas as a court of justice under law, and under his benign influence the Court has measured up to its highest traditions; and

Whereas, In 1949, he was one of the founders of the National Conference of Chief Justices, serving as Chairman of that Conference in 1952 and by his wise leadership, in the proposal and formation of plans and methods for the improvement of the courts and the administration of justice, gained national stature and recognition in the field of appellate jurisprudence; and

Whereas, Justice Hickman, early in life identified himself with the Methodist Church and has long been an active leader in its affairs. He has been teacher of a Men's Bible Class for more than thirty years. He has served as a Trustee of Southern Methodist University since 1921, and is a Trustee of Southwestern Legal Foundation. He holds the Honorary Degree of LL.D. from Southwestern University and is a member of the Texas Philosophical Society; now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That the Legislature join with members of the legal profession and citizens of Texas in congratulating Chief Justice Hickman on his memorable judicial career, the outstanding service he has rendered to the State and its citizens in keeping with the highest judicial traditions and wishing for him many more years of good health and continued enjoyment in the devotion of his talents to congenial and satisfying achievement; and, be it further

Resolved, That copies of this Resolution be sent to the Honorable John E. Hickman and to the members of his family.

The resolution was read.

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

The resolution was adopted.

HOUSE BILL NO. 108 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House an unfinished business, on its passage to engrossment, H. B. No. 108, relative to requiring the labeling of the minimum percentage of butterfat in milk.
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The bill was read second time on last Friday, February 17.

Mr. Burgess offered the following amendment to the bill:

Amend House Bill 108, Section 2, by inserting after the word “person” and before the word “shall” the following: “for the purpose of human consumption without further processing.”

The amendment was adopted.

Mr. Struve offered the following amendment to the bill:

Amend House Bill No. 108, Section 3, by inserting after the word “person” and before the word “shall” the following: “for the purpose of human consumption without further processing.”

The amendment was adopted.

Mr. Struve offered the following amendment to the bill:

Amend House Bill No. 108, Section 6, by inserting after the word “be” and before the word “fined” the following: “deemed guilty of a misdemeanor, and upon conviction thereof shall be”

The amendment was adopted.

Mr. Adams of Lubbock offered the following amendment to the bill:

Amend House Bill No. 108, Section 1, by striking out the words “which contains not less than eight (8) percent milk solids-not-fat” and substituting in lieu thereof, “which contains not less than 8 1/2 percent milk solids-not-fat.”

The amendment was adopted.

Mr. Cowen offered the following amendment to the bill:

Amend House Bill No. 108, by adding a new Section to read as follows: “Any milk produced and offered for sale by producers and milk producers associations to milk plants shall label by readable statement on containers and certify by written statement accompanying such milk that the milk is one hundred percent (100%) free of pesticide or insecticide contamination.”

Mr. Chapman moved to table the amendment by Mr. Cowen.

Mr. Carriker raised a point of order on further consideration of the amendment by Mr. Cowen on the ground that it is not germane to the caption of the bill.

The Speaker sustained the point of order.

Mr. Kennard moved that House Bill No. 108 be recommitted to the Committee on Public Health.

Mr. McIlhany moved to table the motion by Mr. Kennard.

A record vote was requested on the motion to table.

The motion to table the motion by Mr. Kennard, to recommit H. B. No. 108 to the Committee on Public Health was lost by the following vote:

Yeas—68
Adams of Lubbock
Hinson
Adams of Titus
Hallowell
Bulley
Hughes
Buchanan
Grayson
Burgess
Jamison
Caldwell
Johnson of Bexar
Cannon
Johnson of Bell
Carriker
Kilpatrick
Chapman
Kollba
Cole of Hunt
Korioth
Collins
Lack
Covy
Leaverton
Cotten
McGregor
Dewey
of El Paso
Duff, Miss
McIlhany
Dungan
Markgraf
Dickhardt
Moore
Patrikild
Mullen
Pletcher
Murray
Poreman
Mutscher
Gladden
Niemeyer
Glass
Osborn
Guffey
Parsons
Harrington
Pearcy
Haynes
Petty
A record vote was requested on the motion to recommit H. B. No. 108 to the Committee on Public Health.

The vote of the House was taken on the motion by Mr. Kennard to recommit H. B. No. 108 to the Committee on Public Health and the vote was announced, yeas 72, nays 74.

A verification of the vote was requested.

The roll of those voting “yea” and “nay” was again called and the verified vote resulted as follows:

Yeas—70
Adams of Lubbock
Jones of Travis
Allen
Kennard
Andrews
Lary
Atwell
La Valle
Banfield, Mrs.
Lewis
Barlow
Longoria
Barrett
McCoppin
Bell of McLennan
Berry
Martin
Blaine
Miller
Boyeen
Nugent
Bridges
Oliver
Butler
Peeler
Cole of Harris
Pipkin
Cook
Hatcliff
Cowen
Read
Cowards
Richardson
Craig
Rous
Curington
Shannon
Hale of Wichita
Haring
Townsend
Healy
Trevino
Hughes of Dallas
Tunstill
Isaacks, Miss
Walker
James
Whitfield
Jarvis
Wilson of Potter
Johnson of Dallas
Woods
Jones of Dallas

Nays—72
Adams of Titus
Bass
Buchanan
Bailey
Burgess
Ballman
Caldwell
Barlow
Cannon
Bass
Carriker
Bridges
Chapman
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<th>Yeas: 59</th>
<th>Adams of Titus</th>
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<td>Bailey</td>
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**Absence**

- Gaffey
- Huesker
- Kilpatrick
- Roberts of Dawson

**Absent—Excused**

- Glusing

The Speaker stated that the motion to recommit H. B. No. 108 to the Committee on Public Health was lost by the above vote.

Mr. James offered the following amendment to the bill:

Amendment to H. B. 108

Amend H. B. No. 108 by striking in Section 2 all after the word “showing” and placing thereafter instead: “that the minimum milkfat or butterfat content requirements of such milk have been complied with.”

Mr. Chapman moved to table the amendment by Mr. James.

The motion to table the amendment by Mr. James was lost by the following vote:
The amendment by Mr. James was adopted.

Mr. Kennard moved to reconsider the vote by which the amendment by Mr. James was adopted and to table the motion to reconsider.

The motion to table prevailed by the following vote:

| Yeas | Adams of Lubbock | Ehrle | Alanis | Floyd | Allen | Foreman | Andrews | Garris | Atwell | Gibbens | Bailey | Bartram | Hale | Hasse | Harding | Bell | Berry | Heathly | Blaine | Huebner | Hoggan | Hughes | Houston | Kibbe | Bridges | Isaiah, Miss | Butler | Cole of Harris | Jarvis | Connell | Johnson of Dallas | Cook | Jones of Dallas | Cowles | Crain | Kennard | Crews | Curington | Latimer | de La Garza | LaValle | Dewey | Lewis | Duff, Miss | Longoria |
|------|------------------|-------|--------|-------|-------|---------|---------|--------|--------|--------|--------|--------|-------|------|-------|--------|------|--------|----------|--------|--------|--------|--------|--------|-------|--------|----------------|--------|----------------|----------------|----------|--------|---------------|-------|----------------|-------------|----------|--------|--------|--------|-------|

Mr. Chapman moved that further consideration of House Bill No. 108 be postponed until 11:00 o'clock a.m. next Monday, February 27.
The motion to postpone H. B. No. 108 prevailed.

REASON FOR VOTE
Reason For Voting Against H. B. 108:

Today I cast my several votes for the housewives and milk consumers of Texas to protect them from an increase in the prices of milk; and for the farmers of Texas to protect them from a loss of their present market for milk—the housewives and Consuming Public of Texas.

PAUL FLOYD.

HOUSE BILL NO. 96 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, on its passage to engrossment, as postponed business, H. B. No. 96, relating to the regulation of the manufacture, sale, or distribution of commercial fertilizer.

The bill was read second time on Friday, February 17, and was postponed until 10:00 o'clock a.m. today.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 221, By Mr. Richards: In Memory of Ewing Stanley.

H. S. R. No. 222, By Mr. Richards: In Memory of Daniel Ebenezer Fraser.

H. S. R. No. 226, By Mr. Cory: In Memory of W. D. Stevens.

H. S. R. No. 227, By Mr. Quillian: In Memory of Mrs. Emmett Barford.

H. S. R. No. 228, By Mr. Niemeyer: In Memory of Arthur J. Knaggs.


H. S. R. No. 233, By Mr. Fletcher: In Memory of Guy Combs Correham.

RECESS

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

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

The motion to adjourn was lost. The motion to recess prevailed.

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

In accordance with the motion to recess, the House at 1:25 o'clock p.m., recessed until 10:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 90, A bill to be entitled

"An Act to amend Section 8 of House Bill No. 87, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Chapter 190, codified as Article 326k-41a of Vernon's Civil Statutes, so as to provide that the annual compensation of the stenographer of the District Attorney of the 121st Judicial District of Texas shall be increased from a maximum of Twenty-four Hundred Dollars ($2,400) per annum to a maximum of Thirty-three Hundred Dollars ($3,300) per annum; providing a repealing clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, February 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 49, A bill to be entitled

"An Act amending Article 32 of the Election Code of Texas, 1951, to provide for a second election in the event no person receives a majority of the votes cast in an election to
fill a vacancy in the office of Representative to the Congress of the United States elected by district; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, February 17, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 33, A bill to be entitled "An Act amending Articles 81 and 82 of the Election Code as enacted in Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951, to clarify the provision of Article 82; to permit the use, in cities of more than two hundred thousand (200,000) inhabitants in which voting machines are used, of paper ballots under certain conditions; providing a saving clause; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 80
An Act amending Section 20 of Chapter 147, Acts of 1949, Fifty-first Legislature, Regular Session, creating the Port of Beaumont Navigation District of Jefferson County, Texas, enlarging the authority of the District to issue refunding bonds, and amending Section 21 of said Act, as heretofore amended, to permit said District to pledge certain revenues of said District to the payment of its revenue bonds, etc., and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JONES of Dallas, Acting Chairman.
Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General's Department

The Speaker laid before the House for consideration at this time, H. C. R. No. 31, Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General’s Department.

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

The resolution was read and was adopted.

Resolution H. C. R. No. 31

(Continued)

The House met at 10:00 o'clock a.m. and was called to order by the Speaker.

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

"Heavenly Father, hear our voice this day as we ask not for justice but mercy, from Thee. Help each Member in this Legislative body to have wisdom and compassion and understanding. May every measure be considered on merit and not on personalities. Bless the Speaker and each Member that their actions of this day might be for the good of the people. In Christ's Name we pray.—Amen."

Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General's Department

The Speaker laid before the House for consideration at this time, H. C. R. No. 31, Providing for a Joint Session to receive Seals of the State of Texas from the Texas Heritage Foundation and Adjutant General's Department.

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

The resolution was read and was adopted.

Committee Amendment No. 1

Amend Section 3 of House Bill No. 96 by adding thereto the following sentence: "The Board may also appoint a person as State Chemist who may be delegated the responsibility by the Director to make such chemical analyses and tests as may be required under this Act."

The amendment was adopted.

Amend H. B. 96, page 5 of the printed bill, line 32 by adding after the word “value” the following: "as a plant food"

The amendment was adopted.

H. B. No. 96 was then passed to engrossment.

House Bill No. 96 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. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote: